Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-01

A RESOLUTION REAPPOINTING GREG MATAS TO THE CITY OF MODESTO BOARD OF ZONING ADJUSTMENT

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

WHEREAS, the Appointments Committee met on November 24, 2015 and recommended reappointment of Greg Matas to the Modesto Board of Zoning Adjustment for a second four-year term.

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

SECTION 1. Greg Matas is hereby reappointed to the Modesto Board of Zoning Adjustment for a second four-year term, expiration date of January 1, 2019.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Modesto Board of Zoning Adjustment, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of January, 2016, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-02

RESOLUTION APPROVING THE REAPPOINTMENT OF DENNIS SMITH TO THE DISABLED ACCESS APPEALS BOARD

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

WHEREAS, the City Council approved, by Resolution Number 2011-463 , and the appointment of Dennis Smith for the term ending January 1, 2016, and

WHEREAS, Dennis Smith has expressed interest in continuing to serve as a member of the Disabled Access Appeals Board, and

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

SECTION 1: Dennis Smith is hereby reappointed to the Board of Building Appeals with a term expiration of January 1, 2020,

SECTION 2: The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Disabled Access Appeals Board, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of January, 2016, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-03

RESOLUTION APPROVING THE REAPPOINTMENTS OF RICK REID AND EVAN YOSHINO TO THE BOARD OF BUILDING APPEALS

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

WHEREAS, the City Council approved, by Resolution Number 2011-462 , and the appointments of Rick Reid and Evan Yoshino for the term ending January 1, 2016, and

WHEREAS, Rick Reid has expressed interest in continuing to serve as a member of the Board of Building Appeals , and

WHEREAS, Evan Yoshino has expressed interest in continuing to serve as a member of the Board of Building Appeals , and

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

SECTION 1: Rick Reid is hereby reappointed to the Board of Building Appeals with a term expiration of January 1, 2020,

SECTION 2: Evan Yoshino is hereby reappointed to the Board of Building Appeals with a term expiration of January 1, 2020,

SECTION 3: The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Board of Building Appeals, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of January, 2016, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-04

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of January, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-05

A RESOLUTION AT THE REQUEST OF THE MODESTO BOARD OF EDUCATION CALLING A SPECIAL MUNICIPAL ELECTION TO BE HELD ON JUNE 7, 2016, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF THE MODESTO CITY SCHOOLS BOARD OF EDUCATION A PROPOSAL TO AMEND SECTION 1500 OF THE CITY CHARTER RELATING TO THE METHOD OF ELECTION FOR THE BOARD OF EDUCATION

WHEREAS, Article XV, Section 1500 of the Charter of the City of Modesto ("Charter") vests the control, management and administration of the Modesto City School District of Stanislaus County and the Modesto High School District of Stanislaus County, jointly referred to as "Modesto City Schools" or "the District," in the Modesto Board of Education ("the Board of Education"); and

WHEREAS, Section 1500 the Charter requires that all seven (7) members of the Board of Education be elected at large from the territory within the District's boundaries. The District's boundaries encompass the City of Modesto and other surrounding territory; and

WHEREAS, an at large election system may be challenged as violating the California Voting Rights Act if it impairs the ability of a protected class to elect preferred candidates or influence the outcome of elections; and

WHEREAS, the method of election for a board of education is only subject to the jurisdiction of a city when it is set by city charter; if not established by a city charter, the method of election is governed by California Education Code Section 5019 et seq. and may be changed by the local board of education or voters petitioning the County Committee on School District Organization subject to either voter approval or granting a waiver of the voter approval requirement by the State Board of Education; and

WHEREAS, the City of Modesto does not desire to restrict the authority of the Board

of Education to determine the method of election of its members pursuant to the California Education Code; and

WHEREAS, on June 22, 2015, the Modesto Board of Education adopted a resolution requesting that the City, on its own motion, submit to voters a proposal to amend the Charter to eliminate the requirement that Board elections be at large, and allow the Board determine its election system in accordance with the California Education Code on the November 3, 2015 ballot; and

WHEREAS, this ballot measure was placed on the November 3, 2015 ballot by City Council Resolution No. 2015-223, but was erroneously omitted from the ballots of qualified Board voters residing outside City boundaries and therefore the City has agreed to place the measure on the ballot for the June 7, 2016 presidential primary election; and

WHEREAS, Article XI, Section 3 of the California Constitution and Government Code Section 34458 provide that the governing body of a city, on its own motion, may submit a proposal to amend its charter to voters; and

WHEREAS, Article IX, Section 16 (b) of the California Constitution establishes that city charter amendments changing the manner in which members of boards of education are elected must be submitted to and approved by a majority of all of the qualified electors of the school district, not just the qualified electors of the City; and

WHEREAS, pursuant to Elections Code Section 1415(a)(2), the City, on its own motion, may submit to voters a proposal to amend the Charter to comply with federal or state voting rights laws at the next statewide primary election, and Section 12001 of the Elections Code allows the City Council to call for a special municipal election; and

WHEREAS, while Section 1604 of the Charter requires the City to review the Charter at least every ten (10) years, and while the City has established a charter review

committee to assist it with such review, the City is authorized by Article XI, Section 3 of the California Constitution and Government Code Section 34458 to amend the Charter without convening a charter review committee; and

WHEREAS, if approved by the voters, this ballot measure would allow the Board of Education to transition from at large elections to trustee area, .i.e., district elections.

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

SECTION 1. Pursuant to Article XI, Section 3 and Article IX, Section 16 of the California Constitution, California Government Code Section 34458, and California Elections Code Sections 1415(a)(2) and 12001, the City Council of the City of Modesto proposes to and does hereby, by its own motion, submit to the qualified electors of the Modesto City Schools District, a proposal to amend Section 1500 of the Charter of the City of Modesto, at a special municipal election to be held on June 7, 2016 as set forth below, and hereby designates and refers said proposal to be set forth in the form of a ballot measure as hereinafter prescribed for use at said special municipal election:

PROPOSED AMENDMENT TO THE CHARTER OF THE CITY OF MODESTO

Special Municipal Election

June 7, 2016

The Council of the City of Modesto hereby proposes, on its own motion, to amend Section 1500 of the Charter of the City of Modesto as follows:

MEASURE _

SECTION 1500. - BOARD OF EDUCATION.
The control, management and administration of the public schools of the City of Modesto, and the territory that is now or may hereafter be annexed thereto for school purposes, in accordance with the Constitution and general laws of the State of California, are hereby vested in a Board of Education. In all matters not specifically provided for in this article, the Board shall be governed by the

provisions of the general law relating to such matters and shall be vested with all the powers and charged with all the duties provided by the laws of the State for city boards of education. The Board of Education shall be the governing body of the Modesto City School District of Stanislaus County and the Modesto High School District of Stanislaus County.

The Board of Education shall consist of seven (7) members who may receive compensation pursuant to the applicable provisions of the Education Code of the State of California. ~~The members of the Board of Education shall be elected at large from the territory within the boundaries of the school district or districts which are under the jurisdiction of the Board.~~ The Board of Education shall select a method of election for its members, by resolution, including but not limited to trustee or at large, in accordance with Chapter 1, Part 4, Division 1, Title 1 of the California Education Code, or any succeeding statute. The members of the Board of Education shall hold office for a period of four (4) years from and after the first Tuesday following the Regular Municipal Election at which they are elected and continuing until their successors are elected and have qualified. No person shall be eligible to be nominated for or to hold office as a member of the Board of Education unless the person is and shall have been for at least thirty (30) days preceding the person's nomination or appointment a resident and registered elector of the school district or districts which are under the jurisdiction of the Board of Education.

Note: Any wording stricken would be deleted by this measure. All of the above wording which is shaded would be added by this measure.

SECTION 2. On the ballots to be used at said election, in addition to any other matter required by law to be printed thereon, shall be printed the following question:

MEASURE __

Shall the Modesto City Charter be amended to allow the Board of Education for Modesto City Schools to change the method of election of the Board of Education in accordance with the California Education Code ?	Yes No	o o

SECTION 3. The City Council hereby orders the City Clerk to submit the proposed charter amendment to the voters of the Modesto City Schools Board at a Special Municipal Election on June 7, 2016.

SECTION 4. Pursuant to Elections Code section 12101 et seq., the City Clerk of the City of Modesto is hereby authorized to prepare all required notices related to the ballot

measures and to publish such notices as required by law in *The Modesto Bee*, the official newspaper of said City and a newspaper of general circulation printed and published in said City.

SECTION 5. The Stanislaus County Elections Department is hereby authorized to canvass the returns of the Special Municipal Election.

SECTION 6. The City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the Elections Department of the County of Stanislaus, and the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

SECTION 7. Pursuant to Elections Code Section 9280, the City Clerk is hereby directed to transmit a copy of the ballot measure to the City Attorney, who is hereby directed to prepare an impartial analysis of the measure showing the effect of the measure on existing law and the operation of the measure.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of January, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-06

RESOLUTION OF THE CITY OF MODESTO REQUESTING THE STANISLAUS COUNTY BOARD OF SUPERVISORS TO CONSOLIDATE A CITY OF MODESTO SPECIAL MUNICIPAL ELECTION TO BE HELD ON JUNE 7, 2016, AND REQUESTING THE SERVICES OF THE REGISTRAR OF VOTERS, ELECTIONS DIVISION OF THE COUNTY OF STANISLAUS TO CONDUCT THE ELECTION ON BEHALF OF THE CITY OF MODESTO AND THE MODESTO CITY SCHOOLS BOARD

WHEREAS, pursuant to Elections Code Sections 1415(a)(2) and 12001 the City of Modesto will hold a special municipal election on June 7, 2016 for the purpose of submitting to the electors of the Modesto City Schools ("District") an amendment to section 1500 of the City Charter regarding the method of election for the Board of Education; and

WHEREAS, the City of Modesto respectfully requests that the Stanislaus County Registrar of Voters, Elections Division, furnish all other services, facilities, supplies, equipment, etc. necessary for the election; and

WHEREAS, the City of Modesto City Clerk's Office will be responsible for issuing/collecting election information, publishing the Notice of Election and all related materials; and

WHEREAS, the City Manager is authorized to reimburse the County of Stanislaus for all actual costs for services performed to conduct the special municipal election on behalf of the City that are determined to be owed by the City; and

WHEREAS, the District will not be required to pay for the costs of conducting the election; the City will work with the County to determine the allocation of the costs of conducting the election.

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

that it hereby formally requests from the Board of Supervisors of Stanislaus County, California, to consolidate the City of Modesto's Special Municipal Election with the County's Presidential Primary Election to be held on June 7, 2016, and requests the services of the Registrar of Voters, Elections Division of the County of Stanislaus to conduct the election on behalf of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of January, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-07

RESOLUTION APPROVING A WILL SERVE LETTER FOR THE PROPERTY LOCATED AT 4737 TOOMES ROAD IN SALIDA (APN: 135-052-037) TO CONNECT TO THE CITY OF MODESTO'S EXISTING WATER SYSTEM, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE WILL SERVE LETTER

WHEREAS, the owner of the property located at 4737 Toomes Road in Salida, Flory Industries, has an existing water service connection serving one industrial building, and

WHERAS, Flory Industries has requested an additional water service connection to serve a new industrial building, and

WHEREAS, the authority to grant the extension of water services into unincorporated areas is contained in Section 11-1.05 of the Modesto Municipal Code and City Council Policy 5.001, and

WHEREAS, City Council Policy 5.001 clarifies the City's position on the extension of water service into unincorporated areas and designates specific conditions that are required before the extension of service, and

WHEREAS, this policy requires City Council approval for all extensions of water services into unincorporated areas, and

WHEREAS, on November 25, 2014, City Council approved Resolution No. 2014-472 amending City Council Policy 5.001, and

WHEREAS, on December 9, 2014, the City Council approved adoption of Ordinance No. 3611-C.S. amending City of Modesto Municipal Code Section 11-1.05, and

WHEREAS, both of these amendments included language allowing the City Manager, upon the recommendation of the Director responsible for utility systems planning, to approve extension of water services into the former Del Este Water Service Areas without City Council approval, and

WHEREAS, the subject property is not located within the former Del Este Water Service area and therefore requires City Council approval prior to allowing the new water service connection, and

WHEREAS, water service may be granted to properties outside the Modesto city limits, outside the Sphere of Influence and near the former Del Este Water Service Area as provided in Modesto City Council Policy 5.001 when certain conditions are met, and

WHEREAS, staff has determined that all required conditions have been met, and

WHEREAS, City staff has completed an analysis and determined that a sufficient quantity of potable water is available for normal usage by the proposed development, and staff has determined that all required conditions have been met, and

WHEREAS, the water connection fee will be paid and associated permits will be obtained prior to allowing connection to the City's water system,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Will Serve letter for the property located at 4737 Toomes Road in Salida.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to approve the Will Serve Letter.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of January, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-08

RESOLUTION AUTHORIZING THE AWARD OF PROPOSAL AND CONTRACT FOR THE PURCHASE AND IMPLEMENTATION OF A COMPUTERIZED MAINTENANCE MANAGEMENT SYSTEM (CMMS) TO LUCITY, INC., OVERLAND PARK, KANSAS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE A ONE-YEAR CONTRACT WITH OPTIONS TO EXTEND UP TO FIVE YEARS, FOR A TOTAL COST NOT TO EXCEED 208,078

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Proposals (RFP) for the purchase and implementation of a CMMS, and

WHEREAS, the Purchasing Division issued RFP 1415-26 for CMMS on the City's website under the commodity code for Software. Prospective proposers were noticed online of the proposal opportunity, one of which was a local company. Thirty-five (35) companies chose to download the RFP document, and

WHEREAS, proposals were formally opened in the City Clerk's office. Eleven (11) companies chose to respond. The local vendor did not submit a proposal. All eleven (11) companies responding provided a responsive and responsible proposal, and

WHEREAS, an evaluation committee comprised of five (5) City staff members evaluated the proposals. Councilmember Zoslocki was invited to observe the evaluation process, and

WHEREAS, based on being ranked highest in total evaluation criteria the evaluation committee recommends the award of proposal for the purchase and implementation of a CMMS to Lucity, Inc., Overland Park, KS, a one year contract with four (4) one-year extension options at the sole discretion of the City, for an estimated total cost of $208,078, and

WHEREAS, Modesto Municipal Code (MMC) Section 8-3.203 generally requires all purchases, which meet or exceed $50,000.00 for material, equipment or contractual services to be formally bid. The award of proposal for the purchase and implementation of a CMMS to Lucity, Inc., Overland Park, KS, conforms to the Modesto Municipal Code section 8-3.203.

WHEREAS, sufficient funds are budgeted in Fiscal Year 2015-16, in appropriation unit 4210-44211-53100 and 4480-44222-53100, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of proposal and contract for the purchase and implementation of a Computerized Maintenance Management System (CMMS) to Lucity, Inc., Overland Park, KS.

BE IT FURTHER RESOLVED that the City Manager or his designee, is authorized to execute the contract for an estimated total cost of $208,078.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of January, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-09

RESOLUTION ACCEPTING THE HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP) CYCLE 7 GRANT IN THE AMOUNT OF $420,500 TO INSTALL A NEW TRAFFIC SIGNAL AT THE INTERSECTION OF CLARATINA AVENUE AT OAKDALE ROAD, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL NECESSARY DOCUMENTS

WHEREAS, staff was notified that Highway Safety Improvement Program (HSIP) funds may be available for the installation of a new traffic signal at the intersection of Claratina Avenue at Oakdale Road, and

WHEREAS, on July 31, 2015, the application for this grant was submitted to the State (Caltrans), and

WHEREAS, on December 7, 2015, the City was notified that it was awarded this project, and

WHEREAS, the project will be 100% funded by the HSIP grant, with no funding required by the City, and

WHEREAS, the grant will be for the installation of a new traffic signal system providing ADA pedestrian push buttons and indications, vehicle detection, emergency pre-emption, wiring at the intersection of Claratina Avenue at Oakdale Road, and

WHEREAS, the Marketplace Traffic Study reported a traffic signal warrant was satisfied at the Oakdale Road and Claratina Avenue intersection, and

WHEREAS, the Capital Improvement Program (CIP) Task Force recommended the construction of a traffic signal on Oakdale Road at Claratina Avenue, and

WHEREAS, the adjacent Rose Villas subdivision is now under construction, and will add additional traffic at the Oakdale Road and Claratina Avenue intersection.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Highway Safety Improvement Program (HSIP) Cycle 7 grant in the amount of $420,500, to install a new traffic signal at the intersection of Claratina Avenue at Oakdale Road.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of January, 2016, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-10

RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING WITH THE STANISLAUS AND TUOLUMNE RIVERS GROUNDWATER BASIN ASSOCIATION FOLLOWING THE SUSTAINABLE GROUNDWATER MANAGEMENT ACT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THIS MEMORANDUM OF UNDERSTANDING ON BEHALF OF THE CITY

WHEREAS, the Stanislaus and Tuolumne Rivers Groundwater Basin Association (STRGBA), which oversees the Modesto Groundwater Subbasin (Subbasin), was formed in April 1994 in compliance with Assembly Bill (AB) 3030 (Groundwater Management Act, 1992), and

WHEREAS, the overall goal of the STRGBA is to ensure that groundwater remains a reliable, safe, efficient, and cost-effective water supply for the local area, and

WHEREAS, the STRGBA developed its first Integrated Regional Groundwater Management Plan in compliance with the Groundwater Management Planning Act of 2002 (Senate Bill (SB) 1938) and the Integrated Regional Water Management Planning Act of 2002 (SB 1672), and

WHEREAS, the STRGBA also prepared an updated Groundwater Management Plan in June 2005, and

WHEREAS, the City Council, by Resolution No. 2001-515, approved a memorandum of understanding (MOU) with the STRGBA to coordinate groundwater management activities within the Subbasin, and

WHEREAS, on April 13, 2010, by Resolution No. 2010-137, the City Council approved a five-year extension of the MOU between the City and the STRGBA, which is set to expire on December 31, 2015, and

WHEREAS, in September 2014, AB 1739, SB 1168, and SB 1319, collectively known as the Sustainable Groundwater Management Act (SGMA), were signed into law effective January 1, 2015, and requires the STRGBA to do the following: 1) Local agencies with water supply, water management, and/or land use responsibilities are to manage the underlying groundwater in a sustainable manner; 2) Local agencies shall form, before July 2017, Groundwater Sustainability Agencies (GSAs) to manage and regulate the groundwater; 3) GSAs shall adopt before February 2020 or 2022, depending on whether or not Department of Water Resources finds the Subbasin in a condition of critical overdraft, Groundwater Sustainability Plans (GSPs); and 4) GSAs shall achieve groundwater basin sustainability twenty years after the plan is adopted, and

WHEREAS, the purpose of requesting the two-year extension for this MOU is to move toward SGMA Compliance while displaying good faith efforts among the local agencies within the Subbasin, and

WHEREAS, the member agencies of the STRGBA have mutually agreed to recommend extending the terms of the MOU to their respective Councils or Boards for an additional two years, expiring on December 31, 2017. In addition, the STRGBA will now include the City of Waterford as a new member of the STRGBA via this MOU, and

WHEREAS, therefore, staff recommends Council approve the requested two-year extension,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Memorandum of Understanding with the Stanislaus and Tuolumne Rivers Groundwater Basin Association following the Sustainable Groundwater

Management Act, substantially in the form **attached** and as approved by the City Attorney.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute said Memorandum of Understanding on behalf of the City.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of January, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MEMORANDUM OF UNDERSTANDING REGARDING THE STANISLAUS AND TUOLUMNE RIVERS GROUNDWATER BASIN ASSOCIATION

1. PARTIES:

The Parties to this Memorandum of Understanding (MOU) are: County of Stanislaus, a political subdivision of the State of California; Oakdale Irrigation District, a California irrigation district; the City of Oakdale, a California public agency; the City of Riverbank, a California public agency; the City of Modesto, a California public agency; the City of Waterford, a California public agency; and Modesto Irrigation District, a California irrigation district.

2. RECITALS:

This MOU is entered into with regard to the following facts and circumstances, among others:

2.1 Groundwater and surface water resources within the Modesto Sub-basin (Sub-basin) are vitally important resources, in that they provide the foundation to maintain current and fulfill future environmental, agricultural, domestic, municipal and industrial needs, as well as other needs, and to maintain the economic viability and prosperity of the Sub-basin.

2.2 Agriculture has been prominent in making Stanislaus County one of the world's foremost agricultural areas, and has played a major role in the development of the economy of Stanislaus County; in an era of increasing competition for the area's finite water resources, it is important to understand and plan for the local area's economic well-being.

2.3 In 1994, an association known as the Stanislaus and Tuolumne Rivers Groundwater Association (the "Former Association") was created.

2.4 The Former Association ceased to exist as of December 31, 1997, pursuant to the terms of the agreement among the Parties creating it.

2.5 During the period following termination of the Former Association, the Parties have continued to conduct business that might have been conducted by the Former Association.

2.6 The Parties desire to form an Association (defined below) to update the role and functions of the Former Association and to provide a mechanism for the Parties to cooperate in working toward the purposes and goals established in this MOU.

2.7 **Purpose and Goals**: The purposes and goals for the formation of the Association are:

2.7.1 To determine and evaluate the Sub-basin's existing groundwater supply;

2.7.2 To promote coordination of groundwater management planning activities developed by the Former Association and the prior efforts of individual Parties;

2.7.3 To determine the Sub-basin's need for additional or improved water extraction, storage, delivery, conservation, and recharge facilities;

2.7.4 To provide information and guidance for the management, preservation, protection and enhancement of groundwater quality and quantity in the Sub-basin; and

2.7.5 While it is unknown at this time what a governance structure will look like for the Sub-basin, the Parties agree to work individually and collectively to seek formation of one or more Groundwater Sustainability Agency (GSA) or Groundwater Sustainability Agencies (GSAs) to provide SGMA-compliant groundwater management governance within the Sub-basin prior to June 30, 2017. The ultimate governance structure for groundwater management within the Sub-basin isn't the subject of this MOU. As such, this MOU doesn't form a GSA or multiple GSAs, but rather begins a consensus-seeking discussion process toward SGMA compliance.

2.8 The Parties believe that cooperative and coordinated actions by local agencies and users within the Sub-basin will result in sustainable usage of the groundwater within the Sub-basin.

2.9 The Parties believe that groundwater management activities, whether developed under the umbrella of the Association or through individual agency efforts coordinated through the Association, for water suppliers and water users within the Sub-basin are necessary to protect the groundwater and to meet the needs of users of such resources within the Sub-basin.

2.10 The Parties have developed a hydrologic groundwater model for use in planning and operational decision making.

2.11 The Parties enter into this MOU in order to reauthorize the Association to promote certain goals and provide coordinated planning to make the best use of available water resources to meet the needs of the Parties and respective constituents and service territories in the mutual best interests of the inhabitants and resources of the Sub-basin.

2.12 In forming the Association, it is the Parties desire that the Association not be formed as a separate governmental entity, nor have any enforceable regulatory authority over any Party's facilities or any Party's respective groundwater supplies or water rights nor duplicate any services, duties or authority of any other agency.

3. DEFINITIONS:

The following terms, whether in the singular or the plural, and when used herein with initial capitalization, shall have the meanings specified in this Section 4:

3.1 **Annual Budget**: A budget will be developed by the Association's governing body to fund certain project(s) to advance the goals and objectives of this MOU.

3.2 **Sub-basin**: The Modesto Sub-basin, which is geographically defined as that area in the State of California bounded on the west by the San Joaquin River; on the north by the Stanislaus River, on the east by the base of the Sierra Nevada foothills; and on the south by the Tuolumne River, and includes the area of land overlying that Sub-basin and all tributaries therein as defined by the Department of Water Resources Bulletin 118.

3.3 **Committee**: That body, consisting of one representative from each of the Parties, which governs the Association, as established pursuant to Section 5.2 of this MOU.

3.4 **Coordinator**: The individual appointed by the Committee pursuant to Section 6 is otherwise responsible for coordinating a work plan.

3.5 **Governing Bodies**: The legislative bodies of the governmental Parties to this MOU.

3.6 **MOU**: This Memorandum of Understanding Regarding the Stanislaus and Tuolumne Rivers Groundwater Basin Association.

3.7 **Parties**: Each of those entities named in Section 1of this MOU, or those Parties added pursuant to section 5.4 of this MOU.

3.8 **Voting Percentage**: A Party's Voting Percentage as set forth in Section 8.3 of this MOU.

4. THE ASSOCIATION:

4.1 **Powers and Purposes**: The Parties to this MOU shall operate as the Stanislaus and Tuolumne Rivers Groundwater Basin Association ("Association").

4.1.1 The Parties to this MOU shall operate as the Stanislaus and Tuolumne Rivers Groundwater Basin Association ("Association").

4.1.2 This Association shall have no enforceable regulatory authority over any person or entity, including Parties or Parties' facilities or rights.

4.1.3 The Association shall have the power to sue or be sued in its own name.

4.2 **Committee**: The Association shall be governed by a Committee whose membership and responsibilities are set forth herein.

4.2.1 Each Party shall designate one person to serve as a member of the Committee, and one or more alternates. The names of the member and alternates shall be submitted to the Coordinator. Each member of the Committee, and each alternate, shall serve at the pleasure of the Party appointing such member. A Party's alternate may serve in the place of that Party's member in the absence of such member and, in such case, the alternate shall have the powers of the member.

4.2.2 The Committee shall elect a chair and vice chair from its members at the first meeting of each calendar year. The chair will be responsible for presiding over meetings of the Committee, and shall notify committee members and the Coordinator of meetings of the Committee. The Committee will establish a date, time and place for its regular meetings, and may hold special meetings when required for the proper transaction of business. All meetings of the Committee shall be held in accordance with the provisions of the Brown Act, California Government Code Section · 54950 et seq. The Committee will prescribe such procedures for the conduct of its business as it deems appropriate.

4.2.3 A quorum shall consist of a simple majority of the Voting Percentage of the Committee, except that less than a quorum may adjourn meetings of the Committee from time to time. Alternatively, the Coordinator may adjourn a meeting of the Committee to a specified time, date and place if there is less than a quorum of members present for a meeting.

4.2.4 The Committee shall have the following duties and responsibilities:

a. Develop and implement the activities, including work schedule, designed to achieve the objectives of the Association as set forth in Section 2 of this MOU.

b. Enter into contracts, and approve all amendments thereto, for and on behalf of the Association, necessary to carry out the powers and duties of the Association.

c. Establish an Annual Budget for the Association, and approve proposed revisions to such budget, provided that no action of the Association shall be deemed to bind any party to contribute such funds absent approval of the Governing Bodies.

d. Recommend for approval by the Governing Bodies Budget(s) necessary to carry out proposed project(s).

e. Establish such committees as may be necessary or desirable to carry out the purposes of the Association, and to exercise general supervision over such committees.

4.2.5 Except for actions for which a different approval standard is set forth in this MOU, all actions of the Committee shall be approved by a majority of the members present.

4.3 **Staff**: The Association shall have the authority to hire or retain agents, contractors and consultants as the Committee shall determine necessary and appropriate.

4.4 **New Parties**: New parties may join the Association, provided that they meet the requirements set forth in this Section 5.4.

4.4.1 Any county or local public agency, whose territory or service area includes land located within the Sub-basin, which provides water service within its service area, and whose service area includes all or a portion of the Sub-basin (as defined in Section 4.2), may apply for membership in the Association.

4.4.2 Application for membership shall be subject to approval by the Governing Bodies of the Parties; approval shall require the affirmative vote of the Governing Bodies of a simple majority of the Parties.

4.4.3 Any new Party to this Agreement shall, as a condition of admission to the Association, be required to first pay its proportionate share of back contributions or as otherwise determined appropriate by the Committee.

5. COORDINATOR:

5.1 **Appointment**: The Committee shall appoint a Coordinator, who shall have the duties and responsibilities set forth in this Section 6. The Coordinator shall be an employee of a Party, unless otherwise approved by the Committee.

5.2 **Duties and Responsibilities**: The Coordinator will have the following duties and responsibilities:

5.2.1 Develop and submit for consideration of approval by the Committee a work plan and schedule of activities designed to accomplish the goals of the Association as established in this MOU or as may be directed by the Committee.

5.2.2 Propose an Annual Budget, and from time to time such revisions as the Coordinator may feel necessary or desirable, to the Committee for its review and approval.

5.2.3 Submit to the Committee as directed by the Committee, a progress report as to the Association's activities, and an Annual Budget report which compares actual expenditures with the adopted budget.

5.2.4 Execute and administer contracts as directed by the Committee.

5.2.5 Maintain proper records and accounts of Work performed by the Association and its committees.

5.2.6 Receive and disburse funds at or under the direction of the Committee.

5.2.7 Act as secretary/treasurer to the Association, and acting in that capacity, prepare, record and distribute minutes of all Committee meetings.

5.2.8 Perform such other actions as may be necessary or desirable to promote the work of the Committee and the Association.

6. ASSOCIATION BUDGET AND COSTS:

6.1 **Budget Cycle**: The budget cycle of the Association shall be on a calendar year basis.

6.2 **Annual Budget**: The Coordinator shall prepare an annual financial budget for each calendar year that the Committee determines certain projects are necessary. The Coordinator's draft Annual Budget for the preceding year should be delivered to the Committee members no later than June 1 of each year. The Committee should approve or revise the draft budget and distribute the draft budget to each Party no later than July 1 of each year. The Committee shall meet to review input from the Parties' Governing Bodies no later than August 1, and shall approve a final budget no later than September 1 for the preceding year. The respective Governing Bodies of the Parties should review the Annual Budget of the Committee no later than October 1 of each year and notify the Coordinator that it has allocated or appropriated its respective contribution to the annual Budget no later than October 15 of each year. The Committee shall then adopt and approve the annual Budget and

have it in place and effect by January 1 of that budget year as approved by the Parties.

6.3 **Allocation of Funds**: Within the annual financial budget adopted pursuant to Section 7.2, the Committee shall have the authority to make minor adjustments in the allocation of funds between budget categories; provided, however, that the cumulative change in the budget category does not exceed ten percent (10%) of the amount authorized in the Annual Budget and the total amount of the Annual Budget is not increased. Other budget adjustments require approval of the Governing Bodies.

6.4 **Budget Increases**: Increases in the total amount of a Budget must be approved by the Governing Bodies of a simple majority of the Parties.

6.5 **Failure to Pay**: If any Party fails to pay its respective share of any Annual Budget or budget increase when due, whether or not that Party's Governing Body approved the Annual Budget or the budget increase, then that Party shall be ineligible to vote on any subject or issue unless such failure is excused by the Committee. During any period of time during which a Party is ineligible to vote on a matter by reason of the application of this Section 7.5, such Party shall not be counted as a Party in determining a quorum, or in determining a "majority" with regard to the approval of any action. In order to restore its eligibility to vote, a Party must be current on all amounts due, including any expenditures approved by the Association while such Party was ineligible to vote.

6.6 **Expenditures**: Association funds may be properly expended for all costs approved by the Committee and properly incurred in the performance of the work approved by the Committee, or under such authority as may be delegated to the Coordinator by the Committee.

6.7 **Non-Reimbursable Costs**: Costs incurred by any Party in connection with any functions of the Association, or any committee established by the Committee, and expenses of a Party's personnel including, without limitation, the regular and alternate members appointed by a Party to any committee while performing such functions, shall not be reimbursed by the Association except upon approval of the Committee, provided that a Party shall be reimbursed for the services performed by such Party's employees while serving as staff to the Association as approved through the Budget process.

7. FUNDING AND VOTING PERCENTAGES:

7.1 **Funding**: Each Party shall be responsible for its proportionate share of the funding requirements of the Association. The proportionate shares of each Party shall be determined by dividing the funding requirements of the Association by the number of Parties. During Committee approval of certain projects that beneficially affect one Party over another, equitable project funding shall be determined by the Committee.

The Parties shall provide funding consistent with the Annual Budgets adopted by the Committee at times set forth in such budgets, or on call of the Coordinator. Funding needs of the Association payable by the Parties shall be determined by the Committee, and such funds shall be transmitted by the Party to the Coordinator within sixty (60) days of project approval. Upon receipt, the Coordinator will immediately deposit funds in an interest-bearing bank account. The funds in such account shall remain the property of each Party and interest earned thereon shall belong to each Party.

7.2 **Payment Reduction**: Each Party agrees that the Parties' respective obligations to make payments hereunder shall not be subject to any reduction, whether by offset, counter claim, recoupment or otherwise. A Party's funding contributions to this Association or a portion thereof may be reimbursed upon termination of that Party's participation in the Association and approval by a simple majority vote of the Committee.

7.3 **Voting Rights**: Each Party's representative on the Committee shall be entitled to one vote; provided, however, that if a matter being decided by the Committee will have a disproportionate effect on the financial obligations of the Parties as contemplated in Section 8.1, each Party shall be entitled to vote weighted in proportion to the financial obligation or benefit of the Parties.

7.4 **Modification by Party**: Funding Percentages and/or Voting Percentages may be changed only upon the approval of the Governing Bodies of a simple majority of the Parties.

8. RELATIONSHIPS OF PARTICIPANTS:

8.1 **Each Party's Action is Independent of the Other**: The obligation of each Party to make payments under Section 8.1 of this MOU is an individual and several obligation and not a joint obligation of the Parties. Each Party shall be individually responsible for its own covenants, obligations and liabilities under

this MOU. No Party shall be under the control of or shall be deemed to control any other Party or the Parties collectively. No Party shall be the agent of or have the right or power to bind any other Party without such Party's express written consent, except as expressly provided in this MOU.

8.2 **Indemnity**: No Party, nor any officer or employee of a Party, shall be responsible for any damage or liability occurring by reason of anything done or omitted to be done by another Party under or in connection with this MOU. The Parties further agree, pursuant to Government Code Section 895.4, that each Party shall fully indemnify and hold harmless each other Party and its agents, officers, employees and contractors from and against all claims, damages, losses, judgments, liabilities, expenses and other costs, including litigation costs and attorney fees, arising out of, resulting from, or in connection with any work delegated to or action taken or omitted to be taken by such Party under this MOU.

In no event, except for any claim, demand, liability, loss or damage arising out of or resulting from any action taken or not taken by one Party at the direction of its directors, officers, or employees of management or administrative responsibility, which is knowingly or intentionally taken or not taken with conscience indifference to the consequences thereof or with the intent that injury or damage would result or would probably result therefrom, shall a Party be liable to any other Party for any indirect or consequential damage claim, demand, liability, loss, expense (including attorney's fees), or damage arising out of or in any way connected with this Agreement , including any negligence in connection therewith.

8.3 **No Creation of a Joint Powers Agency**: The Parties agree that by this MOU they do not intend to provide for the creation of an agency or entity which is separate from the Parties pursuant to Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code, relating to the joint exercise of powers.

9. TERM OF THIS MOU:

The term of this MOU shall commence once all named parties have executed this MOU; and it shall terminate on December 31, 2017 unless extended in writing signed by all Parties to this MOU. Upon termination of this MOU, the Committee shall determine the assets and liabilities of the Association; make every effort to satisfy all obligations within sixty (60) days of the termination of the agreement;

and distribute the remaining fund balance equitably to each Party in proportion to each Party's funding contribution to the Association.

10. GENERAL PROVISION GOVERNING MOU:

10.1 **Invalidity of any Term not to Invalidate the Entire Memorandum:** In the event that any of the terms, covenants or conditions of this MOU or the application of any such term, covenant or condition shall be held invalid as to any Party, person or circumstance by any court of competent jurisdiction, all other terms, covenants or conditions of this MOU and their application shall not be affected thereby, but shall remain in full force and effect unless any such court holds that those provisions are not separable from all other provisions of this MOU.

10.2 **No Third Party Beneficiaries:** This MOU is for the sole benefit of the Parties and shall not be construed as granting rights to any person other than the Parties or imposing obligations on a party to any person other than another party.

10.3 **Good Faith:** Subject to the right of a Party to withdraw or terminate its membership in the Association, each Party shall use its best efforts and work wholeheartedly and in good faith for the expeditious completion of the objectives of this MOU and the satisfactory performance of the terms and provisions contained herein.

10.4 **Withdrawal or Termination of Membership:** Except in the event of the termination of this MOU pursuant to Section 10 a Party who withdraws or terminates its membership in the Association shall not be entitled to a refund of its funding contributions. Any Party may terminate membership and withdraw from this Association upon thirty (30) days written notice of termination to the Association. If a Party withdraws from the Association when the Party is in arrears as to its funding contributions to the Association, that Party's entitlement to use any groundwater model or other work product of the Association as provided for herein shall be determined by the Committee.

10.5 **Amendment:** This MOU may be amended by first receiving the affirmative vote of the Governing Body of a simple majority of the Parties.

10.6 **Counterpart Execution:** This MOU may be executed in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

10.7 **Governance**: This MOU is made under and shall be governed by the laws of the State of California.

10.8 **Reasonable Delivery of Documents**: The Parties agree to act in good faith to promptly execute any documents that are necessary, or may become necessary, to implement activities approved by the Governing Bodies in the Annual Budget subject to the authority and the right of the Governing Bodies to terminate participation in this MOU.

IN WITNESS WHEREOF, the Parties have caused this MOU to be executed, each signatory hereto represents that he has been appropriately authorized to enter into this MOU on behalf of the Party for whom he/she signs.

(County Signatures on the next page)

IN WITNESS WHEREOF, the parties have executed this MOU on October 20, 2015.

COUNTY OF STANISLAUS

By: _____
Terrance Withrow
Chair of the Board of Supervisors

"County"

ATTEST: Christine Ferraro Tallman
Clerk of the Board of Supervisors or the
County of Stanislaus, State of California

By: _____

APPROVED AS TO FORM:
John P. Doering
County Counsel

By: _____
Thomas Boze
Assistant County Counsel

IN WITNESS WHEREOF, the City of Modesto, a municipal corporation, has authorized the execution of this Memorandum of Understanding for the Stanislaus and Tuolumne Rivers Groundwater Basin Association in duplicate by its City Manager and attestation by its City Clerk under authority of Resolution No. 2016-___, adopted by the Council of the City of Modesto on the ___ day of _____, 2016.

CITY OF MODESTO,
a municipal corporation

By _____
JAMES N. HOLGERSSON, City Manager

ATTEST:

By _____
STEPHANIE LOPEZ, City Clerk

(Seal)

APPROVED AS TO FORM:
ADAM U. LINDGREN, City Attorney

By _____
JOSE M. SANCHEZ, Assistant City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-11

RESOLUTION AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE STATE WATER RESOURCES CONTROL BOARD, UNDER THE PROPOSITION 1 STORM WATER GRANT PROGRAM, FOR DEVELOPMENT OF A STORM WATER RESOURCE PLAN; AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL GRANT-RELATED DOCUMENTS AND ENTER INTO AN AGREEMENT TO RECEIVE THE GRANT FUNDS, IF AWARDED; AND AUTHORIZING THE DIRECTOR OF FINANCE TO BE THE SIGNATORY OF GRANT INVOICE FORMS DURING REQUESTS FOR REIMBURSEMENTS

WHEREAS, in November 2014, the voters approved Proposition 1 (Prop 1) the Water Bond Measure that authorized $7.5 billion in general obligation bonds for various types of water resource-related projects, and

WHEREAS, on December 15, 2015, the State Water Resources Control Board (State Water Board) released the 'Final Grant Guidelines and Application Proposal Package for the Prop 1 Storm Water Grant Program, and

WHEREAS, this program authorizes $200 million in grant funds for public agencies to develop multi-beneficial storm water management-type projects, such as, rainwater capture for groundwater recharge and storm drainage treatment facilities, and

WHEREAS, this is the first and only funding cycle for Prop 1 storm water-related planning projects, and

WHEREAS, also in 2014, the California Legislature adopted Senate Bill (SB) 985 that requires public agencies to develop a Storm Water Resource Plan in order to receive future grants from voter-approved bond funds for storm water runoff capture- type projects, and

WHEREAS, the intent of SB 985 is to encourage the use of storm water and dry weather runoff as a resource to improve water quality, reduce localized flooding, and increase water supplies, and

WHEREAS, the Prop 1 Storm Water Grant Program has earmarked $20 million for funding the development of these Storm Water Resource Plans, and

WHEREAS, the deadline to submit the grant application will be in January 2016, with an announcement of awards expected in April 2016, and

WHEREAS, applicants will be required to provide a local funding match of fifty percent (50%) of the project cost and the maximum grant amount is $500,000, and

WHEREAS, due to the extremely short time the state is giving for grant application submittal (less than 30 days), staff is requesting Council authorize the grant submittal ahead of time so that once all the local agencies participating are known and the necessary documents have been prepared, there will not be any delay in meeting the state's deadline for submittal, and

WHEREAS, the City currently has an On-call Grant Research and Writing Agreement with Provost and Pritchard (P&P) and it is anticipated that P&P will prepare the necessary grant documents for submittal to the state for funding to prepare a Storm Water Resource Plan, and

WHEREAS, for this grant application, City staff will collaborate with other local agencies within the groundwater basin to develop a specific scope of work to submit as part of the grant application, and

WHEREAS, the anticipated cost of developing the document and the corresponding grant amount request are currently unknown, and

WHEREAS, however, by the time the grant applications are due, staff will have a better understanding of the document's requirements and this will be reflected in the application,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the submittal of a grant application to the State Water Resources Control Board, under the Proposition 1 Storm Water Grant Program, for development of a Storm Water Resource Plan.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute all grant-related documents and enter into an agreement to receive the grant funds, if awarded; and authorizing the Director of Finance to be the signatory of grant invoice forms during requests for reimbursements.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of January, 2016, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-12

RESOLUTION APPROVING A SUBTRUNK SEWER REIMBURSEMENT AGREEMENT WITH BEARD LAND IMPROVEMENT COMPANY, OF MODESTO, CALIFORNIA IN THE AMOUNT OF $348,403 FOR THE EMPIRE TRUNK SEWER IMPROVEMENTS PHASE 1 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, Beard Land Improvement Company is currently developing an industrial project located at the northwest corner of Garner Road and Leckron Road, within Stanislaus County, in the area commonly known as the Beard Industrial District, and

WHEREAS, City as a separate project from the Beard Land development project is planning to construct improvements to the existing sewer subtrunk adjacent to the Beard Land project known as the Empire Trunk, and

WHEREAS, in an effort to minimize road improvements and disruptions to local businesses and residents, Beard Land has been requested by City, and has agreed, to construct those sewer subtrunk improvements which include the removal and replacement of 1,100 lineal feet of a 15" subtrunk sewer with 18" subtrunk sewer and appurtenances thereto, located in Garner Road, approximately 50 lineal feet west of the Garner Road and

WHEREAS, City will reimburse Beard Land for the actual costs to construct the Improvements, and

WHEREAS, City will inspect the construction of the sewer improvements and ensure the sewer improvements are constructed in compliance with City's needs, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Subtrunk Sewer Reimbursement Agreement with Beard Land

Improvement Company, of Modesto, California in the amount of $348,403, for the Empire Trunk Sewer Improvements Phase 1.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of January, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-13

RESOLUTION APPROVING AN AGREEMENT WITH WEST YOST ASSOCIATES, INC., PLEASANTON, CA FOR HYDROGEOLOGICAL AND DESIGN SERVICES FOR THE TIVOLI WELL PROJECT, IN AN AMOUNT NOT TO EXCEED $698,600 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $69,860 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF $768,460 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Tivoli Specific Plan Area requires two 1,500 gallons per minute production wells to serve the area at buildout, and

WHEREAS, Community and Economic Development Department-Planning Division staff has indicated a new well is required to be operational within two years to meet projected development needs, and

WHEREAS, on January 14, 2014, Requests for Proposals for Hydrogeological Consultant Services for the Tivoli Test Well were sent to five (5) pre-qualified consultants for Engineering Design Services for Water Capital Improvement Program Projects, and

WHEREAS, City staff negotiated a scope of work with West Yost Associates, Inc. (West Yost) with the intent of seeking Council approval with the award of the Test Well Project, and

WHEREAS, the Test Well Project was initially advertised for bids on April 12, 2014 with no bids received, and

WHEREAS, the project was re-advertised for bids on October 15, 2014, three (3) bids were received, between 101.6% and 213.2% above the engineer's estimate, and

WHEREAS, as a result, on January 27, 2015, by Resolution No. 2015-18, the City Council rejected bids, and

WHEREAS, staff explored alternate methods for project delivery, with the emphasis on shortened time and reduced costs, and

WHEREAS, on March 19, 2015, the City Manager approved an agreement with Kleinfelder, Inc. (a local consultant) to conduct a test boring in the amount of $49,000, and

WHEREAS, results indicated the proposed site was not suitable for a production well, and

WHEREAS, on June 23, 2015, by Resolution No. 2015-216, City Council approved an amendment to the agreement with Kleinfelder, Inc. to include similar investigations at two potential well sites, and

WHEREAS, City staff has since performed geophysical investigations at one of the potential well sites, and has determined the Mary E. Grogan Park is a potentially suitable site for a production well, and

WHEREAS, the scope of work has been renegotiated with West Yost, the original proposer, reflecting the revised geophysical analysis approach and will provide: 1) Design of production well including subsurface design; 2) Hydro-geological support during drilling of production well; 3) Design of above-grade facilities; and 4) Services during equipping of the production well,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with West Yost Associates, Inc. for Hydrogeological and Design Services for the Tivoli Well Project, in an amount not to exceed $698,600 for the identified scope of services, plus $69,860 for additional services (if needed), for a maximum total amount of $768,460.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of January, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-14

RESOLUTION APPROVING A VACATION OF 11,343 SQUARE FEET OF DE HARRO STREET LOCATED SOUTH OF YOSEMITE BOULEVARD EAST OF RUFFINO DRIVE AND RESERVING A 50 FOOT WIDE PUBLIC UTILITY EASEMENT WITHIN THE SUBJECT STREET RIGHT-OF-WAY (MODESTO GOSPEL MISSION)

WHEREAS, a verified application by the Modesto Gospel Mission requesting the full vacation of De Harro Street south of Yosemite Boulevard, east of Ruffino Drive was received by the City of Modesto on July 21, 2015, a copy of which is **attached** hereto as **Exhibit** A, and incorporated herein by reference, and

WHEREAS, California Streets and Highways Code Section 8320 et seq. prescribes the procedures to vacate public right-of-way, and

WHEREAS, a title report was submitted with the vacation request which discloses that fee title of the alley right-of-way is vested in the adjacent property owner, being Modesto Gospel Mission, the proponent of the vacation, and

WHEREAS, the proposed vacation has been reviewed by affected City departments and local utility companies, and no objection to the proposed vacation has been received, and

WHEREAS, Government Code Section 65402(a) requires that prior to vacating a public right-of-way, the Planning Commission shall make a determination as to whether the vacation is consistent with the General Plan, and

WHEREAS, a hearing was held by the Planning Commission on October 5, 2015, in the Tenth Street Chambers, located at 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered regarding

whether the proposed vacation conforms to the City's Urban Area General Plan and is appropriate, and

WHEREAS, by Planning Commission Resolution No. 2015-23, the Planning Commission rendered a report finding that the proposed vacation is in conformance with the Modesto Urban Area General Plan and is appropriate, and

WHEREAS, a duly noticed public hearing was held by the Council of the City of Modesto on Tuesday, January 12, 2016, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, and

WHEREAS, notices no more than 300 feet apart were posted along the line of the proposed right-of-way to be vacated for two successive weeks prior to the hearing, and notice was published in the Modesto Bee for two successive weeks prior to the hearing, per California Streets & Highways Code Sections 8323 and 8322, respectively, and,

WHEREAS, all things and acts necessary to be done as required by California Streets and Highways Code Sections 8300 through 8363: Public Streets, Highways and Service Easements Vacation Law, in order to vacate the subject right-of-way have been done and accomplished,

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

1. The street to be vacated is not necessary to serve present or future traffic needs in the area.

2. The street vacation will provide for additional property to support the services provided by the Modesto Gospel Mission.

3. The street vacation is in conformance with the General Plan because it is not designated by the General Plan as a collector or arterial street.

4. An Initial Study, Environmental Assessment No. EA/C&ED 2015-16, was prepared by the City of Modesto that analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the report.

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

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

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

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

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

BE IT FURTHER RESOLVED that the Council hereby orders and declares the vacation of the located within the Fox Tract located south of Yosemite Boulevard and east of Ruffino Drive as described in **Exhibit** "A" and depicted in **Exhibit** "B" **attached** hereto, and by this reference made a part hereof as though set forth in full herein.

BE IT FURTHER RESOLVED that the Council hereby approves the reservation of a public utility easement within the full 50-foot width of the street as described in **Exhibit** "A" and depicted in **Exhibit** "B", **attached** hereto, and by this reference made a part hereof as though set forth in full herein.

BE IT FURTHER RESOLVED that the project applicant shall indemnify, defend, and hold harmless the City of Modesto, its agents, officers, and employees from any and all claims, actions, or proceedings against the City of Modesto, its agents, officers, and employees to attack, set aside, void, or annul, any approval by the City of Modesto and

its advisory agency, appeal board, or a legislative body concerning a street vacation (File No. ABD-15-001), and related files. The City of Modesto shall promptly notify the applicant of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the applicant shall not thereafter be responsible to defend, indemnify, or hold City harmless.

BE IT FURTHER RESOLVED that the City Clerk shall hold this resolution until all conditions specified herein have been fully satisfied to the satisfaction of the City Engineer or City's Community and Economic Director and not less than five (5) working days after said conditions have been fully satisfied, the City Clerk shall cause a certified copy of this resolution, attested under seal of the City, to be recorded in the Office of the Recorder of the County of Stanislaus.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of January, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Exhibit "A"

EXHIBIT "A"
LEGAL DESCRIPTION
ABANDONMENT

All that real property situate in the Northwest Quarter of Section 34 Township 3 South, Range 9 East, Mount Diablo Base and Meridian, City of Modesto, County of Stanislaus, State of California, more particularly described as follows:

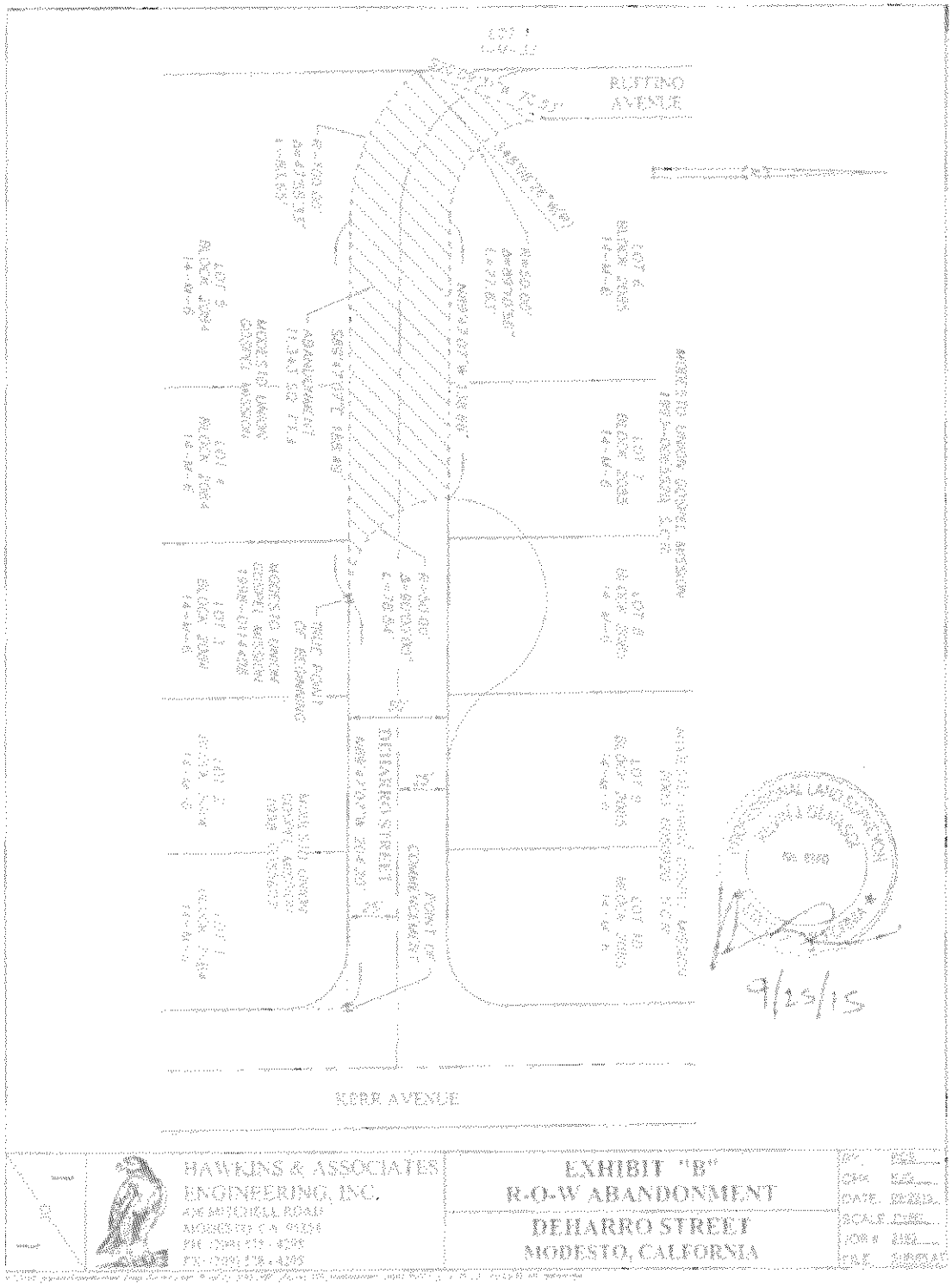
COMENCING at the intersection of the south right-of-way line of DeHarro Street with the west right-of-way line of Kerr Avenue as shown on the map filed in Volume 14 of Maps, at Page 6, Stanislaus County Records, thence North 89°47'07" West along said south right-of-way line, a distance of 204.20 feet to the **TRUE POINT OF BEGINNING** of this description, said point also being the point of tangency with a curve concave to the northeast east having a radius of 50.00 feet; thence along said curve through a central angle of 90°00'00", a distance of 78.54 feet to the point of intersection with the north right-of-way line of said DeHarro Street; thence North 89°47'07" West along said north right-of-way line, a distance of 138.66 feet to the point of tangency with a curve concave to the northeast having a radius of 50.00 feet, thence along said curve and right-of-way line through a central angle of 89°10'56", a distance of 77.83 feet; thence leaving said right-of-way line South 20°09'31" West, a distance of 70.53 feet to the intersection with the west line of Lot 5 of Block 2084 and the south right-of-way line of DeHarro street as shown on above said map, last said point being the beginning of a curve concave to the northeast having a radius of 100.00 feet, and to which point a radial line bears South 48°08'26" West; thence along last said curve and south right-of-way line through a central angle of 47°55'33", a distance of 83.65 feet; thence continuing along said south right-of-way line South 89°07'47" East, a distance of 188.49 feet to the **POINT OF BEGINNING.**

CONTAINING 11,343 square feet, more or less.

This description was prepared by me or under my direction in conformance with the Professional Land Surveyors Act.

Kevin J. Genasci, P.L.S. 8098
September 25, 2015

Exhibit "B"


RUFFINO AVENUE
KERR AVENUE
DEHARRO STREET
HAWKINS & ASSOCIATES ENGINEERING, INC.
EXHIBIT "B"
R-O-W ABANDONMENT
DEHARRO STREET
MODESTO, CALIFORNIA
9/25/15

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-15

RESOLUTION FINDING THAT THE FOLLOWING SUBSEQUENT PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 2007072023): VACATION OF 11,343 SQUARE FEET SEGMENT OF DE HARRO STREET LOCATED EAST OF RUFFINO DRIVE SOUTH OF YOSEMITE BOULEVARD, AND RESERVING A 50 FOOT WIDE PUBLIC UTILITY EASEMENT WITHIN THE SUBJECT STREET RIGHT-OF-WAY (MODESTO GOSPEL MISSION)

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

WHEREAS, Modesto Gospel Mission has proposed the vacation of 11, 343 square feet of De Harro Street located south of Yosemite Boulevard east of Ruffino Drive and reserving a 50 foot public utility easement within the subject street right-of-way (Modesto Gospel Mission), and

WHEREAS, pursuant to Section 21157.1 of the Public Resources Code, the City of Modesto's Community & Economic Development Department prepared an Environmental Assessment Initial Study EA/C&ED 2015-16 ("Initial Study") which analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the report, and

WHEREAS, in accordance with CEQA guidelines, beginning on December 8, 2015, the City caused to be published a 20-day notice of the City's intent to make a finding that the subsequent project conforms with the Master EIR, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on January 12, 2016, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California,

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

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

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

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

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

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

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of January, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT A

Initial Study

EA/C&ED 2015-16

City of Modesto

Finding of Conformance to General Plan Master EIR:

Initial Study Environmental Checklist C&ED No. 2015-16

For the proposed:

De Harro Abandonment

ABD-15-001: Abandonment of 11,343 Sq. Ft. of Right-of-Way of De Harro Street, east of Ruffino Avenue

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

August 19, 2015

Updated: September 2013

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City of Modesto
Master EIR Initial Study Environmental Checklist

I. PURPOSE

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

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

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

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

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

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

II. PROJECT DESCRIPTION

A. Title: ABD-15-001-- De Harro Street Abandonment

B. Address or Location: De Harro Street, between Ruffino Avenue and Kerr Avenue

C. Applicant: Modesto Union Gospel Mission, PO Box 1203, Modesto CA 95353

D. City Contact Person: Katharine Martin/Jonnie Lan

Project Manager: Katharine Martin and Jonnie Lan
Department: Community and Economic Development, Planning Division
Phone Number: 209-577-5267
E-mail address: kamartin@modestogov.com jlan@modestogov.com

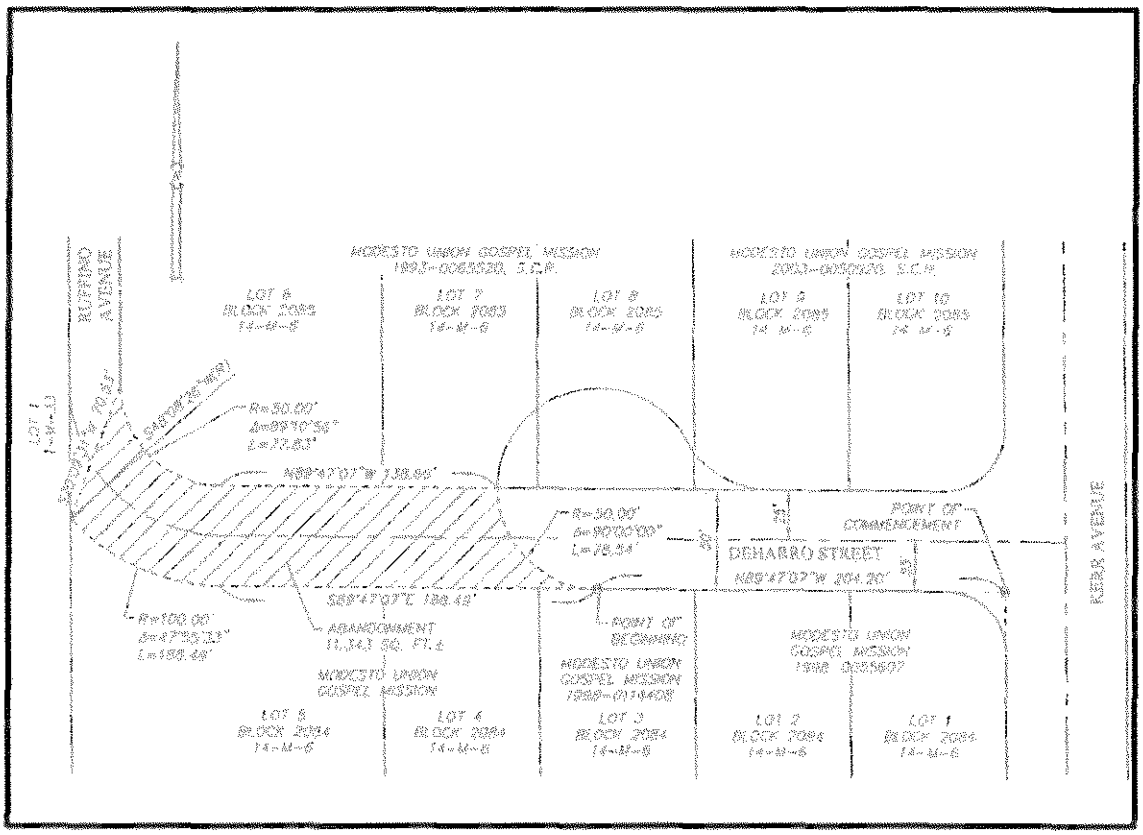
E. Current General Plan Designation(s): "R" Residential and "C" Commercial

F. Current Zoning Classification(s): General Commercial (C-2) and Light Industrial (M-1)

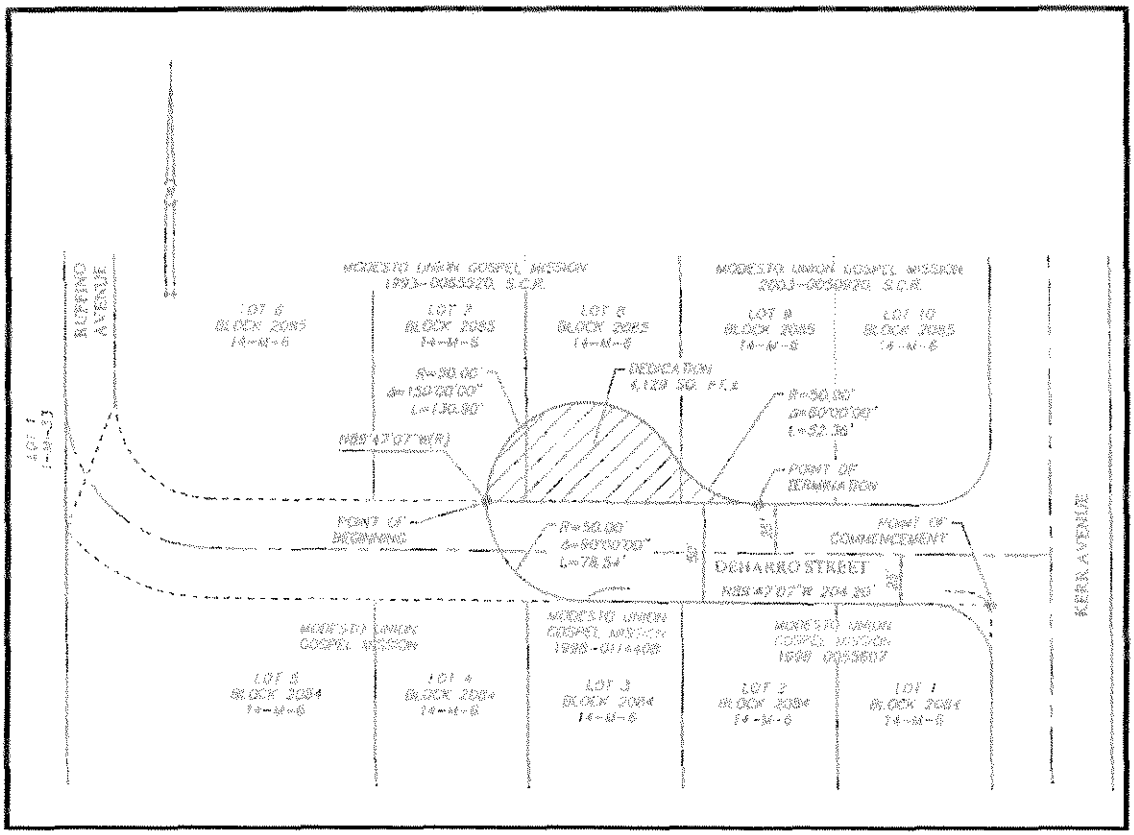
G. Surrounding Land Uses:
North: General Commercial (C-2) Zone, Modesto Gospel Mission Homeless Shelter
South: Unincorporated county area, single-family residential and light industrial uses
East: General Commercial (C-2) Zone, Church, Commercial, single-family residential
West: General Commercial (C-2) Zone, Commercial retail and service uses

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

Abandonment of an 11,343 square foot portion of right of way of De Harro Street, located south of Ruffino Avenue, and dedication of a 4,129 square foot portion of De Harro Street previously improved into a cul-de-sac approximately 220-feet west of Kerr Avenue. The portion of De Harro Street proposed for abandonment is a "paper" street only, dedicated by the Fox Tract Subdivision Map (14-M-06) but never improved for vehicular traffic. There are overhead electrical lines in close proximity and underground City water and sewer service lines exist within the abandonment area. Easements will be recorded to protect the utilities in conjunction with the alley abandonment. While the abandonment of De Harro Street is proposed to allow for future expansion of the Gospel Mission's facilities, no expansion or development is proposed as part of this project. The 4,129 square foot portion of De Harro Street to be dedicated to the City of Modesto has been improved into a cul-de-sac condition while within the property of the Gospel Mission; the dedication will allow this section to become part of the public right of way.



Area of proposed street abandonment



Area of proposed street dedication

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

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

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

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

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

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

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

E. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could

not have been known at the time that the Master EIR was certified as complete, has become available.

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

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

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

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

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

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

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

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

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

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

_____	_____	_____
Project Manager	Title	Date

4. Within the Scope Analysis of this Document:

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

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

5. Currency of the Master EIR Document

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

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

Discussion:

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

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

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

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

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

IV. ENVIRONMENTAL ANALYSIS

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

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

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

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

1. TRAFFIC AND CIRCULATION

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

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

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

Cumulative Impacts

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

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

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

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

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

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

Discussion:

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

c. Project-Specific Effects

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

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

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

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
in automobile vehicle miles traveled on a per capita basis, in excess of that considered in the Urban Area General Plan MEIR.				

Discussion:

(1-3) The project is limited to the abandonment of a paper street that is not improved for vehicular traffic, and the dedication of a previously improved and in-use cul-de-sac. The project would not result in additional traffic or result in additional trips, or cause an increase in vehicle miles traveled.

(4) The project involves abandonment of an unimproved street and the dedication of a roadway already in use. The project will not impact emergency response times.

(5) There will be no effect on parking for the site.

(6) The project would not impact the Regional Transportation Plan, the Sustainable Communities Strategy, and the Bicycle Action Plan.

(7) The project would not result in increased vehicle miles in excess of what was anticipated in the General Plan.

2. DEGRADATION OF AIR QUALITY

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

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

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

Cumulative Impacts

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

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

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

Discussion:

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

c. Project-Specific Effects

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

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

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

Discussion:

(1) The project would not have a significant effect on the ambient air quality.

(2) There is no new development or other activity associated with the project that would affect air quality.

(3) The project does not conflict with the air quality policies in the Urban Area General Plan.

(4) The project would not result in pollutant concentrations in excess of those expected to occur as a result of the implementation of the Urban Area General Plan.

(5) The proposed project will not produce objectionable odors.

3. GENERATION OF NOISE

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

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

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

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

Cumulative Impacts

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

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

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

Discussion:

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

c. Project-Specific Effects

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

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

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

Discussion:

(1-4) The project involves the abandonment of an unimproved street and the dedication of an existing cul-de-sac already in use. The project would not cause noise above levels already existing as part of the operations of the Gospel Mission facility.

4. EFFECTS ON AGRICULTURAL LANDS

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

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

Cumulative Impacts

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

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

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

Discussion:

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

c. Project-Specific Effects

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

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

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
4. EFFECTS ON AGRICULTURAL LANDS				

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

Discussion:

(1-4) The project involves the abandonment of an unimproved street and the dedication of an existing cul-de-sac already in use. The site is developed with urban uses and is located within the Baseline Developed Area of the General Plan. The site is not zoned for agricultural uses, nor is subject to a Williamson Act contract. The project would not cause the conversion of farmland to a non-agricultural use.

5. INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

Effect: Despite available options, during drought years, significant water shortages are forecast for the San Joaquin River basin, which includes both the Modesto and Turlock subbasins, by 2020.

Modesto would make a cumulatively considerable contribution to the cumulative impact on water supply under drought conditions.

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

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

Discussion:

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

c. Project-Specific Effects

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

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

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

Discussion:

(1) The project would have no effect on water supply, nor would be inconsistent with the Water Supply policies of the General Plan.

(2) No new development or expansion of the existing Gospel Mission facilities is proposed with this project. Water demand for the project will not be impacted.

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

6. INCREASED DEMAND FOR SANITARY SEWER SERVICES

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

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

Cumulative Impacts

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

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

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

Discussion:

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

c. Project-Specific Effects

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

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

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

Discussion:

(1) The project is consistent with the Modesto Urban Area General Plan both in land use and intensity.

(2) The project will not generate sewage flows greater than those anticipated in the Urban Area General Plan for the project site.

(3) The project will not generate sewage flows. Existing sewer lines in the street portion to be abandoned will be protected with an easement.

7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

Discussion:

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

c. Project-Specific Effects

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

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

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

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.				
5) Conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	☐	☐	☐	☒
6) The proposed project would conflict with provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.	☐	☐	☐	☒

Discussion:

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

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

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

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

(5) There is no conflict with any local policies or ordinances protecting biological resources.

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

8. DISTURBANCE OF ARCHAEOLOGICAL/HISTORICAL SITES

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

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

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

Effect: Construction in an area of high archaeological sensitivity.

Cumulative Impacts

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

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

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

Discussion:

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

c. Project-Specific Effects

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

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

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
8. DISTURBANCE OF ARCHAEOLOGICAL/ HISTORICAL SITES				
1) The proposed project is inconsistent with the archaeological/historical resource policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would demolish a building eligible for listing as a historic resource or remove a landmark from the Modesto inventory.	☐	☐	☐	☒
3) The proposed project would modify or demolish a structure more than 50 years in age.	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
4) The project would adversely affect a cultural resource that is either listed or eligible for listing in the California Register of Historical Resources.	☐	☐	☐	☒
5) Conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	☐	☐	☐	☒

Discussion:

(1-3) The project involves the abandonment of an unimproved street and the dedication of an existing cul-de-sac already in use. The site is developed with urban uses and is located within the Baseline Developed Area of the General Plan. No new development or demolishment of any buildings is proposed with the project.

(4-5) The site is not listed on any register of historic places, nor is eligible for listing. The project would not cause a conflict with City policies related to biological resources.

9. INCREASED DEMAND FOR STORM DRAINAGE

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

Discussion:

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

c. Project-Specific Effects

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

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

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

Discussion:

(1) The project is consistent with the General Plan policies related to storm drainage.

(2-3) The project involves the abandonment of an unimproved portion of De Harro Street, and the dedication of a portion of De Harro Street that has been previously improved into a cul-de-sac condition within the property of the Gospel Mission. No development is proposed with the project. The project would not impact Stormwater runoff.

10. FLOODING AND WATER QUALITY

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

Discussion:

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

c. Project-Specific Effects

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

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

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
10. FLOODING AND WATER QUALITY				
1) The proposed project is inconsistent with the flooding and water quality policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project does not comply with the regulatory requirements of the federal Clean Water Act or the State Porter-Cologne Act.	☐	☐	☐	☒
3) The proposed project would place more housing within a 100-year flood hazard zone than assumed	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
in the Urban Area General Plan.				
4) The proposed project would place structure within a 100-year flood hazard area so that they would impede or redirect floodwater or would substantially alter the existing on-site drainage pattern or a watercourse, in such a way as to cause flooding on- or offsite.	☐	☐	☐	☒
5) The proposed project does not comply with Modesto's Guidance Manual for New Development Storm Water Quality Control Measures.	☐	☐	☐	☒
6) The proposed project would violate water quality standards or waste discharge requirements.	☐	☐	☐	☒
7) The proposed project would substantially alter the existing drainage pattern of the site or area or a watercourse in a manner that would result in substantial erosion or siltation on- or offsite in excess of the assumptions of the Urban Area General Plan.	☐	☐	☐	☒
8) The proposed project would create or contribute runoff, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff, not expected as part of Urban Area General Plan implementation.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the flooding and water quality policies in the General Plan.

(2) The project would comply with the Federal Clean Water Act and the Porter Cologne Act requirements.

(3-5) The project is not located within a 100-year flood plain. The site is an existing commercial and industrial use, with no new development proposed.

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

(7) The project would not substantially alter the existing drainage pattern of the site, area or a watercourse in a manner that would result in erosion or siltation. There is no new development associated with the proposed project.

(8) The project will not contribute additional water runoff that would exceed the capacity of the storm drainage system or provide substantial additional sources of polluted runoff. There is no new development associated with the proposed project.

11. INCREASED DEMAND FOR PARKS AND OPEN SPACE

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

Discussion:

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

c. Project-Specific Effects

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

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

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
11. INCREASED DEMAND FOR PARKS AND OPEN SPACE				
1) The proposed project is inconsistent with the parks and open space policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would eliminate parks or open space.	☐	☐	☐	☒
3) The proposed project would cause an increase in the use of existing neighborhood and regional parks	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
or other recreational facilities such that substantial physical deterioration of the facility in question would occur or be accelerated or the proposed project would include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.				

Discussion:

(1) The project is consistent with the parks and open space policies in the General Plan.

(2) The project will not impact parks or open space.

(3) There is no development proposed as part of the project.

12. INCREASED DEMAND FOR SCHOOLS

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

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

Discussion:

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

c. Project-Specific Effects

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

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

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

Discussion:

(1) The project includes the abandonment of an unimproved street segment and the dedication of a previously improved cul-de-sac, which would not conflict with the policies relating to school in the Urban Area General Plan.

(2) There is no new development associated with the project. The project would not conflict with SB50/Proposition 1A funding provisions, or succeeding measures.

13. INCREASED DEMAND FOR POLICE SERVICES

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

Discussion:

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

c. Project-Specific Effects

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

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

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

Discussion:

(1) The project includes the abandonment of an unimproved street segment and the dedication of a previously improved cul-de-sac, which would not conflict with the policies relating to police services in the Urban Area General Plan.

(2) The street segment being abandoned is unimproved and inaccessible to vehicles. The cul-de-sac segment was previously improved within the property of the Gospel Mission and serves as access to and from the facility. The project would not result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives.

14. INCREASED DEMAND FOR FIRE SERVICES

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

Discussion:

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

c. Project-Specific Effects

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

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

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
14. INCREASED DEMAND FOR FIRE SERVICES				

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

Discussion:

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

(2) The project would not result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives. The site is served by Station No. 1, located at 610 11th Street.

(3) The project would not impact fire protection services in adjoining fire districts.

15. GENERATION OF SOLID WASTE

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

Solid waste mitigation measures pertinent to the proposed project are found on pages V-15-4 through V-15-7 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.

Discussion:

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

c. Project-Specific Effects

Section V-15.B of the Master EIR discloses solid waste impacts resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

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

Discussion:

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

(2) There is no new development proposed with the project.

16. GENERATION OF HAZARDOUS MATERIALS

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

Discussion:

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

c. Project-Specific Effects

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

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

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
16. GENERATION OF HAZARDOUS MATERIALS				
1) The project is inconsistent with the hazardous materials policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.	☐	☐	☐	☒
3) The proposed project would be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would create a significant hazard to the public or the environment.	☐	☐	☐	☒
4) The proposed project would be constructed on a contaminated site not known to the State of California as of March 2008.	☐	☐	☐	☒

Discussion:

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

(2) The project does comply with all applicable federal, state, and county standards and regulations relative to the handling, storage, disposal, and transport of hazardous or toxic materials or wastes. (No hazardous materials will be involved with this project).

(3) The project would not be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would not create a significant hazard to the public or the environment.

(4) The site is not known to contain any contaminants.

17. GEOLOGY, SOILS, AND MINERAL RESOURCES

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

Geology, soils, and mineral resource mitigation measures pertinent to the proposed project are found on pages V-17-9 and V-17-10 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of the proposed project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

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

c. Project-Specific Effects

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

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

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
17. GEOLOGY, SOILS, AND MINERAL				

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

Discussion:

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

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

18. ENERGY

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

Discussion:

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

c. Project-Specific Effects

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

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

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
18. ENERGY				
1) The proposed project is inconsistent with policies relating to energy in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would result in energy consumption during construction, operation, maintenance, or removal that is more wasteful, inefficient, and unnecessary than assumed in the Urban Area General Plan.	☐	☐	☐	☒

Discussion:

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

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

19. EFFECTS ON VISUAL RESOURCES

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

Discussion:

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

c. Project-Specific Effects

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

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

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

Discussion:

(1) The project is consistent with the policies relating the visual resources in the General Plan.

(2) The project would not impact views from riverside areas and parks.

(3) There is no development associated with the project. Surrounding views will not be impacted by the abandonment of the unimproved street and dedication of the cul-de-sac.

20. LAND USE AND PLANNING

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

Discussion:

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

c. Project-Specific Effects

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

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

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

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

Discussion:

(1) The project is consistent with the Commercial and Residential land use designations in the General Plan.

(2) There is no development proposed by the project. The street segment to be abandoned is not used for pedestrian or vehicular traffic and its abandonment would not affect the surrounding community. The cul-de-sac to be dedicated was previously improved within the Gospel Mission's property.

(3) The project is consistent with the land use plan, policies and regulations of the City of Modesto designed to mitigate project impacts.

(4) The project does not conflict with applicable habitat conservation plans or natural community conservation plans.

21. CLIMATE CHANGE

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

Discussion:

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

c. Project-Specific Effects

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

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

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
21. CLIMATE CHANGE				
1) The proposed project is inconsistent with policies relating to climate change in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would result in average automobile trip lengths or CO_2 emissions higher than those assumed in the Master EIR.	☐	☐	☐	☒
3) The proposed project would conflict with the Sustainable Communities Strategy or Alternative Planning Strategy that the Air Resources Board has agreed will achieve the goals of AB 32.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the policies relating to climate change in the Urban Area General Plan. The project would not have a significance effect on climate change.

(2) The project includes abandonment of an unimproved street segment that is not used for transportation. The abandonment of the alley would not affect automobile trip lengths or CO_2 emissions. The cul-de-sac to be dedicated was previously improved on the Gospel Mission's property and has been in use since.

(3) A Sustainable Communities Strategy has not yet been implemented by the ARB. Future development will be required to comply with the provisions of the Sustainable Communities Strategy once it is established.

V. MITIGATION MEASURES APPLIED TO THE PROPOSED PROJECT

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

A. Master EIR Mitigation Measures Applied to the Project

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

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

B. New or Additional Mitigation Measures or Alternatives Required

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

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

Traffic and Circulation:

N/A

Degradation of Air Quality:

N/A

Generation of Noise:

N/A

Effects on Agricultural Lands:

N/A

Increased Demand for Long-Term Water Supplies:

N/A

Increased Demand for Sanitary Sewer Services:

N/A

Loss of Sensitive Wildlife and Plant Habitat:

N/A

Disturbance of Archaeological/Historic Sites:

N/A

Increased Demand for Storm Drainage:

N/A

Flooding and Water Quality:

N/A

Increased Demand for Parks and Open Space:

N/A

Increased Demand for Schools:

N/A

Increased Demand for Police Services:

N/A

Increased Demand for Fire Services:

N/A

Generation of Solid Waste:

N/A

Generation of Hazardous Materials:

N/A

Geology, Soils, and Mineral Resources:

N/A

Energy:

N/A

Effects on Visual Resources:

N/A

Land Use and Planning:

N/A

Climate Change:

N/A

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-16

RESOLUTION AUTHORIZING THE CITY OF MODESTO TO UTILIZE THE SERVICES OF FRED CAVANAH ON A PART-TIME BASIS FOR A LIMITED DURATION FOR THE PURPOSES OF ASSISTING IN OVERSEEING THE TRANSIT DIVISION AND ASSISTING STAFF WITH CONTRACTS RELATED TO THE TRANSIT SYSTEM

WHEREAS, the City requests authorization to utilize the services of retired annuitant Fred Cavanah on a part time basis, and

WHEREAS, recent changes to the California Public Employee Retirement System (CalPERS), requires that a retiree serve a 180 day waiting period prior to being allowed to work for a CalPERS agency with the following exceptions, and

WHEREAS, pursuant to Government Code TITLE 1. DIVISION 7. MISCELLANEOUS [6000.–7598.] CHAPTER 21. Public Pension Retirement Plans 7522.56(f)(1-4), section 7522.56 (f)(1) serves as the applicable exception for this request: "The employer certifies the nature of this employment and that the appointment is necessary to fill a critically needed position before 180 days has passed and the appointment has been approved by the governing body of the employer in a public meeting. The appointment may not be placed on a consent calendar.", and

WHEREAS, CALPERS Publication 33 stipulates certain conditions must all be met in order for an appointment to move forward. These conditions are:

> Appointee has specialized skills needed to perform work of limited duration or the employment is needed during an emergency to prevent stoppage of public business.
>
> Temporary employment will not exceed 960 hours in a fiscal year (July 1st through June 30th).
>
> The compensation cannot exceed the maximum monthly base salary paid to other employees performing comparable duties, divided by 173.333 to equal an hourly rate.

Retired annuitants cannot receive any benefit, incentive, compensation in lieu of benefits, or other form of compensation in addition to the hourly pay rate, and

WHEREAS, Fred Cavanah has worked for the City of Modesto for over 30 years and possesses the expertise and knowledge of the City's transit operations, and

WHEREAS, Fred Cavanah has an in-depth working knowledge of the contracts related to the transit systems, and

WHEREAS, given this knowledge and history with the City of Modesto, Fred Cavanah will assist in overseeing the operations of Transit, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the utilization of the services of Fred Cavanah on a part-time basis for a limited duration from January 12, 2016 through March 31, 2016 or sooner.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 12th day of January, 2016, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

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MODESTO CITY COUNCIL
RESOLUTION NO. 2016-17

RESOLUTION AUTHORIZING THE CITY OF MODESTO TO UTILIZE THE SERVICES OF TISH FOLEY ON A PART-TIME, AS NEEDED BASIS FOR A LIMITED DURATION FOR THE PURPOSES OF ASSISTING THE CITY CLERK'S OFFICE IN CRITICAL FUNCTIONS

WHEREAS, the City requests authorization to utilize the services of retired annuitant Tish Foley on a part time basis, and

WHEREAS, recent changes to the California Public Employee Retirement System (CalPERS), requires that a retiree serve a 180 day waiting period prior to being allowed to work for a CalPERS agency with the following exceptions, and

WHEREAS, pursuant to Government Code TITLE 1. DIVISION 7. MISCELLANEOUS [6000.–7598.] CHAPTER 21. Public Pension Retirement Plans 7522.56(f)(1-4), section 7522.56 (f)(1) serves as the applicable exception for this request: "The employer certifies the nature of this employment and that the appointment is necessary to fill a critically needed position before 180 days has passed and the appointment has been approved by the governing body of the employer in a public meeting. The appointment may not be placed on a consent calendar.", and

WHEREAS, CALPERS Publication 33 stipulates certain conditions must all be met in order for an appointment to move forward. These conditions are:

> Appointee has specialized skills needed to perform work of limited duration or the employment is needed during an emergency to prevent stoppage of public business.
>
> Temporary employment will not exceed 960 hours in a fiscal year (July 1st through June 30th).
>
> The compensation cannot exceed the maximum monthly base salary paid to other employees performing comparable duties, divided by 173.333 to equal an hourly rate.

Retired annuitants cannot receive any benefit, incentive, compensation in lieu of benefits, or other form of compensation in addition to the hourly pay rate, and

WHEREAS, Tish Foley has worked for the City of Modesto since 2010 and possesses the expertise and knowledge necessary to alleviate any disruption to the operations of the City Clerk's Office, and

WHEREAS, given the knowledge and history with the City of Modesto, Tish Foley will assist in critical functions with the City Clerk's Office, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the utilization of the services of Tish Foley on a part-time, as needed basis for a limited duration beginning January 12, 2016 and ending no later than March 31, 2016.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 12th day of January, 2016, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-18

RESOLUTION APPROVING THE CITY OF MODESTO SPONSORSHIP OF THE 2016 CINCO DE MAYO PARADE, INCLUDING THE WAIVER OF CITY PERMIT FEES, POLICE OVERTIME COSTS, AND VEHICLE FEE EXPENSES INCURRED BY THE CITY OF MODESTO POLICE DEPARTMENT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ANY DOCUMENTS NECESSARY RELATED TO THE SPONSORSHIP

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

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

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

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

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

WHEREAS, staff is requesting City Council approval to sponsor the 2016 Cinco de Mayo Parade, and

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

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

WHEREAS, the total expense to the City of Modesto to sponsor the 2016 Cinco de Mayo Parade is approximately $7,096.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the City of Modesto sponsorship for the 2016 Cinco de Mayo Parade including the waiver of City permit fees, overtime costs, and vehicle fee expenses incurred by the City of Modesto Police Department, for a total cost of approximately $7,096.

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

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

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-19

RESOLUTION APPROVING A 5-YEAR LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND THE BOYS & GIRLS CLUBS OF STANISLAUS COUNTY, A CALIFORNIA NON-PROFIT PUBLIC BENEFIT CORPORATION, FOR THE TEMPORARY PLACEMENT AND USE OF A MODULAR BUILDING IN MELLIS PARK, WHICH IS ATTACHED HERETO AS EXHIBIT A, IN SUBSTANTIALLY THE FORM ATTACHED WITH SUCH CHANGES AS ARE DEEMED APPROPRIATE BY THE CITY MANAGER AND CITY ATTORNEY

WHEREAS, the City of Modesto owns and maintains the property located at 601 North Martin Luther King Drive, commonly referred to as Mellis Park, and

WHEREAS, the King-Kennedy Memorial Center, a community center serving the residents of West Modesto, is located at Mellis Park, and

WHEREAS, the Boys & Girls Clubs of Stanislaus County, as authorized by Council Resolution No. 2015-137, currently utilizes City facilities at the King-Kennedy Memorial Center to offer after-school programming to City youth, and

WHEREAS, the Boys & Girls Clubs of Stanislaus County is desirous of temporarily installing and using a modular building on the Mellis Park site to expand its programming for youth in the City of Modesto, and

WHEREAS, the City of Modesto is desirous to assist the Boys and Girls Club in this endeavor, and

WHEREAS, the City of Modesto wishes to support these efforts to foster Great Safe Neighborhoods and a Healthy Economy and Quality of Life.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the Lease Agreement between the City of Modesto and the Boys & Girls Clubs of Stanislaus County, which is **attached** hereto as **Exhibit** A, in substantially the form **attached** with such changes as are deemed appropriate by the City

Manager and City Attorney.

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

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

LEASE AGREEEMENT BETWEEN THE CITY OF MODESTO AND THE BOYS AND GIRLS CLUB OF STANISLAUS COUNTY, A CALIFORNIA NON-PROFIT PUBLIC BENEFIT COPRORATION FOR TEMPORARY PLACEMENT AND USE OF A MODULAR BUILDING AT MELLIS PARK

This Lease Agreement (Agreement) is made and entered into the City of Modesto, County of Stanislaus, State of California, as of the ____ day of January, 2016, between the City of Modesto (CITY) and the Boys & Girls Clubs of Stanislaus County, a California Non-Profit Public Benefit Corporation (CLUB) to allow for the temporary placement and use of a modular building at Mellis Park.

WHEREAS, the CITY owns and maintains real property located at 601 North Martin Luther King Drive, Modesto, California, commonly referred to as Mellis Park (PARK), and

WHEREAS, the King-Kennedy Memorial Center, a community center serving the residents of West Modesto, is located at the PARK, and

WHEREAS, the CLUB, as authorized by Council Resolution No. 2015-137, currently utilizes CITY facilities at the King-Kennedy Memorial Center to offer afterschool programming to CITY youth, and

WHEREAS, the CLUB is desirous of temporarily installing a modular building which dimensions shall not exceed 55 feet x 84 feet (MODULAR) at the PARK so it can expand its programming for CITY youth, and

WHEREAS, the CITY is desirous to assist the CLUB in this endeavor, and

WHEREAS, on December 18, 2015, the CITY's Citizen's Housing and Community Development Committee recommended that up to $300,000 in Community Development Block Grant (CDBG) funds be awarded to CLUB to be used towards the purchase and installation of the MODULAR, and

WHEREAS, the CITY Council will consider and finalize the CDBG funds recommendation on January 26, 2016,

WHEREAS, the CITY and CLUB shall enter into a separate Agreement if the CDBG funds are awarded to CLUB, for the purchase and installation of the MODULAR on City property. CDBG funds shall be utilized for the purchase and installation of the MODULAR and other related costs pursuant to the Agreement between the CITY and CLUB.

NOW, THEREFORE, in consideration of the mutual covenants, promises and agreements herein contained, the parties hereto agree as follows:

1. Statements True and Correct. Each of the factual statements set forth in the recitals is true and correct in its entirety.
2. The CITY shall allow the CLUB to use up to 5,000 square feet of land at the PARK to temporarily install, at its own expense, the MODULAR to allow the CLUB to conduct additional educational programming for CITY youth (TEMPORARY SITE). Use includes nonexclusive use of parking areas and the right to ingress and egress to the MODULAR. A site plan indicating the approximate location for the TEMPORARY SITE is attached hereto as Exhibit A and incorporated by reference herein. The MODULAR and TEMPORARY SITE shall hereinafter be collectively referred to as PREMISES.
3. CLUB'S Obligations.
   3.1. CLUB shall pay all costs and expenses related to the procurement and installation of the MODULAR including, but not limited to, the cost to purchase or lease the MODULAR; cost to transport the building to the PARK; cost to erect and install the MODULAR; the cost for all site preparation, including the installation and connection of all utilities including telephone, internet, cable, electrical, water and sewer; maintenance of the MODULAR including daily, weekly, monthly and annual services; and all janitorial service and costs associated with the removal of the MODULAR on or before December 31, 2020. CLUB shall pay the costs and expenses related to the procurement and installation of the MODULAR with the

CDBG funds, if awarded the grant. If CLUB is not awarded the CDBG funds, then this lease shall terminate.

3.2. CLUB shall remove all temporary improvements made by the CLUB relative to the installation and erection of the MODULAR, including underground utilities, by December 31, 2020 or at the end of the last renewal term.

3.3. Subject to Section 4.1, CLUB shall restore the TEMPORARY SITE to the satisfaction of the CITY.

3.4. CLUB shall repair any property damaged, altered or destroyed as a result of CLUB's installation or removal of the MODULAR, utilities or related services onto the leased premises, excluding turf and related irrigation.

3.5. CLUB shall comply with all applicable laws, orders, regulations and Federal, State and Local ordinances.

3.6. CLUB shall provide evidence to CITY, and to CITY's reasonable satisfaction, of all known permits, approvals and licenses from any governmental or quasi¬governmental agency, authority or entity known to have jurisdiction over the licensed area, or a portion of the licensed area such that their consent is required for the use of the TEMPORARY SITE. CLUB acknowledges this Lease Agreement is specific to the TEMPORARY SITE for placement of MODULAR. All other use of PARK facilities by CLUB shall be coordinated with City staff and reserved through the CITY Parks reservation system.

3.7. CLUB shall notify CITY Parks reservation system of all Special Events and activities planned by CLUB in order to avoid potential conflicts with rentals in KKMC, PREMISES and surrounding area and/or PARK facilities.

3.8. CLUB shall provide general office supplies, including phones and computers, at CLUB's expense.

3.9. CLUB shall keep and maintain the PREMISES and surrounding area in good repair.

3.10. CLUB agrees it will not assign, sell, mortgage or sublet the MODULAR or TEMPORARY SITE.

4. <u>CITY In-Kind Contributions</u>.

4.1. CITY agrees to repair the turf and related irrigation damaged, altered or destroyed as a result of CLUB's installation and/or removal of the MODULAR.

4.2. CITY agrees to trim existing trees, as necessary, to allow the MODULAR to be placed at the TEMPORARY SITE.

5. Agreement Term. The term of this Agreement shall be from January 1, 2016, and through May 31, 2021. Upon the expiration of the term or any early termination of this Agreement, CLUB shall have a period of 120 days to remove the MODULAR from the PREMISES.

6. Hazardous Materials Prohibited.

6.1. CLUB shall use the PREMISES exclusively for the purposes stated in Section 2. CLUB covenants that it will not generate, handle, transport, treat, release, use, store or dispose of on the property "hazardous waste" or "hazardous substances," as "hazardous waste" or "hazardous substances" may now or in the future be defined by any federal, state or local governmental body or agency. CLUB further agrees periodically to furnish CITY with proof, satisfactory to CITY that CLUB is in such compliance.

6.2. With the exception of minor amounts of Hazardous Materials customarily and lawfully used in conjunction with the purposes stated in Section 1, CLUB, its employees, contractors, agents, and any party acting on behalf of CLUB, shall not store, use, treat, generate, or dispose of Hazardous Materials at the PREMISES or other property owned by CITY. "Hazardous Material(s)" means any substance that, by itself or in combination with other materials, is either (i) generally regarded injurious to public health, safety, or the environment; or (ii) now or in the future regulated by any federal, state, or local governmental authority as potentially injurious to public health, safety, or the environment. CLUB, its employees, contractors, agents, and any party acting on behalf of CLUB shall comply, and shall keep the PREMISES in compliance, with all laws and regulations relating to Hazardous Materials ("Environmental Laws"); and in addition CLUB shall:

6.2.1. Promptly provide CITY with copies of any document, correspondence, report or communication, written or oral, relating to Hazardous Materials at or affecting the Premises (x) to or from any regulatory body, or (y) stating a basis for any potential liability or responsibility of CLUB, CITY, or the PREMISES; including all such documents, correspondence, reports or communications

prepared by or on behalf of CLUB. In addition to the above, at CITY'S request, CLUB shall provide copies of any and all records and communications whatsoever relating to Hazardous Materials at or affecting the PREMISES.

6.2.2. Immediately notify CITY in the event of a suspected or confirmed release of a Hazardous Material or violation of Environmental Laws at or affecting the PREMISES or other property owned by CITY and caused by or related to the operations of CLUB , its employees, contractors, agents, or any party acting on behalf of CLUB and, at CITY'S sole option, either promptly remediate or correct such release or violation to CITY'S satisfaction or reimburse CITY'S cost of remediation (including reasonable attorneys' and consultants' fees); and compensate CITY and/or third parties for all resultant damage.

6.2.3. Permit CITY reasonable access to the PREMISES for the purpose of conducting an environmental audit or testing, the cost of which shall be borne by CITY unless the results indicate activity prohibited by Environmental Laws or hereunder.

6.2.4. Upon expiration or other termination of this Agreement, remove all Hazardous Materials from the PREMISES caused by the acts or omissions of CLUB, its officers, agents, contractors, employees or invitees, and at CITY'S option cause to be performed and provided to CITY an environmental audit of the PREMISES, using a consultant reasonably acceptable to CITY, and correct, at its expense, any deficiencies noted by the audit.

6.2.5. The provisions regarding Hazardous Materials shall survive the expiration or other termination of this Agreement.

7. Insurance. CLUB shall provide at its own expense and maintain at all times the following insurance with insurance companies licensed in the State of California and shall provide evidence of such insurance to CITY as may be required by the City Manager of CITY. The policies or certificates thereof shall provide that, thirty (30) days prior to cancellation or material change in the policy, notices of same shall be given to the Risk Manager of CITY by registered mail, return receipt requested, for all of the following stated insurance policies.

7.1. General Liability insurance with a minimum limit of liability per occurrence of $1,000,000 for bodily injury and $1,000,000 for property damage or $1,000,000 combined single limit. This insurance shall indicate on the certificate of insurance the following coverages and indicate the policy aggregate limit applying to: premises and operations; broad form contractual; independent contractors and subcontractors; products and completed operations; and/or professional liability

7.2. Automobile Liability insurance with a minimum limit of liability per occurrence of $1,000,000 for bodily injury and $100,000 for property damage or $1,000,000 combined single limit. This insurance shall cover any automobile for bodily injury and property damage.

7.3. Workers Compensation in compliance with the statutes of the State of California, plus employer's liability with a minimum limit of liability of $1,000,000.

7.4. Property Insurance against all risks of loss to any tenant improvements or betterments, at full replacement cost with no coinsurance penalty provision.

7.5. The CITY, its agents, officers, employees, and volunteers shall be named as an additional insured on all insurance policies required herein, except Workers' Compensation. The Workers' Compensation insurer shall agree to waive all rights of subrogation against the CITY, its agents, officers, employees, and volunteers for losses arising from work performed by CLUB for the CITY. The CLUB's insurance policy(ies) shall include a provision that the coverage is primary as respects the CITY; shall include no special limitations to coverage provided to additional insured; and, shall be placed with insurer(s) with acceptable Best's rating of A:VII or with approval of the Risk Manager. CLUB must deliver certificates evidencing existence of the insurance listed above to the CITY prior to the time the contract is signed.

7.6. CLUB shall provide CITY with separate endorsements evidencing proof of the CITY's additional insured status as to both the general liability and automobile liability insurance policies. In addition, CLUB shall provide CITY with a Workers Compensation subrogation waiver by way of a separate endorsement. All endorsements referenced above must include the applicable policy number.
If at any time any of said policies shall be unsatisfactory to CITY, as to form or substance or if a company issuing such policy shall be unsatisfactory to CITY.

CLUB shall promptly obtain a new policy, submit the same to Risk Manager of CITY for approval and submit a certificate thereof as herein above provided. Upon failure of CLUB to furnish, deliver or maintain such insurance and certificates as above provided, this Agreement, at the election of CITY, may be forthwith declared suspended or terminated. Failure of CLUB to obtain and/or maintain any required insurance shall not relieve CLUB from any liability under this Agreement, nor shall the insurance requirements be construed to conflict with or otherwise limit the obligations of CLUB concerning indemnification. If CLUB maintains higher limits than the minimum shown above, the CITY requires and shall be entitled to coverage for the higher limits maintained.

7.7. CLUB shall require and verify that all subcontractors maintain insurance meeting all the requirements sated herein and CLUB shall ensure that the CITY is an additional insured on insurance required from all subcontractors. For CGL coverage, subcontractors shall provide coverage with a format least as broad as CG 20 28 04 13.

8. Alterations. CLUB may make no alterations, additions or improvements to the PARK without the CITY'S written approval. CITY's consent is hereby given to temporarily install the MODULAR at the TEMPORARY SITE. All necessary tasks, site improvements, and other improvements needed to install and make ready for occupation and use, except as explicitly identified as a responsibility of the CITY in Section 4 of this Agreement, shall be at the expense of the CLUB. CLUB indemnifies and holds CITY harmless from all costs, liability and loss of any kind and all claims of loss or liability in any way arising out of or by reason of any such alterations, additions and improvements. All furnishings and equipment which are not attached or affixed to the premises made or place by the CLUB shall be property of the CLUB and shall be removed by CLUB on or before December 31, 2020 or at the end of the last renewal term.

9. Utilities. CLUB shall pay all utilities associated with the use of the MODULAR including, but not limited to, telephone, internet, cable, gas, water, sewer and electricity.

10. Taxes. CLUB shall pay any real property taxes, taxes, assessments or fees assessed against the leased premises or any property of which CLUB are a part of at any time where such taxes result from the MODULAR.

11. Indemnification.

11.1. CLUB shall hall hold the CITY, its agents, officers, employees, and volunteers, harmless from and save, defend and indemnify them against any and all claims, losses, liabilities, judgments or damages from every cause, including but not limited to injury to person or property or wrongful death, including reasonable costs and expenses of defense of any judicial or administrative action, arising directly or indirectly out of any negligent or intentional act or omission of CLUB, or its agents, contractors, vendors, officers, employees, invitees or volunteers relating to or during the performance of its obligations under this Agreement.

CLUB's obligation to defend, indemnify, and hold the CITY, its agents, officers, and employees harmless under the provisions of this paragraph is not limited to or restricted by any requirement in this Agreement for CLUB to procure and maintain a policy of insurance.

11.2. City shall not be liable for any loss or damage to any personal property placed on the PREMISES.

12. Right of Entry upon PREMISES. CITY and its agents and employees shall have the right to enter upon said premises at all reasonable times to inspect the same to determine if CLUB is performing the covenants of this Agreement on its part to be performed, and to post such reasonable notices as CITY may desire to protect its rights.

13. Compliance with Laws. CLUB shall not do or suffer to be done on or about the premises anything that would or does violate or conflict with any applicable law, ordinance. rule or regulation which is now in force or effect or which may hereafter be enacted or adopted by federal, state, county of municipal authority.

14. Termination of Agreement by CITY. CITY shall have the right to immediately terminate this Agreement, in whole or in part, on the occurrence of any of the following events:

14.1. Filing by or the final adjudication of CLUB of any petition in bankruptcy or the making of any transfer of general assignment for the benefit of creditors which has not been previously authorized by CITY.

14.2. The failure of CLUB in the sole discretion of CITY to perform substantially or keep or observe any of the terms, covenants and conditions which it is obligated to

perform, keep or observe under this Agreement after the expiration of a fifteen (15) day period of warning or ultimatum given in writing by CITY to CLUB to correct any such deficiency or default.

14.3. The abandonment of the MODULAR or TEMPORARY SITE or any portion thereof or discontinuance of CLUB's presence, or any portion thereof. Should this occur, CITY shall not be responsible for the custodial protection of merchandise, fixtures, or equipment abandoned, even though it may be necessary for CITY to remove same from the premises for storage or disposal.

15. Failure to Vacate PARK. CLUB agrees to vacate the PARK by December 31, 2020 or upon the termination of this Agreement, whichever occurs first. If CLUB fails to vacate the PARK as provided herein, CLUB agrees that CITY, or its authorized agents, may enter upon the leased premises and remove all personal property therefrom and destroy the same and in this event CLUB waives any and all claims for damages against CITY, its agents or employees. Nothing herein shall be deemed a waiver of any rights of CITY to demand and obtain possession of said premises in accordance with law in the event of a violation of CLUB's part of any of the terms or conditions hereof.

16. Non-Waiver. Any waiver of any breach of covenants or conditions herein contained to be kept and performed by either party shall be effective only if in writing and shall not be deemed or considered as a continuing waiver and shall not operate to bar or prevent the other party from declaring a forfeiture or exercising its rights for any succeeding breach of either the same or other condition or covenant.

17. Not A Partnership. It is mutually understood and agreed that nothing in this Agreement is intended or shall be construed as in any way of creating or establishing a partnership between the parties hereto, or as constituting CLUB as agents or representatives of CITY for any purpose or in any manner whatsoever.

18. Entire Agreement. This Agreement contains the sole and only agreement of the parties. Any prior agreements, promises, negotiations or representations not expressly set forth in this Agreement are of no force or effect.

19. Notices. All notices pursuant to this Agreement shall be in writing and served on the other party (a) by personal delivery, or (b) by certified mail, return receipt requested, to the respective addresses set forth below:

CITY	City of Modesto Attn: City Manager PO Box 642 Modesto, California 95353
CLUB	Boys & Girls Clubs of Stanislaus County Attn: President & Chief Professional Officer 422 McHenry Avenue Modesto, California 95354

20. Any notice, approval, consent, waiver or other communication required or permitted to be given or to be served upon either Party in connection with this Agreement shall be in writing. Such notice shall be personally served, sent by facsimile, telegram, or cable, or sent prepaid by registered or certified mail with return receipt requested, or sent by reputable overnight delivery service, such as Federal Express, and shall be deemed given: (a) if personally served, when delivered to the Party to whom such notice is addressed; (b) if given by facsimile or email when sent; (c) if given by prepaid or certified mail with return receipt; or (d) if sent by reputable overnight delivery service, such as Federal Express, when received. Any notice given by facsimile or email shall be confirmed in writing, and such confirmation shall be sent or delivered by any of the other means of delivery set forth in Section, within forty-eight (48) hours after notice was sent by facsimile or email. Such notices shall be addressed the Party to whom such notice is to be given at the Party's address set forth below or as such Party shall otherwise direct in writing to the other Party delivered or sent in accordance with this Section.
21. Language Construction. The language of each and all paragraphs, terms and/or provisions of this Agreement shall, in all cases and for any and all purposes, and any and all circumstances whatsoever, be construed as a whole, according to its meaning, and not for or against any party hereto and with no regard whatsoever to the identity or status of any person or persons who drafted all or any portion of this Agreement.
22. Force Majeure. Neither the CITY nor the CLUB shall be liable for any delay or default in the performance of all or any part of this Agreement if such delay or default is caused by conditions beyond its control, including but not limited to, acts of the elements, fires, floods, or other casualties, accidents, strikes, work stoppages and continuing domestic or

international problems, such as war, riot, insurrection, revolution, acts of the public enemy, sabotage government instability, or changing government without the benefit of constitution. In such event, the party requesting excuse from performance shall notify the other party within five (5) business days of such an occurrence and the time for performance shall be extended for the length of any such delay.

23. Governing Law. This Agreement is entered into and shall be construed and interpreted in accordance with the laws of the State of California.
24. Venue. Venue for any action brought by either party to this Agreement against the other to enforce the terms and conditions thereof shall be maintained in Stanislaus County, California, in the proper court having jurisdiction.
25. Severability. If any terms, provision, covenant, or condition of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the rest of this Agreement shall remain in full force and effect, and shall in no way be affected, impaired or invalidated.
26. Amendment. This Agreement, including any exhibits hereto, shall not be amended, except in writing and signed by the parties. Any amendment or addendum to this Agreement shall expressly refer to this Agreement.
27. Attorney's Fees. In the event that either party hereto shall commence any legal action or proceeding against the other by reason of the alleged failure of the other to perform any term, covenant, or condition of this Agreement by them to be performed or kept the party prevailing in said action or proceeding shall be entitled to recover a reasonable attorney's fees to be fixed by the court, and such recovery shall include court costs and attorney's fees on appeal if any. As used herein, "the party prevailing" means the party in whose favor final judgment is rendered and "legal action or proceeding" includes arbitration.
28. Interpretation. This Agreement constitutes a fully-negotiated agreement among commercially sophisticated Parties, each assisted by legal counsel, and the terms of this Agreement shall not be construed or interpreted for or against any Party hereto because the Party or its legal representative drafted or prepared such provision.
29. Rights. This Agreement does not create, and shall not be construed to create, any rights enforceable by any person, partnership, corporation, joint venture, limited liability

company, or other form of organization or association of any kind that is not a Party to this Agreement.

30. Number and Gender. All words used herein in the singular number shall include the plural and the present tense, shall include the future and the masculine gender, and shall include the feminine and neuter.

IN WITNESS WHEREOF, the City of Modesto, a municipal corporation, has authorized the execution of this Agreement in duplicate by its City Manager and attestation by its City Clerk under authority of Resolution No. _____ adopted by the Council of the City of Modesto on the ____day of January, 2016, and Boys and Girls Club of Stanislaus County has caused this Agreement to be executed on the same date.

CITY OF MODESTO,
a municipal corporation

By: _____
JAMES N. HOLGERSSON,
City Manager

ATTEST:

By:

_____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
Beverly Jensen, Risk Manager

By: _____
Adam U. Lindgren, City Attorney

BOYS & GIRLS CLUBS OF
STANISLAUS COUNTY, a California
Non-Profit Public Benefit Corporation

By: _____
(signature)

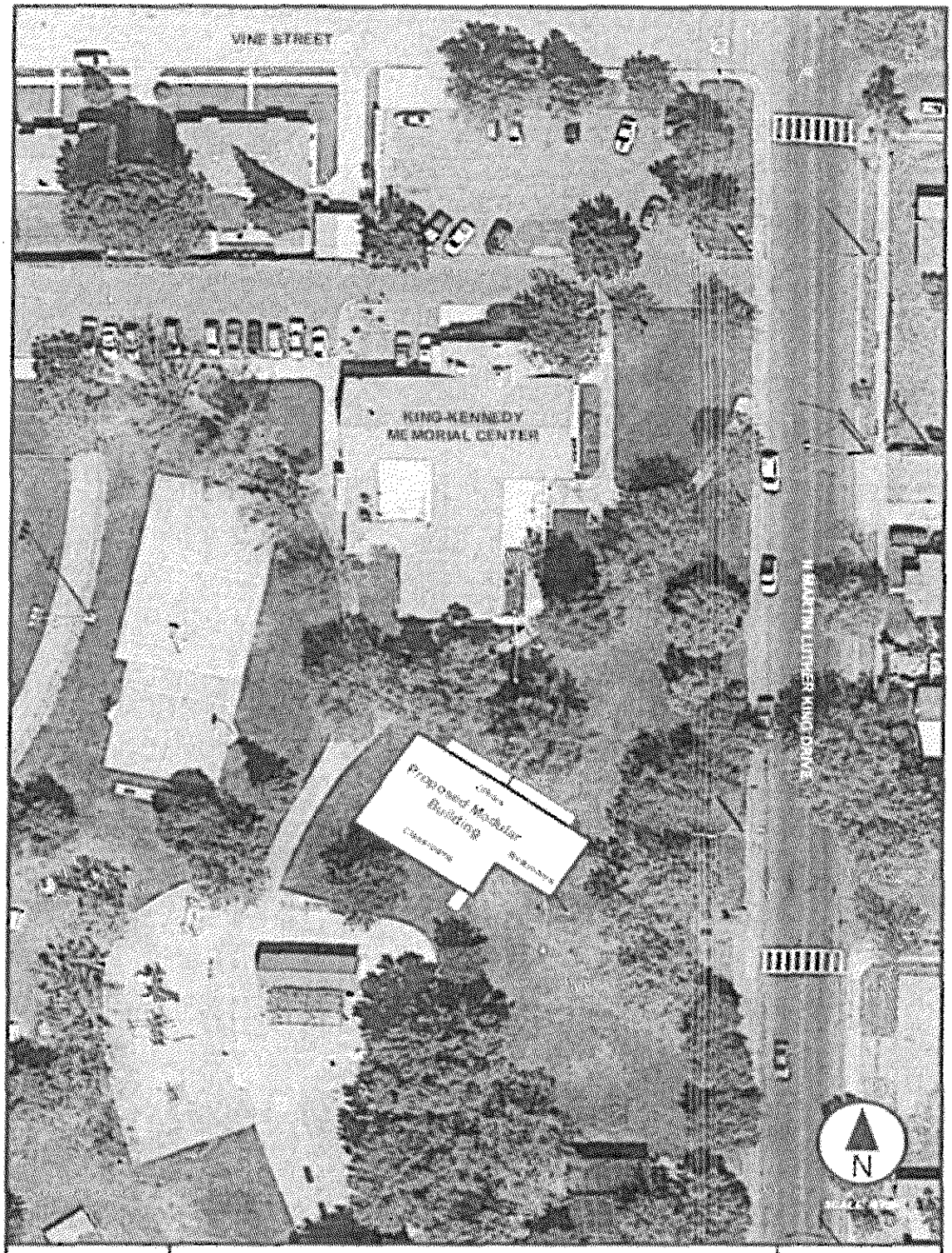
_____
Lincoln Ellis, President

By: _____
(signature)

_____
Laura Ward, Secretary

Federal ID #45-5034180

Exhibit A



MODESTO

BOYS & GIRLS CLUB
PROPOSED MODULAR BUILDING

N Martin Luther King Drive, Modesto CA 95351

COMMUNITY and ECONOMIC DEVELOPMENT DEPARTMENT

PARKS PLANNING and DEVELOPMENT DIVISION

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-20

RESOLUTION DECLARING THE CITY COUNCIL'S INTENTION TO ESTABLISH CITY OF MODESTO COMMUNITY FACILITIES NO. 2016-1 (KIERNAN BUSINESS PARK EAST #2) AND TO AUTHORIZE THE LEVY OF A SPECIAL TAX WITHIN SAID COMMUNITY FACILITIES DISTRICT

WHEREAS, the owners (collectively, the "Owners") of not less than 10 percent of the area of land depicted on the map of the proposed community facilities district referred to below on file with the City Clerk (the "Property"), has filed a written petition with the City of Modesto (the "City") to establish the City of Modesto Community Facilities No. 2016-1 (Kiernan Business Park East #2) (the "Community Facilities District") pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, commencing with Section 53311 of the Government Code of the Sate of California (the "Act") in order to finance (i) the cost of purchasing, constructing, expanding, improving or rehabilitating the facilities listed in Appendix A **attached** hereto, and all appurtenances and appurtenant work associated therewith (collectively the "Facilities") and (ii) the incidental expenses to be incurred in connection with financing the Facilities, including (a) the cost of engineering, planning and designing the Facilities; (b) all costs incurred in connection with financing the Facilities, and (c) all costs associated with the creation of the Community Facilities District, the determination of the amount of special taxes to be levied and costs otherwise incurred in order to carry out the authorized purposes of the Community Facilities District and administering the Community Facilities District (collectively, the "Incidental Expenses") and to pay the cost of the services listed in Appendix A hereto (the "Services"); and

WHEREAS, the Owners have heretofore submitted to the City an application to form the Community Facilities District pursuant to the City's Policies & Procedures for the Formation, Annexation, and Administration of Communities Facilities Districts Created Pursuant to the Provisions of the Mello Roos Community Facilities Act of 1982 (the "City's CFD Policies and Procedures"), and

WHEREAS, the Owners have heretofore submitted deposits required by the City for payment of City fees and costs incurred in conducting proceedings to create the Community Facilities District, and

WHEREAS, the petitions submitted by the Owners comply with the requirements of Section 53319 of the Act and the City's CFD Policies and Procedures; and

WHEREAS, subject to the satisfaction of all applicable requirements of law, it is the intention of this City Council to finance the Facilities and the Incidental Expenses and to pay for the Services through the formation of the Community Facilities District and the levy of a special tax, provided that the levy of the special tax are approved at an election to be held within the boundaries of the Community Facilities District;

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

SECTION 1. The above recitals are true and correct.

SECTION 2. The Community Facilities District is proposed to be established under the terms of the Act. It is further proposed that the boundaries of the Community Facilities District shall be as depicted on the map of the proposed Community Facilities District which is on file with the City Clerk. The City Clerk is hereby directed to sign the original map of the Community Facilities District and record it with all proper

endorsements thereon with the County Recorder of the County of Stanislaus within fifteen days after the adoption of this resolution, all as required by Section 3111 of the Streets and Highways Code of the State of California.

SECTION 3. The name of the proposed Community Facilities District shall be "City of Modesto Community Facilities District No. 2016-1 (Kiernan Business Park East #2)."

SECTION 4. The Facilities and Services proposed to be provided within the Community Facilities District are each facilities or services, as the case may be, which the City is authorized by law to construct, acquire, own and operate, or to provide. This City Council hereby finds and determines that the descriptions of the Facilities and the Services contained herein is sufficiently informative to allow taxpayers within the proposed Community Facilities District to understand what the funds of the Community Facilities District may be used to pay for. The Incidental Expenses expected to be incurred include the cost of planning and designing the Facilities, the costs of forming the Community Facilities District and levying and collecting a special tax within the Community Facilities District.

SECTION 5. Except where funds are otherwise available, it is the intention of this City Council to levy annually in accordance with the procedures contained in the Act special taxes, secured by recordation of a continuing lien against all non-exempt real property in the Community Facilities District, sufficient to pay for the Facilities, the Incidental Expenses and the Services. The Facilities shall be financed on a direct payment basis. The rate, method of apportionment and manner of collection of the special tax are described in detail in Appendix B **attached** hereto and incorporated herein

as though set forth at length (the "Rate and Method"). Appendix B allows each landowner within Tax Zone 1 of the Community Facilities District to estimate the maximum amount that may be levied against each parcel.

If special taxes of the Community Facilities District are levied against any parcel used for private residential purposes, (i) such tax shall not be levied or collected to pay for Facilities or Incidental Expenses after the 2061-62 tax year and (ii) under no circumstances will such special tax be increased as a consequence of delinquency or default by the owner of any other parcel or parcels within the Community Facilities District by more than ten percent (10%).

This City Council hereby determines the Rate and Method to be reasonable. The special tax is apportioned to each parcel on the basis of its land use and area pursuant to Section 53325.3 of the Act; and such special tax is not on or based upon the value or ownership of real property. In the event that a portion of the property within the Community Facilities District shall become for any reason exempt, wholly or partially, from the levy of the special tax, this City Council shall, on behalf of the Community Facilities District, cause the levy to be increased, subject to the limitation of the maximum special tax for a parcel as set forth in the Rate and Method, to the extent necessary upon the remaining property within the Community Facilities District which is not delinquent or exempt in order to yield the special tax revenues required for the purposes described in this Section 5.

SECTION 6. A public hearing (the "Hearing") on the establishment of the Community Facilities District and the proposed Rate and Method shall be held at 5:30 p.m., or as soon thereafter as practicable, on March 1, 2016, in the Modesto City Council

Chamber, 1010 Tenth Street, Modesto, California 95353. Should this City Council determine to form the Community Facilities District, a special election will be held to authorize the levy of the special tax in accordance with the procedures contained in Government Code Section 53326. If held, the proposed voting procedure at the election is expected to be a landowner vote with each landowner of record as of the close of the Hearing having one vote for each acre of land or portion thereof owned within the Community Facilities District. Ballots for the special election may be distributed by mail or by personal service.

SECTION 7. At the time and place set forth above for the Hearing, any interested person, including all persons owning lands or registered to vote within the proposed Community Facilities District, may appear and be heard.

SECTION 8. Each officer of the City who is or will be responsible for providing the Facilities or Services within the proposed Community Facilities District, if it is established, is hereby directed to study the proposed Community Facilities District and, at or before the time of the Hearing, file a report with this City Council containing a brief description of the Facilities or Services, as the case may be, which will in his or her opinion be required to meet adequately the needs of the proposed Community Facilities District and an estimate of the cost of providing those Facilities or Services and an estimate of the fair and reasonable cost of any Incidental Expenses to be incurred.

SECTION 9. The City may accept advances of funds or work-in-kind from any source, including, but not limited to, private persons or private entities, for any authorized purpose, including, but not limited to, paying any cost incurred by the City in creating the Community Facilities District. The City may enter into an agreement with the person or

entity advancing the funds or work-in-kind, to repay all or a portion of the funds advanced, or to reimburse the person or entity for the value, or cost, whichever is less, of the work-in-kind, as determined by this City Council, with or without interest.

SECTION 10. The Clerk is hereby directed to publish a notice (the "Notice") of the Hearing pursuant to Section 6061 of the Government Code in a newspaper of general circulation published in the area of the Community Facilities District. Such publication shall be completed at least seven days prior to the date of the Hearing. The Clerk is further directed to mail a copy of the Notice to each of the landowners and registered voters, if any, within the boundaries of the Community Facilities District at least 15 days prior to the Hearing. The Notice shall contain the text or a summary of this Resolution, the time and place of the Hearing, a statement that the testimony of all interested persons or taxpayers will be heard, a description of the protest rights of the registered voters and landowners in the proposed Community Facilities District and a description of the proposed voting procedure for the election required by the Act.

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

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

APPENDIX A

CFD No. 2016-1 (Kiernan Business Park East #2)

LIST OF FACILITIES

Water System:

Water system improvements include, but are not limited to, wells, water transmission pipelines, interior water mains, other water distribution lines, wellhead treatment systems, surface water supply pipelines, tanks, booster pumps, connections to existing water system, other water supply accessories and land acquisition. Water system improvements may be on-site or off-site.

Wastewater System:

Wastewater system improvements may include, but are not limited to, distribution pipelines, land acquisition, lift station(s), force main(s) and other wastewater system infrastructure. Wastewater system improvements may be on-site or off-site.

Transportation, Landscaping and Lighting System:

Transportation, lighting and landscaping system improvements include, but are not limited to, land acquisition, arterials and collector streets, round-abouts, traffic control devices, gateways, and other traffic related infrastructure. Landscaping and lighting improvements may include, but are not limited to, land acquisition and the construction of pavement, curb, gutter, sidewalk, irrigation improvements, separated bike paths and landscaping and lighting. Landscaping is included within the street right-of-way, landscape lots and gateways. Transportation, landscaping and lighting system improvements may be on-site or off-site.

Storm Drain System:

Storm drain system improvements include, but are not limited to, land acquisition, storm drainage facilities including pump station, dual-use detention basin and landscaping, fencing, lift stations, discharge mains and outfall structures, force mains, gravity collection storm water lines, infiltration pipes and trenches, bio-swales, storm water treatment devices and other storm drain infrastructure. Storm drain system improvements may be on-site or off-site. (the "Storm Drain System Facilities," and together with the Water System Facilities, the Wastewater System Facilities and the Transportation, Landscaping and Lighting System Facilities, the "Facilities").

Incidental Expenses:

Facilities include incidental expenses to be incurred, including (a) the cost of engineering, planning and designing the Facilities; (b) all costs incurred in connection with financing the Facilities, and (c) all costs associated with the creation of the Community Facilities District, the determination of the amount of special taxes to be levied and costs otherwise incurred in order to carry out the authorized purposes of the Community Facilities District and administering the Community Facilities District (collectively, the "Incidental Expenses").

Community Facilities District No. 2016-2 (Kiernan Business Park East #2)

LIST OF SERVICES

Authorized services include, but are not limited to, maintenance, repair and replacement of parkways, landscaped medians, storm drainage pump and basin facilities, catch basins, manholes, underground infiltration trenches and pipes, landscaped bio-swale lots and medians, storm water treatment devices and filters, shrubs, vines, ground cover, and irrigation systems. The services to be provided include, but are not limited to, litter and debris removal, pruning, staking, fertilizing, mowing, plant replacement and restoration, fire and weed control, erosion control, trimming of vegetation, and storm drain system and bio-swale maintenance. Services also include the following: (i) related reserves for the replacement of plants and materials, replacement of storm water treatment filters and other storm drainage facilities, or (ii) a sinking fund for services that could not otherwise be funded in a given fiscal year, or (iii) administrative fees of the City related to the Community Facilities District, including costs associated with preparing the annual special tax levy, or (iv) costs associated with legal services, advertising, legal notices, and mailings related to formation or administration of the Community Facilities District (collectively, the "Services").

APPENDIX B

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 2016-1
(KIERNAN BUSINESS PARK EAST)

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

Special Taxes applicable to each Assessor's Parcel in the City of Modesto Community Facilities District No. 2016-1 (Kiernan Business Park East) shall be levied and collected according to the tax liability determined by the Administrator through the application of the appropriate amount or rate for Taxable Property, as described below. All of the property in CFD No. 2016-1, unless exempted by law or by the provisions of Section F below, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to the CFD, unless a separate Rate and Method of Apportionment of Special Tax is adopted for the annexation area.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

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

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

"Administrative Expenses" means any or all of the following: expenses incurred by the City in carrying out its duties with respect to CFD No. 2016-1, including, but not limited to, levying and collecting the Special Taxes; the fees and expenses of legal counsel; charges levied by the County Auditor's Office, Tax Collector's Office, and/or Treasurer's Office; costs related to annexing property into the CFD; costs related to property owner inquiries regarding the Special Taxes; and all other costs and expenses of the City in any way related to the establishment or administration of the CFD.

"Administrator" means the person or firm designated by the City to administer the Special Taxes according to this RMA.

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

"Annual Maintenance Special Tax Requirement" means the amount of revenue needed in any Fiscal Year to pay for: (i) Authorized Services, (ii) establishment of reserves, (iii) Administrative Expenses, and (iv) amounts needed to cure any delinquencies in the payment of Annual Maintenance Special Taxes which have occurred in prior Fiscal Years.

"Assessor's Parcel" or **"Parcel"** means a lot or parcel shown on an Assessor's Parcel Map with an assigned Assessor's Parcel Number.

"Assessor's Parcel Map" means an official map of the County Assessor designating parcels by Assessor's Parcel Number.

"Assessor's Parcel Number" or **"APN"** means a unique number assigned to an Assessor's Parcel by the County Assessor for purposes of identifying a property.

"Authorized Services" means the public services authorized to be funded by the CFD as set forth in the documents adopted by the City Council when the CFD was formed.

"CFD" or **"CFD No. 2016-1"** means the City of Modesto Community Facilities District No. 2016-1 (Kiernan Business Park East).

"CFD Formation" means the date on which the Resolution of Formation to form CFD No. 2016-1 was adopted by the City Council.

"City" means the City of Modesto.

"City Council" means the City Council of the City of Modesto, acting as the legislative body of CFD No. 2016-1.

"County" means the County of Stanislaus.

"Escalation Factor" means, in any Fiscal Year, the greater of (i) the percentage increase, if any, in the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%).

"Final Map" means a final map approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410, *et seq.*) that creates individual lots on which a building permit can be issued for construction of residential units without further subdivision of the lots.

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

"Maximum Annual Maintenance Special Tax" means the Maximum Annual Maintenance Special Tax, determined in accordance with Section C, that can be levied in any Fiscal Year.

"Maximum One-Time Facilities Special Tax" means the greatest amount of One-Time Facilities Special Tax that can be levied on an Assessor's Parcel in any Fiscal Year determined in accordance with Section C below.

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

"One-Time Facilities Special Tax" means a special tax levied and collected in full by the City prior to a structural building permit being issued for new construction on a Parcel of Taxable Property.

"Proportionately" means the ratio of the actual Annual Maintenance Special Tax levied in any Fiscal Year to the Maximum Annual Maintenance Special Tax authorized to be levied in that Fiscal Year is equal for all Assessor's Parcels of Taxable Property.

"Public Property" means, in any Fiscal Year: (i) all Parcels within the boundaries of the CFD that are owned by or irrevocably offered for dedication to the federal government, the State of California, the City or any other public agency; provided, however, that any property leased by a public agency to a private entity and subject to taxation under Section 53340.1 of the Act (as such section may be amended or replaced) shall be taxed and classified in accordance with its use; or (ii) all Parcels within the boundaries of the CFD that are encumbered by an unmanned utility easement making impractical its utilization for other than the purpose set forth in the easement.

"RMA" means this Rate and Method of Apportionment of Special Tax.

"Special Taxes" means, collectively, the One-Time Facilities Special Tax and the Annual Maintenance Special Tax.

"Taxable Property" means all Assessor's Parcels within the boundaries of the CFD that are not exempt from the Special Taxes pursuant to law or Section F below.

"Taxable Public Property" means, in any Fiscal Year, all Parcels of Public Property within the CFD that, (i) based on a tentative map or other development plan, were expected to be Taxable Property and, (ii) based on this expectation, Maximum Annual Maintenance Special Taxes were assigned to the Parcels in prior Fiscal Years.

"Tax Zone" means a mutually exclusive geographic area within which the Special Taxes may be levied pursuant to this RMA. ***All of the property within CFD No. 2016-1 at the time of CFD Formation is within Tax Zone 1.*** Additional Tax Zones may be created when property is annexed to the CFD, and separate Maximum Special Taxes shall be identified for property within the new Tax Zone at the time of such annexation. The Assessor's Parcels included within a new Tax Zone established when such Parcels are annexed to the CFD shall be identified by Assessor's Parcel Number in the Unanimous Approval Form that is signed by the owner(s) of the Parcels at the time of annexation.

"Unanimous Approval Form" means that form executed by the record owner of fee title to a Parcel or Parcels annexed into the CFD that constitutes the property owner's approval and unanimous vote in favor of annexing into the CFD and the levy of Special Taxes against his/her Parcel or Parcels pursuant to this RMA.

B. DATA FOR ANNUAL TAX LEVY

Each Fiscal Year, the Administrator shall identify the current Assessor's Parcel Numbers for all Parcels of Taxable Property within the CFD. The Administrator shall also determine: (i) in which Tax Zone each Parcel of Taxable Property is located, (ii) the Acreage for each Parcel of Taxable Property, and (iii) the Annual Maintenance Special Tax Requirement for the then-current Fiscal Year.

In any Fiscal Year, if it is determined that (i) a Final Map or parcel map for a portion of property in the CFD was recorded after the last date upon which the Assessor will incorporate the newly-created Parcels into the then current tax roll, (ii) because of the date the Final Map or parcel map was recorded, the Assessor does not yet recognize the new Parcels created by the Final Map or parcel map, and (iii) one or more of the newly-created Parcels meets the definition of Taxable Property, the Administrator shall calculate the Special Tax for the property affected by recordation of the Final Map or parcel map by determining the Special Taxes that apply separately to each newly-created Parcel, then applying the sum of the individual Special Taxes to the Parcel that was subdivided by recordation of the Final Map or parcel map.

C. MAXIMUM SPECIAL TAXES

1. Tax Zone 1

Table 1 below identifies the Maximum One-Time Facilities Special Tax and Maximum Annual Maintenance Special Tax assigned to all Parcels of Taxable Property in Tax Zone 1 at CFD Formation and all Parcels that annex into Tax Zone 1 after CFD Formation.

TABLE 1
MAXIMUM SPECIAL TAXES FOR TAX ZONE 1
FISCAL YEAR 2015-16

Fiscal Year 2015-16 Assessor's Parcel Number (s)	*Fiscal Year 2015-16 Maximum One-Time Facilities Special Tax**	*Fiscal Year 2015-16 Maximum Annual Maintenance Special Tax**
XXX-XXX-XXX XXX-XXX-XXX	$0	$___ per Acre

** On January 1, 2016 and each January thereafter, the Maximum One-Time Facilities Special Tax and Maximum Annual Maintenance Special Tax rates shall be adjusted by the Escalation Factor. Each annual adjustment of the Maximum One-Time Facilities Special Tax and the Maximum Annual Maintenance Special Tax shall become effective on the subsequent July 1.*

2. Additional Tax Zones

If property is annexed into the CFD and a separate Tax Zone is established for such property, a Maximum One-Time Facilities Special Tax and a Maximum Annual Maintenance Special Tax will be identified for Taxable Property in the new Tax Zone in the Unanimous Approval Form signed by the annexing property owner.

D. METHOD OF LEVY OF SPECIAL TAXES

1. One-Time Facilities Special Tax

The Maximum One-Time Facilities Special Tax determined pursuant to Section C above shall be levied on all Taxable Property in CFD No. 2016-1 and shall be collected as set forth in Section E below.

2. Annual Maintenance Special Tax

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

Step 1: The Annual Maintenance Special Tax shall be levied Proportionately on each Parcel of Taxable Property that is not Taxable Public Property up to 100% of the Maximum Annual Maintenance Special Tax for each Parcel for such Fiscal Year;

Step 2: If additional revenue is needed after Step 1, the Annual Maintenance Special Tax shall be levied Proportionately on each Parcel of Taxable Public Property up to 100% of the Maximum Annual Maintenance Special Tax for each Parcel for such Fiscal Year.

E. COLLECTION OF SPECIAL TAXES

The Maximum One-Time Facilities Special Tax shall be collected prior to a building permit being issued for new construction of a structure on a Parcel of Taxable Property within CFD No. 2016-1, and shall be immediately delinquent if not so paid.

The Annual Maintenance Special Tax for CFD No. 2016-1 shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, that the City may directly bill, collect at a different time or in a different manner, and/or collect delinquent Annual Maintenance Special Taxes through foreclosure or other available methods. The Annual Maintenance Special Tax shall be levied and collected in perpetuity unless and until the City determines that the Annual Maintenance Special Tax no longer needs to be levied to pay for Authorized Services and Administrative Expenses.

F. EXEMPTIONS

Notwithstanding any other provision of this RMA, no Special Tax shall be levied on Parcels of Public Property except Taxable Public Property, as defined herein.

G. INTERPRETATION OF SPECIAL TAX FORMULA

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

H. ENFORCEMENT

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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-21

RESOLUTION DECLARING THE MODESTO CITY COUNCIL'S INTENTION TO ESTABLISH CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2016-2 (THE VINTAGE) AND TO AUTHORIZE THE LEVY OF A SPECIAL TAX WITHIN SAID COMMUNITY FACILITIES DISTRICT

WHEREAS, the owner ("Owner") of not less than 10 percent of the area of land depicted on the map of the proposed community facilities district referred to below on file with the City Clerk (the "Property"), has filed a written petition with the City of Modesto (the "City") to establish the City of Modesto Community Facilities No. 2016-2 (The Vintage) (the "Community Facilities District") pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, commencing with Section 53311 of the Government Code of the Sate of California (the "Act") in order to finance all costs associated with the creation of the Community Facilities District, the determination of the amount of special taxes to be levied and costs otherwise incurred in order to carry out the authorized purposes of the Community Facilities District and administering the Community Facilities District (collectively, the "Incidental Expenses") and to pay the cost of the services listed in **Appendix** A hereto (the "Services"); and

WHEREAS, the Owner has submitted to the City an application to form the Community Facilities District pursuant to the City's Policies & Procedures for the Formation, Annexation, and Administration of Communities Facilities Districts Created Pursuant to the Provisions of the Mello Roos Community Facilities Act of 1982 (the "City's CFD Policies and Procedures"), and

WHEREAS, the Owner has submitted deposits required by the City for payment of City fees and costs incurred in conducting proceedings to create the Community Facilities District, and

WHEREAS, the petition submitted by the Owner complies with the requirements of Section 53319 of the Act and the City's CFD Policies and Procedures; and

WHEREAS, subject to the satisfaction of all applicable requirements of law, it is the intention of this City Council to finance the Incidental Expenses and to pay for the Services through the formation of the Community Facilities District and the levy of a special tax, provided that the levy of the special tax are approved at an election to be held within the boundaries of the Community Facilities District;

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

SECTION 1. The above recitals are true and correct.

SECTION 2. The Community Facilities District is proposed to be established under the terms of the Act. It is further proposed that the boundaries of the Community Facilities District shall be as depicted on the map of the proposed Community Facilities District which is on file with the City Clerk. The City Clerk is hereby directed to sign the original map of the Community Facilities District and record it with all proper endorsements thereon with the County Recorder of the County of Stanislaus within fifteen days after the adoption of this resolution, all as required by Section 3111 of the Streets and Highways Code of the State of California.

SECTION 3. The name of the proposed Community Facilities District shall be "City of Modesto Community Facilities District No. 2016-2 (The Vintage)."

SECTION 4. The Services proposed to be provided within the Community Facilities District are services, as the case may be, which the City is authorized by law to construct, acquire, own and operate, or to provide. This City Council hereby finds and

determines that the descriptions of the Services contained herein is sufficiently informative to allow taxpayers within the proposed Community Facilities District to understand what the funds of the Community Facilities District may be used to pay for. The Incidental Expenses expected to be incurred include the cost of forming the Community Facilities District and levying and collecting a special tax within the Community Facilities District.

SECTION 5. Except where funds are otherwise available, it is the intention of this City Council to levy annually in accordance with the procedures contained in the Act special taxes, secured by recordation of a continuing lien against all non-exempt real property in the Community Facilities District, sufficient to pay for the Incidental Expenses and the Services. The rate, method of apportionment and manner of collection of the special tax are described in detail in Appendix B **attached** hereto and incorporated herein as though set forth at length (the "Rate and Method"). Appendix B allows each landowner within the Community Facilities District to estimate the maximum amount that may be levied against each parcel.

If special taxes of the Community Facilities District are levied against any parcel used for private residential purposes, (i) such tax shall not be levied or collected to pay for Incidental Expenses after the 2061-62 tax year and (ii) under no circumstances will such special tax be increased as a consequence of delinquency or default by the owner of any other parcel or parcels within the Community Facilities District by more than ten percent (10%).

This City Council hereby determines the Rate and Method to be reasonable. The special tax is apportioned to each parcel on the basis of its land use and area pursuant to

Section 53325.3 of the Act; and such special tax is not on or based upon the value or ownership of real property. In the event that a portion of the property within the Community Facilities District shall become for any reason exempt, wholly or partially, from the levy of the special tax, this City Council shall, on behalf of the Community Facilities District, cause the levy to be increased, subject to the limitation of the maximum special tax for a parcel as set forth in the Rate and Method, to the extent necessary upon the remaining property within the Community Facilities District which is not delinquent or exempt in order to yield the special tax revenues required for the purposes described in this Section 5.

SECTION 6. A public hearing (the "Hearing") on the establishment of the Community Facilities District and the proposed Rate and Method shall be held at 5:30 p.m., or as soon thereafter as practicable, on March 1, 2016, in the Modesto City Council Chamber, 1010 Tenth Street, Modesto, California 95353. Should this City Council determine to form the Community Facilities District, a special election will be held to authorize the levy of the special tax in accordance with the procedures contained in Government Code Section 53326. If held, the proposed voting procedure at the election is expected to be a landowner vote with each landowner of record as of the close of the Hearing having one vote for each acre of land or portion thereof owned within the Community Facilities District. Ballots for the special election may be distributed by mail or by personal service.

SECTION 7. At the time and place set forth above for the Hearing, any interested person, including all persons owning lands or registered to vote within the proposed Community Facilities District, may appear and be heard.

SECTION 8. Each officer of the City who is or will be responsible for providing the Services within the proposed Community Facilities District, if it is established, is hereby directed to study the proposed Community Facilities District and, at or before the time of the Hearing, file a report with this City Council containing a brief description of the Services, as the case may be, which will in his or her opinion be required to meet adequately the needs of the proposed Community Facilities District and an estimate of the cost of providing those Services and an estimate of the fair and reasonable cost of any Incidental Expenses to be incurred.

SECTION 9. The City may accept advances of funds or work-in-kind from any source, including, but not limited to, private persons or private entities, for any authorized purpose, including, but not limited to, paying any cost incurred by the City in creating the Community Facilities District. The City may enter into an agreement with the person or entity advancing the funds or work-in-kind, to repay all or a portion of the funds advanced, or to reimburse the person or entity for the value, or cost, whichever is less, of the work-in-kind, as determined by this City Council, with or without interest.

SECTION 10. The Clerk is hereby directed to publish a notice (the "Notice") of the Hearing pursuant to Section 6061 of the Government Code in a newspaper of general circulation published in the area of the Community Facilities District. Such publication shall be completed at least seven days prior to the date of the Hearing. The Clerk is further directed to mail a copy of the Notice to each of the landowners and registered voters, if any, within the boundaries of the Community Facilities District at least 15 days prior to the Hearing. The Notice shall contain the text or a summary of this Resolution, the time and place of the Hearing, a statement that the testimony of all interested persons

or taxpayers will be heard, a description of the protest rights of the registered voters and landowners in the proposed Community Facilities District and a description of the proposed voting procedure for the election required by the Act.

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

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

APPENDIX A

Community Facilities District No. 2016-2
(The Vintage)

LIST OF SERVICES

Authorized services include, but are not limited to, maintenance, repair and replacement of parkways, landscaped medians, storm drainage facilities, including but not limited to, catch basins, manholes, underground infiltration trenches and pipes, landscaped bio-swale lots and medians, storm water treatment devices and filters, shrubs, vines, ground cover, and irrigation systems. The services to be provided include, but are not limited to, litter and debris removal, pruning, staking, fertilizing, plant replacement and restoration, fire and weed control, erosion control, trimming of vegetation, and storm drain system maintenance. Services also include the following: (i) related reserves for the replacement of plants and materials, replacement of storm water treatment filters and other storm drainage facilities, or (ii) a sinking fund for services that could not otherwise be funded in a given fiscal year, or (iii) administrative fees of the City related to the Community Facilities District, including costs associated with preparing the annual special tax levy, or (iv) costs associated with legal services, advertising, legal notices, and mailings related to formation or administration of the Community Facilities District (collectively, the "Services").

APPENDIX B

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 2016-2
(SETROK MAINTENANCE)

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

A Special Tax applicable to each Assessor's Parcel in the City of Modesto Community Facilities District No. 2016-2 (Setrok Maintenance) shall be levied and collected according to the tax liability determined by the Administrator through the application of the appropriate amount or rate for Taxable Property, as described below. All of the property in CFD No. 2016-2, unless exempted by law or by the provisions of Section F below, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to the CFD, unless a separate Rate and Method of Apportionment of Special Tax is adopted for the annexation area.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

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

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

"Administrative Expenses" means any or all of the following: expenses incurred by the City in carrying out its duties with respect to CFD No. 2016-2, including, but not limited to, levying and collecting the Special Tax; the fees and expenses of legal counsel; charges levied by the County Auditor's Office, Tax Collector's Office, and/or Treasurer's Office; costs related to property owner inquiries regarding the Special Tax; and all other costs and expenses of the City in any way related to the establishment or administration of the CFD.

"Administrator" means the person or firm designated by the City to administer the Special Tax according to this RMA.

"Assessor's Parcel" or **"Parcel"** means a lot or parcel shown on an Assessor's Parcel Map with an assigned Assessor's Parcel Number.

"Assessor's Parcel Map" means an official map of the County Assessor designating parcels by Assessor's Parcel Number.

"Assessor's Parcel Number" or **"APN"** means a unique number assigned to an Assessor's Parcel by the County Assessor for purposes of identifying a property.

"Authorized Services" means the public services authorized to be funded by the CFD as set forth in the documents adopted by the City Council when the CFD was formed.

"CFD" or **"CFD No. 2016-2"** means the City of Modesto Community Facilities District No. 2016-2 (Setrok Maintenance).

"CFD Formation" means the date on which the Resolution of Formation to form CFD No. 2016-2 was adopted by the City Council.

"City" means the City of Modesto.

"City Council" means the City Council of the City of Modesto, acting as the legislative body of CFD No. 2016-2.

"Commercial Property" means all Parcels of Taxable Property for which a building permit has been or may be issued for construction of a commercial building, as determined by the City.

"County" means the County of Stanislaus.

"Developed Property" means, in any Fiscal Year, the following:

- for Single Family Residential Property, all Parcels of Taxable Property for which a Final Map was recorded prior to June 30 of the preceding Fiscal Year;

- for Multi-Family Property, all Parcels of Taxable Property for which a building permit for new construction of a residential structure was issued prior to June 30 of the preceding Fiscal Year; and

- for Commercial Property, all Parcels of Taxable Property for which a building permit for construction of a commercial structure was issued prior to June 30 of the preceding Fiscal Year.

"Escalation Factor" means, in any Fiscal Year, the greater of (i) the percentage increase, if any, in the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%).

"Final Map" means a final map approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410, *et seq.*) that creates individual lots on which a building permit can be issued for construction of residential units without further subdivision of the lots.

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

"Land Use Class" means one of the three mutually-exclusive land use classes identified in Table 1 in Section C below and defined in this Section A.

"Maximum Special Tax" means the maximum special tax, determined in accordance with Section C, that can be levied in any Fiscal Year.

"Multi-Family Property" means all Parcels of Taxable Property for which a building permit has been or may be issued for construction of a residential structure consisting of two or more residential units that share common walls, including but not limited to, townhomes, condominiums, duplexes, triplexes, fourplexes, and apartment units.

"Proportionately" means, for Developed Property, that the ratio of the actual Special Tax levied in any Fiscal Year to the Maximum Special Tax authorized to be levied in that Fiscal Year is equal for all Assessor's Parcels of Taxable Property that is Developed Property. For Undeveloped Property, "Proportionately" means that the ratio of the actual Special Tax to the Maximum Special Tax is equal for all Assessor's Parcels of Taxable Property that is Undeveloped Property. For Taxable Public Property, "Proportionately" means that the ratio of the actual Special Tax to the Maximum Special Tax is equal for all Assessor's Parcels of Taxable Public Property.

"Public Property" means, in any Fiscal Year: (i) all Parcels within the boundaries of the CFD that are owned by or irrevocably offered for dedication to the federal government, the State of California, the City or any other public agency; provided, however, that any property leased by a public agency to a private entity and subject to taxation under Section 53340.1 of the Act (as such section may be amended or replaced) shall be taxed and classified in accordance with its use; and (ii) all Parcels within the boundaries of the CFD that are encumbered by an unmanned utility easement making impractical its utilization for other than the purpose set forth in the easement.

"RMA" means this Rate and Method of Apportionment of Special Tax.

"Single Family Residential Lot" means an individual numbered lot which is in its final configuration and for which a building permit may be issued for a single family residential unit.

"Single Family Residential Property" means, in any Fiscal Year, all Parcels of Taxable Property for which a building permit has been or may be issued for construction of a residential structure on a Single Family Residential Lot.

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

"Special Tax Requirement" means the amount of revenue needed in any Fiscal Year to pay for: (i) Authorized Services, (ii) establishment of reserves, (iii) Administrative Expenses, and (iv) amounts needed to cure any delinquencies in the payment of Special Taxes which have occurred in prior Fiscal Years.

"Taxable Property" means all Assessor's Parcels within the boundaries of the CFD that are not exempt from the Special Tax pursuant to law or Section F below.

"Taxable Public Property" means, in any Fiscal Year, all Parcels of Public Property within the CFD that, (i) based on a tentative map or other development plan, were expected to be Taxable Property and, (ii) based on this expectation, Maximum Special Taxes were assigned to the Parcels in prior Fiscal Years.

"Undeveloped Property" means, in any Fiscal Year, all Parcels of Taxable Property within CFD No. 2016-2 that are not Developed Property.

B. DATA FOR SPECIAL TAX LEVY

Each Fiscal Year, the Administrator shall identify the current Assessor's Parcel Numbers for all Parcels of Taxable Property within the CFD. The Administrator shall also determine: (i) whether each Parcel of Taxable Property is Developed Property or Undeveloped Property, (ii) which Parcels are Commercial Property, Single Family Residential Property, and Multi-Family Property, (iii) the Acreage of each Parcel of Commercial Property and Multi-Family Property, and (iv) the Special Tax Requirement for the then-current Fiscal Year.

In any Fiscal Year, if it is determined that (i) a Final Map or parcel map for a portion of property in the CFD was recorded after the last date upon which the Assessor will incorporate the newly-created Parcels into the then current tax roll, (ii) because of the date the Final Map or parcel map was recorded, the Assessor does not yet recognize the new Parcels created by the Final Map or parcel map, and (iii) one or more of the newly-created Parcels meets the definition of Taxable Property, the Administrator shall calculate the Special Tax for the property affected by recordation of the Final Map or parcel map by determining the Special Taxes that apply separately to each newly-created Parcel, then applying the sum of the individual Special Taxes to the Parcel that was subdivided by recordation of the Final Map or parcel map.

C. MAXIMUM SPECIAL TAXES

Table 1 below identifies the Maximum Special Tax assigned to all Parcels of Taxable Property.

TABLE 1
MAXIMUM SPECIAL TAXES
FISCAL YEAR 2015-16

	Land Use Category	*Fiscal Year 2015-16 Maximum Special Tax**
Developed Property	Single Family Residential Property	$___ per Lot
	Multi-Family Property	$___ per Acre
	Commercial Property	$___ per Acre
Undeveloped Property	Single Family Residential Property	$___ per Acre
	Multi-Family Property	$___ per Acre
	Commercial Property	$0 per Acre

**** On January 1, 2016 and each January thereafter, the Maximum Special Tax rates shall be adjusted by the Escalation Factor. Each annual adjustment of the Maximum Special Tax shall become effective on the subsequent July 1***

D. METHOD OF LEVY OF SPECIAL TAXES

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

Step 1: The Special Tax shall be levied Proportionately on each Parcel of Developed Property within the CFD up to 100% of the Maximum Special Tax for each Parcel of Taxable Property for such Fiscal Year;

Step 2: If additional revenue is needed after Step 1, the Special Tax shall be levied Proportionately on each Assessor's Parcel of Undeveloped Property that is not Commercial Property within the CFD, up to 100% of the Maximum Special Tax for each Parcel of Taxable Property for such Fiscal Year;

Step 3: If additional revenue is needed after applying the first two steps, the Special Tax shall be levied Proportionately on each Assessor's Parcel of Taxable Public Property, up to 100% of the Maximum Special Tax assigned to each Parcel of Taxable Public Property.

E. COLLECTION OF SPECIAL TAXES

The Special Tax shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, that the City may directly bill, collect at a different time or in a different manner, and/or collect delinquent Special Taxes through foreclosure or other available methods. The Special Tax shall be levied and collected in perpetuity unless and

until the City determines that the Special Tax no longer needs to be levied to pay Authorized Services and Administrative Expenses.

F. EXEMPTIONS

Notwithstanding any other provision of this RMA, no Special Tax shall be levied on Parcels of Commercial Property that are Undeveloped Property and Parcels of Public Property, except Taxable Public Property, as defined herein.

G. INTERPRETATION OF SPECIAL TAX FORMULA

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

H. ENFORCEMENT

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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-22

RESOLUTION APPROVING A $62,636 HOME REPAIR PROGRAM LOAN FOR BETTY ODELL-LAGESSE FOR HER PROPERTY LOCATED AT 1437 OAKWOOD DRIVE, MODESTO

WHEREAS, in May 1994, the home located at 1437 Oakwood Drive, Modesto (Home) was transferred to Betty Odell-LaGesse (Homeowner). The 1,285 square foot home was built in 1954 and contains 3 bedrooms and 2 bathrooms; and

WHEREAS, on October 6, 2014, the Homeowner contacted the City of Modesto (City) to request financial assistance for repairs and improvements to the home; and

WHEREAS, on July 14, 2015, staff met with the homeowner to conduct an assessment of the home and City staff found signs of a leaking roof, dry rot damage to roof sheathing, single pane windows throughout the house, loose flooring in multiple rooms, warped exterior doors, 20-year old heating and air units as well as non-wheelchair accessible bathrooms; and

WHEREAS, due to the age of the home and the number of impacted surfaces, the exterior of the home requires a complete re-paint to mitigate and comply with all lead based paint laws; and

WHEREAS, upon reviewing the homeowner's financial application and documentation, staff determined that homeowner's income fall within the extremely low range (30% of the AMI) for a household size of two, and

WHEREAS, six bids were received for this project, ranging from $57,977 to $69,740; only two bids were valid; JSL Construction of Modesto was the lowest bid at $57,977 and was within 15% of the in-house estimate of $54,590; and

WHEREAS, the $62,636 loan amount includes additional funds for contingency, permit fees, title insurance, and the 2% loan fee. A more detailed breakdown of the project improvements and corresponding costs are provided in the Home Repair Program Loan Summary provided as **Attachment** 1;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby approves a $62,636 Home Repair Program Loan for Betty Odell-LaGesse for her property located at 1437 Oakwood Drive, Modesto

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

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

ATTACHMENT 1

HOME REPAIR PROGRAM LOAN SUMMARY

1437 Oakwood Drive, Modesto: Betty Odell-LaGesse			
		Loan Number:	ERLF-403
CONTRACTOR'S PROJECT COSTS			Amount
Loan Estimate for Improvements			
A1	Excavation and Demolition: interior and exterior to build the master bathroom addition	$	850.00
A2	Concrete: concrete Tee footings and flatwork for the addition	$	950.00
A3	Rough Framing: master bathroom addition and interior modifications of existing residence. Repair Water damage to the ceiling	$	1,670.00
A4	Rough Plumbing: Handicapped shower, vanity/sink and tub/shower controls for the master bath	$	1,100.00
A5	Exterior Wall Coverings	$	650.00
E6	Insulation	$	700.00
A7	Doors: 7 interior/exterior doors	$	5,500.00
A8	Sheetrock/ Tape/Texture	$	2,700.00
A9	Painting exterior/interior	$	3,950.00
E10	Finish Electrical	$	1,930.00
A11	Finish Plumbing: to include handicapped shower unit and ADA Toilet	$	6,570.00
A12	Roofing	$	10,000.00
E13	Heating and Air Conditioning	$	5,850.00
D14	Flooring	$	6,675.00
D15	Appliance	$	2,507.00
D16	Trim Out Completion	$	375.00
Grant Estimate for Energy Efficiency Improvements			
E17	Windows; 15 dual glazed, Low-E	$	6,000.00
	Subtotal: Contractor's Estimate		$57,977.00
Other Estimated Expenses			
City Permit Fees		$	1,400.00
Total Project Contingency (12%)		$	6,957.24
	TOTAL Project Costs		$66,334.24

LESS Energy Efficiency Grant (Up to $5,000)	$	(5,000.00)

Subtotal - Loan Amount	$	61,334.24
2% Loan Fee	$	1,226.68
Title Permit Fee	$	75.00

TOTAL LOAN	$	62,635.92

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-23

RESOLUTION AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION FOR $4,085,000 TO THE CALIFORNIA AIR RESOURCES BOARD (CARB) THROUGH THE SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT (SJVAPCD) FOR FISCAL YEAR 2014-2015 AND 2015-2016 FUNDS UNDER THE AIR QUALITY IMPROVEMENT PROGRAM AND LOW CARBON TRANSPORTATION GREENHOUSE GAS REDUCTION FUNDS FOR PURCHASING FOUR ZERO EMISSION BUSES, FOUR BUS YARD CHARGERS, AND TWO FAST CHARGERS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL GRANT APPLICATION AND GRANT AGREEMENT DOCUMENTS

WHEREAS, Assembly Bill 118 (2007), created the Low Carbon Transportation Greenhouse Gas Reduction Fund, and

WHEREAS, Assembly Bill 1532 (2012), Senate Bill 535 (2012) and Senate Bill 1018 (2012) established that the California Air Resources Board's Greenhouse Gas Reduction Funds would administer Cap-and-Trade auction proceeds, and

WHEREAS, the California Air Resources Board (CARB) has developed guidelines for the purpose of administering the Greenhouse Gas Reduction Funds, and

WHEREAS, the statutes related to Greenhouse Gas Reduction Funds require Modesto to abide by various regulations, and

WHEREAS, in Fiscal Years 2014-2015 and 2015-2016 CARB made available up to $64,000,000 to eligible grant recipients, and

WHEREAS, the San Joaquin Valley Air Pollution Control District (SJVAPCD) has created a partnership to bring zero-emission transit technology to the San Joaquin Valley, and

WHEREAS, the City of Modesto is an eligible project sponsor and may receive state funding from the Greenhouse Gas Reduction Fund through the SJVAPCD, and

WHEREAS, the City of Modesto agrees to comply with all of the conditions and requirements set forth by the Greenhouse Gas Reduction Fund.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Modesto the City desires to submit a grant application for $4,085,000 to CARB through SJVAPCD for fiscal year 2014-2015 and 2015-2016 funds under the Air Quality Improvement Program and low carbon transportation Greenhouse Gas Reduction Funds for the purchase of four zero emission buses, four bus yard chargers and two fast chargers.

BE IT FURTHER RESOLVED that the City Manager is authorized to execute all necessary grant documents with CARB on behalf of the City of Modesto.

BE IT FURTHER RESOLVED that the City Manager is authorized to designate the Director of Public Works to execute all necessary grant documents with CARB on behalf of the City of Modesto.

BE IT FURTHER RESOLVED that the City Manager is authorized to designate the Transit Manager to execute all necessary grant documents with CARB on behalf of the City of Modesto.

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

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-24

RESOLUTION APPROVING A COST-SHARING AGREEMENT FOR ASSOCIATED TASK ITEMS OF WORK TO SHARE CERTAIN COSTS BETWEEN THE DEL PUERTO WATER DISTRICT, THE CITY OF TURLOCK, AND THE CITY OF MODESTO FOR THE PHASE 4 IMPLEMENTATION SUPPORT OF THE NORTH VALLEY REGIONAL RECYCLED WATER PROGRAM, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, on January 12, 2010, the City Council, by Resolution No. 2010-016, approved moving forward with a Regional Recycled Water Delivery System Feasibility Study (Phase 1 Feasibility Study) in partnership with the Del Puerto Water District (DPWD) in a Cost-sharing Agreement, and

WHEREAS, on April 27, 2010, the City Council, by Resolution No. 2010-149, approved an Amendment to the Cost-sharing Agreement with DPWD, and

WHEREAS, DPWD hired RMC Water and Environment (RMC) to perform the Phase 1 Feasibility Study, and was responsible for managing the contract, and

WHEREAS, on May 22, 2012, the City Council, by Resolution 2012-180, approved the Cost-sharing Agreement for the Phase 2 Feasibility Study between the Cities of Modesto and Turlock and DPWD to further refine program alternatives, and

WHEREAS, on February 14, 2014, the City Council, by Resolution No. 2014-68 approved the Cost-sharing agreement for the Phase 3 Feasibility Study, between the Cities of Modesto and Turlock and DPWD, and

WHEREAS, the Phase 3 Feasibility Study is essentially complete and provided conceptual engineering design, environmental analysis and documentation, water rights support and necessary project approvals for the preferred recycled water conveyance alternative, and

WHEREAS, other major NVRRWP project milestones have also been completed, and on November 4, 2015, by Resolution No. 2015-422, City Council approved an agreement to begin a Design-Build (D-B) process in order to expedite the delivery of the NVRRWP, and

WHEREAS, there are some NVRRWP non-construction project elements that need to be addressed before and during construction that are not included in D-B process, including institutional and regulatory support, CWSRF loan support, and program management, and

WHEREAS, it is desired, for project continuity, to have RMC continue providing this Phase 4 Implementation Support of the NVRRWP, and

WHEREAS, Del Puerto Water District Board and the Turlock City Council are expected to approve the Cost-sharing Agreement at a later date.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Cost-sharing Agreement for associated task items of work to share certain costs between the Del Puerto Water District, the City of Turlock, and the City of Modesto for the development of NVRRWP Phase 4 Implementation Support.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Cost-sharing Agreement.

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

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-25

RESOLUTION AMENDING THE FISCAL YEAR 2015-2016 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $500,000 TO FULLY FUND THE CITY'S PORTION OF THE PHASE 4 IMPLEMENTATION SUPPORT, AND INCREASED STAFFING COSTS ASSOCIATED WITH THE PHRASE 4 REVIEW AND OVERALL PROGRAM SUPPORT

WHEREAS, certain budgetary transactions are necessary in the amount of $500,000 in order to fully fund the City's share of the Cost-sharing Agreement with Del Puerto Water District and the City of Turlock for the Regional Recycled Water Phase 4 Implementation Support (Phase 4) and increased staffing costs associated with the Phase 4 review and overall program support, and

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

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

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized to implement the provisions of this resolution.

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

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT A

Due to the City's portion of the Phase 4 Implementation Support, project account #100521, is being increased to fund the non-construction project elements that will need to be addressed before and during construction of the North Valley Regional Recycled Water Program, the total project cost needs to be increased by $450,000.

Additionally, funds are necessary to cover increased staffing costs associated with Phase 4 review and overall program support in the amount of $50,000.

This would be done by transferring $500,000 from Wastewater Reserves Account.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-26

RESOLUTION APPROVING THE WASTEWATER ENGINEER'S REPORT PREPARED BY CAROLLO ENGINEERS, INC. AS COMPLETE

WHEREAS, The City of Modesto collects and treats wastewater from approximately 210,000 customers within the sewer service area, as well as from unincorporated areas including the community of Empire and part of the City of Ceres, and

WHEREAS, The City's wastewater system consists of two wastewater treatment facilities, over 600 miles of sanitary sewer lines (ranging from 6 inches to 66 inches in diameter), and 39 sewer lift stations, and

WHEREAS, on September 2, 2014, by Resolution No. 2014-334, the City Council approved a contract with Carollo Engineers, Inc. (Carollo) to prepare a Wastewater Master Plan (WWMP), and

WHEREAS, as part of the WWMP, Carollo reviewed and revised the wastewater capital improvement projects (CIPs), anticipated costs and priorities, and developed a Wastewater Engineer's Report, and

WHEREAS, The Engineer's Report is the basis document for the Sewer Rates and Fee Study, providing the justification and allocation of costs for the proposed wastewater CIPS between existing and future customer classes, and

WHEREAS, the Wastewater Engineer's Report is now complete and has identified almost $500 million in CIPs, including nearly $200 million between FY 2016-2020,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Wastewater Engineer's Report prepared by Carollo Engineers, Inc. as complete.

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

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

This document is released for the purpose of information exchange review and planning only under the authority of Michael J. Britten, January 12, 2016, California No. 27729.

CITY OF MODESTO

ENGINEER'S REPORT
JUSTIFICATION AND COST ALLOCATION FOR PROPOSED WASTEWATER COLLECTION SYSTEM AND TREATMENT PLANT IMPROVEMENTS

FINAL DRAFT
January 2016

2700 YGNACIO VALLEY ROAD, SUITE 300 • WALNUT CREEK, CALIFORNIA 94598 • P. 925.932.1710 • F. 925.930.0208

CITY OF MODESTO

ENGINEER'S REPORT
JUSTIFICATION AND COST ALLOCATION FOR PROPOSED WASTEWATER COLLECTION SYSTEM AND TREATMENT PLANT IMPROVEMENTS

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ENGINEER'S REPORT - JUSTIFICATION AND COST ALLOCATION FOR PROPOSED WASTEWATER COLLECTION SYSTEM AND TREATMENT PLANT IMPROVEMENTS

1.0 INTRODUCTION

The purpose of the Engineer's Report is to provide the basis for establishing wastewater sewer service charges and connection fees to fund the wastewater Capital Improvement Program (CIP). This report lists project costs, describes project phasing, and explains the methodologies used to allocate costs to different categories of customers.

The wastewater CIP was developed from the draft 2016 Wastewater Master Plan currently in progress. This plan identified deficiencies and capacity needs for the wastewater treatment system and collection system (sewers) from now until the year 2035. These needs were based on projected growth and land use patterns for the City's current service area and unserved areas that extend to the sphere of influence (SOI) boundaries.

The CIP includes improvements in the following areas:

- Collection System Improvements, including:
  - Pipeline replacement/addition to provide hydraulic capacity for peak wet weather flows (PWWFs).
  - New sewers or extensions of sewers to serve future customers.
  - Rehabilitation and replacement improvements.
  - Upgrades to improve reliability.
  - Removal of storm drain cross connections.
- Sutter Avenue Primary Treatment Plant (Sutter Plant) improvements to improve treatment reliability and increase capacity.
- Outfall Pipelines to improve reliability and increase capacity.
- Jennings Road Secondary/Tertiary Treatment Plant (Jennings Plant) improvements to improve reliability and increase capacity.

2.0 SUMMARY OF RECOMMENDED COST ALLOCATIONS

Estimated costs and recommended cost allocations to customers are summarized in Table 1.

3.0 COLLECTION SYSTEM SERVICE AREA AND PROJECTED WASTEWATER CONTRIBUTIONS

3.1 Study Area and Population Projections

The study area for this report includes current city limits, a portion of north Ceres, the unincorporated community of Empire, and isolated unincorporated Stanislaus County land ("islands") within city limits. For north Ceres and unincorporated areas, the City treats wastewater under separate sewer service agreements. The study area (shown in Figure 1) encompasses the City's SOI boundary, Empire, and north Ceres, which is consistent with the City's updated Urban Area General Plan.

The City provides wastewater (sewer) service for over 200,000 customers within city limits and approximately 900 customers within the Empire Sanitary District. Population and land use projections prepared for the Master Plan indicate that areas extending to the SOI boundaries will be only partially developed by the end of 2035. In fact, full build-out of the SOI is not expected until the year 2057. By 2035, the number of municipal customers is projected to increase at an average growth rate of 1.3 percent to a total service population of 270,900.

In addition to municipal customers, the City serves industries in the Beard Industrial Park. These industries include seasonal canneries and year-round food processors. The City's conveyance and treatment systems will be modified to accommodate these flows separately from the domestic wastewater treatment systems. To do this, process water leaving the industries, known locally as "Can Seg" flow, will flow directly to the Jennings Plant by separate piping. At the Jennings Plant, Can Seg flow will either be used to irrigate ranch land or will be treated with the upgraded secondary treatment facilities. This will depend on the season or the current conditions.

3.2 Existing Wastewater Facilities

The City's wastewater collection system consists of approximately 620 miles of sanitary sewer lines, ranging from 4 inches to 66 inches in diameter, and 41 lift stations. Another 32 miles of sewers that are either privately owned or associated with north Ceres are connected to the City's collection system.

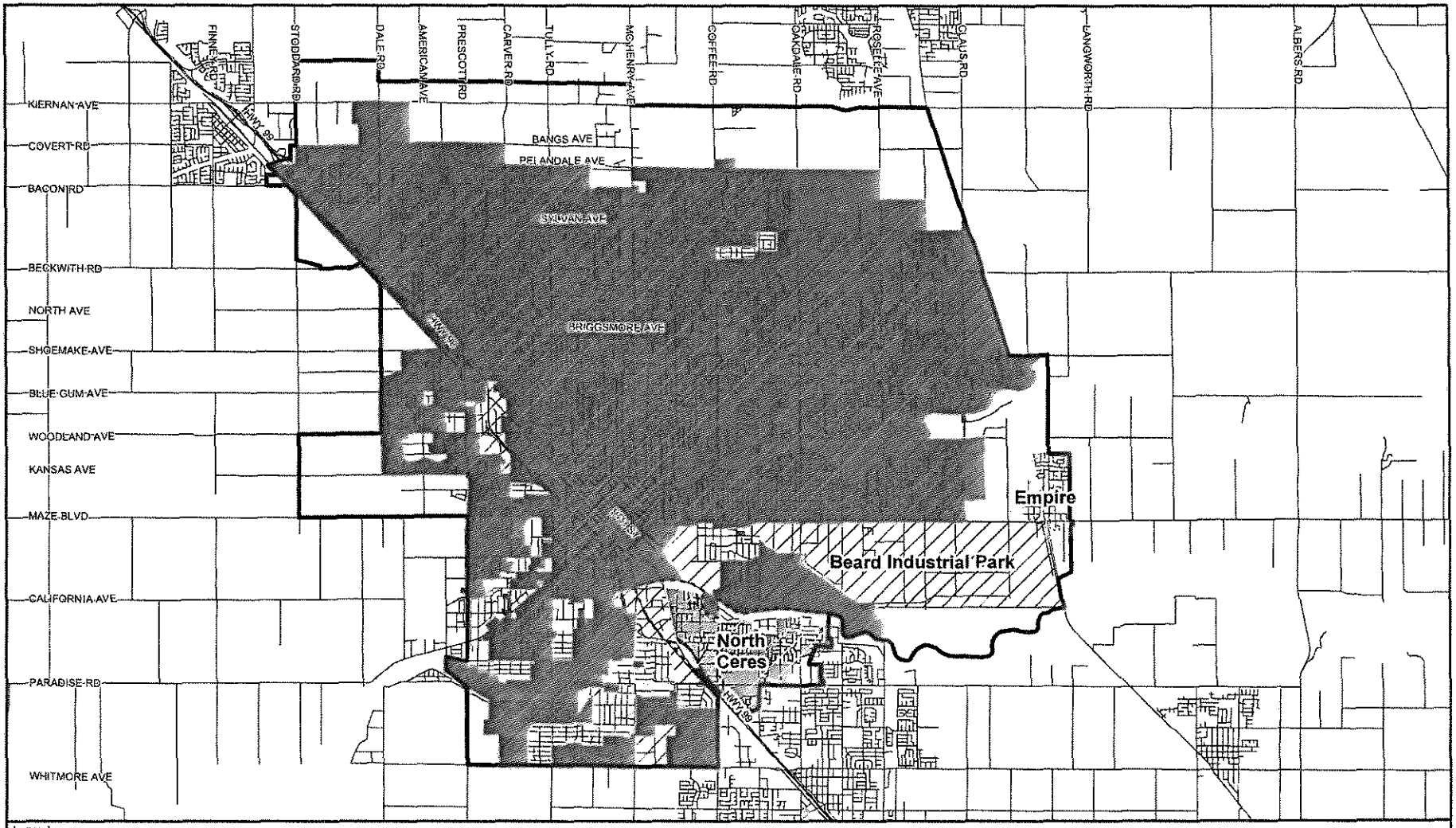
With the exception of localized septic systems, all wastewater generated within the service area receives treatment at the City's treatment facilities. These facilities consist of two treatment plants that operate in series and are connected by two 6.5-mile long outfall pipelines (see Figure 2).

The Sutter Plant is located at the south end of Sutter Avenue adjacent to the Tuolumne River. There, the plant provides primary treatment and solids handling. Most of the primary

Table 1 Recommended Cost Allocations
Engineer's Report
City of Modesto, California

Project Component	Total Project Cost[1]	Domestic Users: Existing Users $	Domestic Users: Existing Users %	Domestic Users: Future Users $	Domestic Users: Future Users %	Can Seg Users $	Can Seg Users %	Comments
Collection System								
Capacity Improvements	$103.6	$65.1	62.8%	$38.6	37.2%	$ -	-	Improvements are primarily for existing deficiencies. Where future capacity is provided, allocations are based on PWWF.
New Growth Improvements	35.4	-	0.0	35.4	100.0	-	-	Includes extensions for future capacity.
Rehabilitation and Replacement	56.0	50.1	89.3	6.0	10.7	-	-	Project-by-project allocation is based on relative PWWF.
Reliability Improvements	5.6	3.5	61.8	2.1	38.2	-	-	Project-by-project allocation is based on relative PWWF.
Storm Drain Removal	17.0	17.0	100.0	-	0.0	-	-	Improvements are for existing deficiencies.
Total - Collection System	**$217.7**	**$135.6**	**62.3%**	**$82.1**	**37.7%**	-	-	
Wastewater Treatment Improvements								
Sutter Plant Improvements								
Influent Pump Station Improvements	$ 2.2	$ -	0.0%	$ 2.2	100.0%	$ -	0.0%	Improvement for future growth.
Headworks Improvements[2]	14.8	7.6	51.5	1.5	10.4	5.7	38.1	Includes replacement and expansion. Allocation is based on relative PWWF.
Outfall Pump Station Replacement	17.3	14.4	83.2	2.9	16.8	-	0.0	Includes replacement and expansion. Allocation is based on relative PWWF.
Decommission of Abandoned Facilities	4.9	3.7	74.5	1.2	25.5	-	0.0	Allocation is based on relative maximum month flow (MMF).
Allowance for Flood Protection	2.0	2.0	100.0	-	0.0	-	0.0	Improvements for an existing condition.
Subtotal - Sutter Plant	**$41.3**	**$27.7**	**67.1%**	**$ 7.9**	**19.2%**	**$ 5.7**	**13.7%**	
Outfall Pipelines Improvements								
Tuolumne River Crossings	$26.0	$ 9.1	35.0%	$ 1.8	7.1%	$15.1	58.0%	Includes upgrade and expansion; 100% of Can Seg Outfall crossing and 20% of Domestic Outfall and Third Outfall crossings allocated to Can Seg. Domestic allocation is based on relative PWWF.
Constructing a Third Outfall	60.7	40.4	66.5	8.2	13.5	12.1	20.0	Allocates 20% to Can Seg. Domestic allocation is based on relative PWWF.
Slip Lining the Can Seg Outfall	10.5	-	0.0	-	0.0	10.5	100.0	Benefits only Can Seg customers.
Subtotal - Outfall Facilities	**$97.2**	**$49.5**	**50.9%**	**$10.0**	**10.3%**	**$37.7**	**38.8%**	
Jennings Plant Improvements								
Secondary Treatment/Can Seg Treatment Facilities[3]	$ 52.4	$ 8.6	16.4%	$ 2.9	5.6%	$40.9	78.0%	Includes upgrade and expansion. Allocation is based on BOD loading to secondary treatment facilities.
Primary Treatment and Solids Handling Facilities[4]	93.5	69.6	74.5	23.9	25.5	-	0.0	Includes replacement and upgrade. Allocation is based on relative MMF.
Miscellaneous Repairs	0.9	0.1	16.6	<0.1	5.7	0.7	77.6	Allocation is based on BOD loading to secondary treatment facilities.
Subtotal - Jennings Plant	**$146.8**	**$78.4**	**53.4%**	**$26.9**	**18.3%**	**$41.6**	**28.3%**	
Engineering Studies								
Master Plan Updates	$2.0	$1.1	54.5%	$0.3	15.7%	$0.6	29.8%	Allocation is based on overall allocation percentages for total CIP.
Land Application Study	0.3	-	0.0	-	0.0	0.3	100.0	Includes a study to determine BOD loading for the land application of Can Seg flows.
Subtotal - Engineering Studies	**$2.3**	**$1.1**	**48.4%**	**$0.3**	**14.0%**	**$0.8**	**37.6%**	
Total - Wastewater Treatment	**$287.6**	**$156.7**	**54.5%**	**$45.1**	**15.7%**	**$85.8**	**29.8%**	
Total - Collection System and Wastewater Treatment Improvements	**$505.3**	**$292.3**	**57.8%**	**$127.2**	**25.2%**	**$85.8**	**17.0%**	

Notes:
(1) Total project costs are presented in millions of dollars and rounded to the nearest hundred thousand. The collection system costs are provided as present value based on an ENR CCI number of 10037 corresponding to the 20-City Average Index in July 2015. The wastewater treatment costs are provided as present value based on an ENR CCI number of 10270 corresponding to the 20-City Average Index in December 2015. Costs are not escalated to future years. Total project costs include allowances for contingencies, engineering, legal, administration, and permitting costs.
(2) Includes New Dryden Box, New West Junction Structure, Influent Screening Improvements, Grit Removal Improvements, Ventilation Improvements, Influent Flume Improvements, and Pumping Plant No. 3 Improvements.
(3) Includes Fixed Film Reactors and Pump Station Rehabilitation, Nutrient Feed and pH Control Systems, Peroxide Feed System, Aerator Addition in Recirculation Channel, and DAF Piping Modifications.
(4) Includes Primary Treatment Facilities, Yard Piping and Structures, Anaerobic Digesters, WAS Thickening and Biosolids Dewatering, and Sludge Cake Drying Beds.



Legend

- City Limits
- Study Area Boundary
- Sphere of Influence
- North Ceres
- Roads

Modesto Municipal District #1

- MMSD No. 1 Sewer Service Area
- Sewer Service by Agreement

Source: Collection System Master Plan

Miles 0 1 2

SEWER SERVICE STUDY AREA

FIGURE 1

CITY OF MODESTO
ENGINEER'S REPORT

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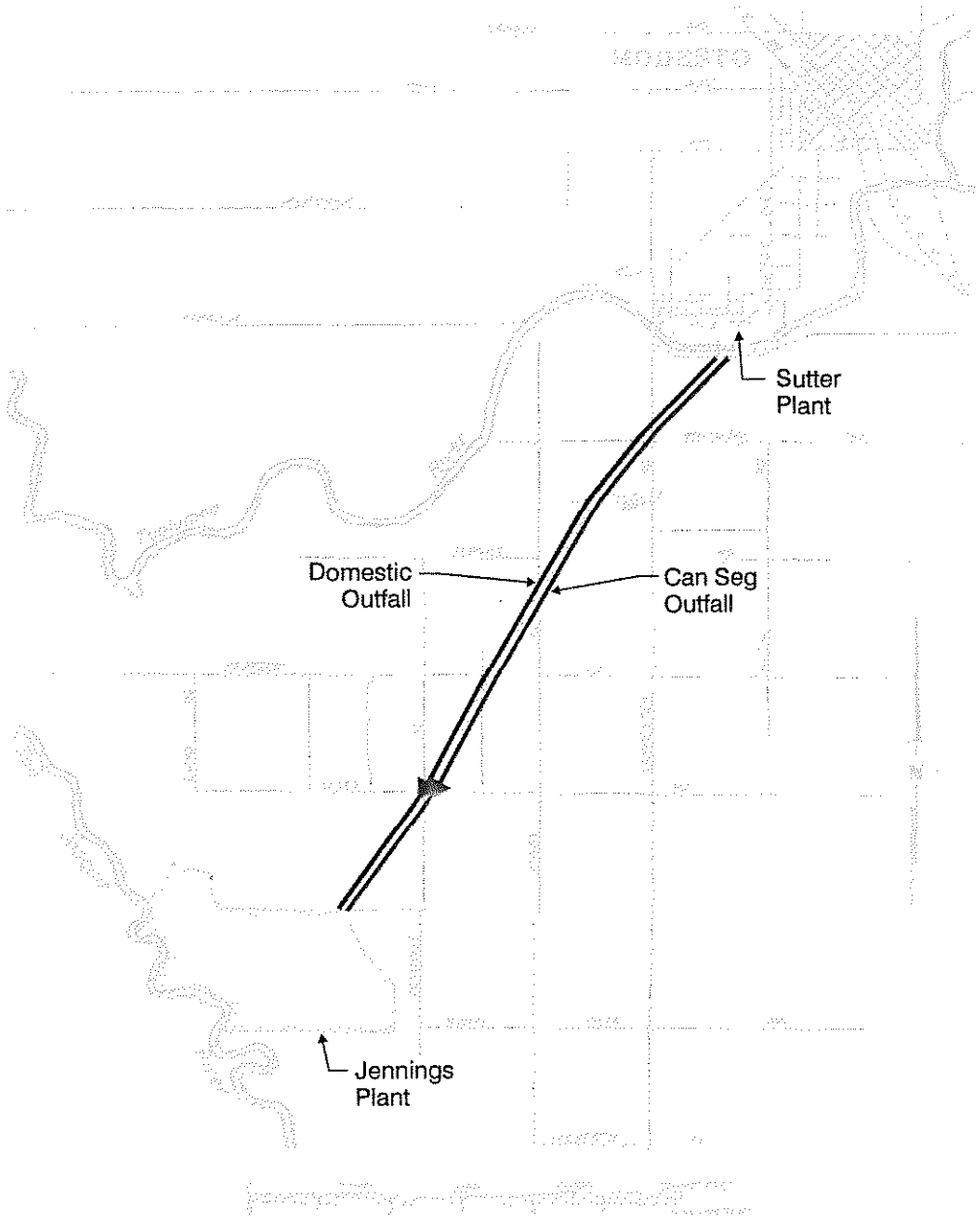

WASTEWATER TREATMENT FACILITIES SITE LOCATION

Source: Wastewater Treatment Master Plan

FIGURE 2

CITY OF MODESTO
ENGINEER'S REPORT

carollo WEST YOST ASSOCIATES

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treatment and solids handling facilities are old and nearing the ends of their useful lives. The Sutter Plant's location near the Tuolumne River also creates a flood risk.

Primary effluent from the Sutter Plant flows through the two 6.5-mile long outfall pipelines to the Jennings Plant, which is located next to the San Joaquin River (SJR) on Jennings Road near the intersection with West Zeering Road. The Jennings Plant treatment processes include secondary treatment, tertiary treatment, and a 2,526-acre ranch irrigated with secondary effluent during the irrigation season and Can Seg flows during the canning season. During the non-irrigation season, secondary effluent is either stored in the City's two storage ponds or discharged to the SJR from October to May. Tertiary effluent is used in the same manner. Although this is the current practice, the City will implement an offsite tertiary recycled water project by early 2018 that will utilize all tertiary flows.

3.3 Wastewater Flow Categories

Wastewater from the Modesto service area comes from two main sources: domestic flows and Can Seg flows.

3.3.1 Domestic Flows

Domestic wastewater consists of the following categories:

- Domestic sources (residential and commercial).
- Minor industrial sources, which consist of 26 industries with a total combined flow averaging about 0.7 million gallons per day (mgd) (2013–2014 average).
- Major non-Can Seg industrial sources, which consist of 12 industries with a total combined flow averaging 1.5 mgd (2012–2014 average).

Flows from the minor industries have characteristics similar to domestic wastewater from residents, whereas major industrial flows have higher concentrations of organic constituents than typical domestic flows. Nonetheless, for this report, flows from minor industries, major industries, and residential sources will be collectively referred to as "domestic" flows. Projected domestic flows and loadings are summarized in Table 2.

3.3.2 Can Seg Flows

Can Seg flows consist of process water from canneries and food processors. The Can Seg Line (CSL) conveys these flows separately to ranch land at the Jennings Plant, where they are combined with secondary effluent and used for irrigation. During the non-canning season, process flows from year-round food processors are combined with the influent wastewater at the Sutter Plant and treated with domestic flows. However, as previously mentioned, after improvements are made to the secondary treatment system at the Jennings Plant, this practice will be discontinued and Can Seg flows will be processed solely at the Jennings Plant.

Table 2	Domestic Wastewater Flows Engineer's Report City of Modesto, California		
Parameter	**Units**	**Current[1,2] (2015)**	**Projected[1,2] (2035)**
Average			
Flow (AAF)	mgd	18.5	24.9
BOD	mg/L	340	360
BOD	ppd	52,300	75,800
TSS	mg/L	310	320
TSS	ppd	48,500	66,400
Peak 30-Day			
Flow (MMF)	mgd	20.4	27.4
BOD	mg/L	400	430
BOD	ppd	68,200	98,700
TSS	mg/L	420	430
TSS	ppd	72,200	99,000
Peak Hour			
Dry Weather Flow (PDWF)	mgd	36.5	48.6
Wet Weather Flow (PWWF)	mgd	70.7	93.7

Notes:
(1) This is the total flow to the domestic collection system, including domestic, minor industrial, and major non-Can Seg industrial flows. This information is from the draft Wastewater Treatment Master Plan (Carollo 2016).
(2) The loadings in pounds per day were rounded to the nearest hundred. The concentrations were rounded to the nearest ten.

Projected Can Seg flows and loadings are summarized in Table 3.

Table 3	Can Seg Water Flows and Loadings Engineer's Report City of Modesto, California				
		Current (2015)		**Projected Canning Season**	
Parameter	**Units**	**Non-Canning Season[1,2]**	**Canning Season[1,2]**	**Additional Treatment Capacity[1,2,3]**	**Total[1,2]**
Average					
Flow (AAF)	mgd	1.60	14.8		
BOD	mg/L	1,510	2,450		
BOD	ppd	20,200	301,000		
TSS	mg/L	310	880		
TSS	ppd	4,200	108,000		
Peak 30-Day					
Flow (MMF)	mgd	1.77	20.3	5	25.3
BOD	mg/L	1,760	2,620	2,620	2,620
BOD	ppd	26,100	444,000	109,000	553,000
TSS	mg/L	470	840	840	840
TSS	ppd	6,900	143,000	35,000	178,000

Notes:
(1) From the draft Wastewater Treatment Master Plan (Carollo 2016).
(2) The loadings in pounds per day were rounded to the nearest hundred. The concentrations were rounded to the nearest ten.
(3) The Secondary Treatment/Can Seg Treatment Facilities upgrade project will provide treatment capacity for 5 mgd of Can Seg flow at the peak 30-day loadings. These upgrades are scheduled to be completed at the end of 2019.

4.0 JUSTIFICATION FOR COLLECTION SYSTEM IMPROVEMENTS

The 2016 Master Plan has identified necessary wastewater collection system improvements over the next 20 years to the year 2035. These improvements are categorized below.

- **Capacity Improvements:** Capacity improvements include either replacing existing trunk sewers or pump stations or adding new trunk sewers or pump stations to adequately convey current PWWFs. As growth continues and more users contribute to the system, flow will increase. This will, in some cases, create additional capacity deficiencies. Therefore, the existing collection system was also evaluated to identify flow capacity deficiencies during peak flow conditions at build-out of the service area. Projects identified for these conditions are considered capacity related and are not considered an expansion of the system to connect future users.

- **New Growth Improvements:** These include new pump stations and/or extensions of existing trunk sewers to serve new customers.

- **Rehabilitation and Replacement (R&R) Improvements:** These include improvements to the existing trunk sewers or pump stations to extend their useful lives, repair structural deficiencies, and/or improve performance for adequate capacity throughout the planning period.

- **Reliability Improvements:** These include adding parallel sewers where existing sewers cross below major obstacles and prevent access. The sewer crossing below Highway 99 is an example of this.

- **Storm Drain Cross Connection Removal:** Currently, the City has 60 known storm drain cross connection where storm water runoff discharges to the sanitary sewer system. On the basis of discussions with the City, Carollo developed the hydraulic model, capacity evaluation, and proposed improvements assuming these connections will be removed in the future.

Justifications for capital improvement projects for the wastewater collection system are provided in the following sections. The recommended collection system projects are shown on Figure 3 and listed in Appendix A. Table 4 summarizes the cost for each project category, which is then described in the following sections.

The estimated costs are in 2015 dollars and are referenced to the 20-City Average Engineering News Record Construction Cost Index (ENR CCI) of 10037 (July 2015). Construction costs include a 25 percent estimating contingency. Project costs include construction costs and a 30 percent allowance for engineering, legal, and administration costs.

Table 4	Collection System Capital Cost Summary by Project Type Engineer's Report City of Modesto, California
Improvement Type	**Total Project Cost[1]**
Capacity Improvements	$103.6
New Growth Improvements	$35.4
R&R Improvements	$56.0
Reliability Improvements	$5.6
Storm Drain Removal	$17.0
Total	**$217.7**

Note:
(1) Total project costs are presented in millions of dollars and rounded to the nearest hundred thousand. Costs are provided as present value based on an ENR CCI number of 10037 corresponding to the 20-City Average Index in July 2015. Costs are not escalated to future years. Total project costs include an allowance for contingencies, engineering, legal, and administration costs.

4.1.1 Capacity Improvement Projects

4.1.1.1 Assumptions and Criteria

According to the design criteria established in the Master Plan, gravity sewers must be able to convey PWWFs while maintaining a maximum flow depth to pipe diameter (d/D) ratio of 0.85. In other words, the sewers should not be more than 85 percent full during PWWF conditions. The collection system lift stations must also be able to reliably pump PWWF. This means that pump station capacity should meet the standards of "firm capacity," which is the pumping capacity with the largest pump out of service.

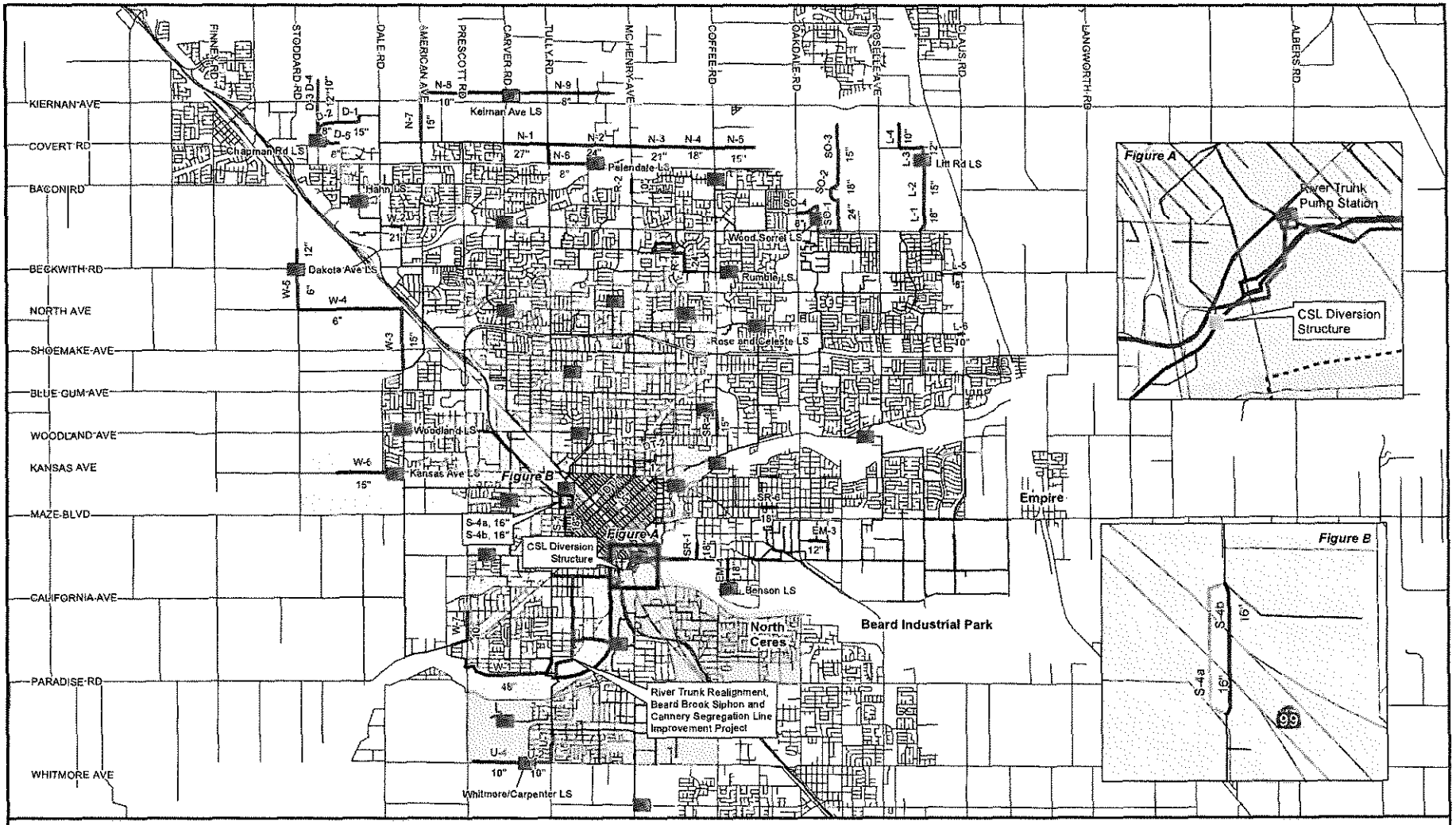
The hydraulic model developed for the Master Plan simulated peak flows during a 10-year, 24-hour storm. This model identified both pipeline sections that exceeded the maximum allowable d/D criteria of 0.85 as well as lift stations that lacked sufficient firm capacity.

4.1.1.2 Improvements for Current PWWF Conditions

The following sections summarize recommended improvements to accommodate PWWFs under current conditions. For each tributary area's designated area number, refer to Figure 3.

4.1.1.2.1 Area 1

- **Hahn Lift Station (Project LS 19):** Improvements to this lift station are currently under design to increase the firm capacity from 0.65 mgd to 1.3 mgd. The two existing pumps will be replaced with two 900-gpm pumps. In addition, the station will be relocated from the southwest corner of Nightingale Drive and Honey Creek Road to the southeast corner.



Legend

- Capacity Pump Station Improvements
- Capacity Pipeline Improvements
- New Service Pump Station Improvements
- New Service Pipeline Improvements
- Rehabilitation Pipeline Improvements
- Reliability Pipeline Improvements
- Existing Lift Station
- Existing Pipelines

Tributary Areas

- Area 1
- Area 2
- Area 3
- Area 4
- Area 5
- Area 6
- Area 7
- Area 8/Northern Ceres
- Area 9
- Area 10

Source: *Collection System Master Plan*

0 4,000 8,000 Feet

COLLECTION SYSTEM IMPROVEMENTS

FIGURE 3

CITY OF MODESTO
ENGINEERS REPORT

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- **Rumble Lift Station (Project LS 30):** The Rumble Lift Station is located on Rumble Road near Bay Lane. The two existing 950-gpm pumps will be replaced with larger pumps to increase the pumping capacity from 1.37 mgd to 2.33 mgd.

4.1.1.2.2 Area 3

Major projects recommended for Area 3 include the River Trunk Realignment and the River Trunk Pump Station. In 2015, the City completed a Preliminary Design Report (PDR) for improvements to bypass the capacity constraints in the River Trunk and eliminate the inverted siphons at the Dry Creek crossing near the Gallo property. These projects will consist of a new alignment for the gravity flow section of the River Trunk and a new River Trunk pump station.

The projects in Area 3 are described below.

- **48-inch Gravity Sewer along Tuolumne Blvd (Project RT-1):** This project consists of 2,300 feet of 48-inch diameter gravity sewer in Tuolumne Boulevard between Neece Drive and Colorado Avenue. This segment will convey flow from the River Trunk Pump Station force mains to a new 54-inch gravity diameter sewer along Colorado Avenue.

- **54-inch Gravity Sewer along Colorado Ave (Project RT-2):** The pipeline will be located in Colorado Boulevard between Tuolumne Boulevard and Pelton Avenue. Flows from the River Trunk and Sutter Trunk will combine at the intersection of Tuolumne and Colorado and continue south to the Sutter Plant. The total length of the sewer will be 4,000 feet.

- **Gravity Sewer along Colorado Ave to Sutter Plant (Project RT-3):** This project adds a gravity sewer ranging from 60 inches to 84 inches in diameter. The sewer will extend 3,300 feet south along Colorado Avenue and terminate at the Sutter Plant. It will convey flows from the River Trunk, Sutter Trunk, and Shakelford Pump Station.

- **21-inch Gravity Sewer along Tuolumne Blvd (Project RT-4):** This project will relieve PWWFs from the Sutter Trunk to the River Trunk. It consists of 1,300 feet of 21-inch diameter pipeline in Tuolumne Boulevard that will connect to the new River Trunk at Colorado Boulevard.

- **Dual Force Mains along Tuolumne Blvd (Project RT-5):** This project adds new parallel 30-inch and 42-inch diameter force mains that will convey flow pumped from the River Trunk Pump Station to a discharge structure in Tuolumne Boulevard. At the structure, flow will transition from pumped flow to gravity flow. The two new force mains will be 2,600 feet long.

- **Beard Brook North Gravity Alignment (Project RT-6):** This project will replace the existing Beard Brook Siphon with a 48-inch diameter gravity pipeline. The new

pipeline will run from west of Beard Brook Park to the River Trunk Pump Station and will cover a distance of 3,900 feet. This project will eliminate the need for an inverted siphon under Dry Creek and address maintenance and odor issues associated with the siphon.

- **36-inch and 48-inch Gravity Sewer from B St to Pumping Station (Project RT-7):** This project adds 36-inch and 48-inch gravity sewers that will run from Calaveras Street to the inlet of the River Trunk Pump Station. They will cover a distance of 1,500 feet.

- **14-inch Shackelford Force Main and 18-inch Gravity Sewer (Project RT-8):** This project adds a 14-inch diameter force main that will convey flows from the new Shackelford pump station beneath the Tuolumne River. The new force main will be inserted in a recently completed inverted siphon under the Tuolumne River. Beyond the crossing, the force main will continue north through the Dryden Park Golf Course and terminate at an 18-inch diameter gravity pipeline in Roselawn Avenue. Flows will be conveyed to the River Trunk at Colorado and Pelton.

- **Shackelford Pump Station:** This pump station will pump flows through a new force main under the Tuolumne River and discharge into the River Trunk. It will be expanded to provide a firm capacity of 4.2 mgd.

- **River Trunk Pump Station:** This pump station will allow the River Trunk to be moved from the Tuolumne River bank, which is susceptible to erosion and flooding during high river flows. The pump station's pumping capacity will be 54.5 mgd.

4.1.1.2.3 Area 4

- **Downtown Trunk (Project DT-1):** Flow levels in the 12-inch trunk sewer in J Street cause the pipeline to surcharge, meaning the flow exceeds the crown of the pipe. Therefore, the pipeline will be replaced with a new 15-inch diameter pipeline extending approximately 2,400 feet from McHenry Avenue to 12th Street.

- **Downtown Trunk (Project DT-2):** PWWFs in the existing 10-inch diameter pipelines in Kimble Street and Floto Street result in a d/D of 0.90, which exceeds the maximum d/D criteria of 0.85. These pipelines will be replaced with approximately 1,000 feet of 12-inch diameter pipeline.

4.1.1.2.4 Area 5

- **Santa Rosa Trunk (Project SR-4):** The flow level in the existing 10-inch diameter pipelines in Coffee Road between Fairmont Avenue and Lucern Avenue exceeds the maximum d/D criteria under PWWF conditions, which causes the pipeline to surcharge above the crown. Accordingly, the pipeline will be replaced with 1,600 feet of new 15-inch diameter pipeline.

- **Rose and Celeste Lift Station (Project LS 29):** The existing Rose and Celeste Lift Station is located on Rose Avenue and Celeste Drive. This project will increase the firm capacity from 0.86 mgd to 1.3 mgd to accommodate PWWFs.

4.1.1.2.5 Area 6

- **Empire Trunk (Project EM-3):** This project will replace the existing 10-inch diameter pipeline in Hoover Avenue and Doherty Avenue with approximately 1,800 feet of 12-inch diameter pipeline. This improvement is required because the flow level under PWWF conditions is at 95 percent full, which exceeds the design d/D.

- **Empire Trunk (Project EM-4):** The flow level in the 15-inch diameter trunk in Benson Avenue between Monterey Avenue and Oregon Drive reaches 93 percent capacity under PWWF conditions. The existing pipeline will be replaced with 1,400 feet of 18-inch diameter pipeline.

- **Benson Lift Station (Project LS 03):** The existing Benson Lift Station is located on Benson Avenue between Hillside Drive and Trenary Way. This project will increase the firm capacity from 0.22 mgd to 1.3 mgd to provide reliable capacity for current and future PWWFs.

4.1.1.3 Improvements for Future PWWF Conditions

The following sections summarize recommended improvements to accommodate PWWFs at build-out of the service area.

4.1.1.3.1 Area 1

- **West Trunk (Project W-1):** At build-out of Area 1, the increased flow from new growth and infill will cause flow levels in the lower reach of the West Trunk to exceed the maximum depth criteria. The deficient pipelines extend 5,300 feet and range from 54 inches to 60 inches in diameter. To increase capacity within this reach, a new parallel 48-inch diameter pipeline will be added, extending 5,200 feet from Carpenter Road to Sutter Plant. The project will not be required until Area 1 is built-out.

- **West Trunk (Project W-2):** Future PWWFs in the 18-inch diameter trunk in Veneman Avenue, located between Hahn Drive and Dale Road, will exceed the maximum depth criteria. To mitigate the deficiency, the pipeline will be replaced with 650 feet of 21-inch diameter pipeline.

- **Woodland Lift Station (Project LS 39):** The firm capacity of the Woodland Lift Station, located near the Woodland Avenue and Poust Road intersection, lacks sufficient capacity for the PWWFs at build out. Accordingly, its firm capacity will be expanded from 20.9 mgd to 25.2 mgd.

- **Rumble Trunk (Project R-1):** The flow depth in the Rumble Trunk from Rumble Road to Maud Kump Terrace will exceed the maximum depth criteria at build-out. Currently, this project is in the planning phase and will replace 4,200 feet of existing 21-inch diameter pipeline from Claremont Avenue to Don Caster Lane with 5,100 feet of 24-inch diameter pipeline. A portion of the existing pipeline alignment is in an alley and will be abandoned. The new alignment will continue north to Barringham Lane and connect to the existing system in Don Caster Lane.

4.1.1.3.2 Area 3

- **Sutter Trunk (Project S-1):** The existing 16-inch diameter trunk in Jefferson Avenue between Maze Boulevard and Oak Street will exceed the maximum depth criteria. This project will replace the existing pipeline with 760 feet of 18-inch diameter pipeline.

4.1.1.3.3 Area 10

- **Ustick Trunk (Project U-1):** New growth in Area 10 will cause the Ustick Trunk to surcharge. The 12-inch diameter pipeline, extending from Whitmore Avenue to Imperial Avenue, will be replaced with 2,100 feet of 15-inch diameter pipeline.

4.1.2 New Growth Improvement Projects

The projects described below are required to extend existing trunk sewers and/or add new pump stations to serve new customers.

4.1.2.1 Area 1

- **West Trunk (Projects W-3 through W-5 and Dakota Avenue LS 64):** These projects are recommended to serve future growth within the Beckwith-Dakota and College West comprehensive planning districts (CPDs). In this area, a new lift station and force main will be required. The force main will convey flow from the lift station to the existing West Trunk on the west side of Highway. The project consists of the following segments:
  - Project W-3 consists of 4,000 feet of 15-inch diameter pipeline from North Avenue to McDonald Avenue, which is where the pipeline will connect to the West Trunk.
  - Project W-4 consists of 9,000 feet of 6-inch diameter force main to connect LS 64 to Project W-3. The force main will be aligned down Dakota Avenue and North Avenue.
  - Project W-5 consists of 1,200 feet of 12-inch diameter pipeline in Dakota Avenue to LS 64. LS 64 will have a firm capacity of 0.5 mgd.
- **West Trunk (Projects W-6 and Kansas Avenue LS 63):** These improvements will service future growth within the Highway 132 CPD. Project W-6 consists of a 4,300-ft

long, 15-inch diameter pipeline that will connect to the West Trunk. Lift Station 63 will convey future flows from the Highway 132 CPD and will have a firm capacity of 1.0 mgd.

- **West Trunk (Project W-7):** This project consists of 2,900 feet of 10-inch diameter pipeline in Carpenter Road and Paradise Road. The project will extend the area served by the West Trunk to include existing county islands in the City's southwest section.

- **Rumble Trunk (Project R-2):** This sewer trunk extension will provide service to future development in the Pelandale/McHenry CPD. This project extends the sub trunk on McHenry Avenue 900 feet with a 10-inch diameter pipeline from Grecian Avenue to the existing sewer at the intersection of McHenry and Coralwood Road.

- **Dale Trunk (Projects D-1 through D-5 and Chapman Road LS 60):** These projects will service future growth within the Kiernan-Carver and Kiernan-Carver North CPDs, which was previously discussed in the 2007 Master Plan as a separate study (Kaiser Hospital Special Study, August 2004). It has since been incorporated into the current Master Plan, except that the pipeline diameter recommended in the 2007 Master Plan has been reduced due to lower projected flows. Improvements to the Dale Trunk will consist of a lift station, force main, and gravity pipelines. The project consists of the following segments:
  - Segment D-1 is located in undeveloped land west of Kaiser Permanente and consists of 1,200 feet of 15-inch diameter pipeline.
  - Segment D-2 continues across undeveloped land between Chapman Road and Quinturn Lane. This segment will consist of 2,600 feet of 6-inch diameter force main.
  - Segment D-3 consists of 1,700 feet of 12-inch diameter pipeline in Chapman Road between Kiernan Avenue and a Modesto Irrigation District (MID) Canal.
  - Segment D-4 consists of 2,200 feet of 10-inch diameter pipeline in Chapman Road from Kiernan Avenue to south of Pirrone Road.
  - Segment D-5 runs parallel to an MID canal and is currently in undeveloped space. This reach will consist of 1,500 feet of 8-inch diameter pipeline.
  - The Chapman Road Lift Station (LS 60) will have a firm capacity of 0.80 mgd to convey flows from the Kiernan/Carver and Kiernan/Carver North CPDs.

- **North Trunk (Projects N-1 through N-5):** Future development within the Kiernan/Carver, Kiernan/McHenry, Pelandale/McHenry, and Hetch Hetchy CPDs will require the construction of several trunk sewers to serve customers in the northern portion of the study area. The North Trunk is a tributary of the West Trunk.

  The 2007 Master Plan proposed the construction of a large trunk sewer in Bangs Avenue from Carver Road to east of Coffee Road, which is shown in Figure 6.4. For

the current Master Plan, this alignment was not changed, but the pipeline diameters were decreased due to reduced estimated future flows. The proposed improvements will extend the North Trunk into the Hetch Hetchy CPD. The North Trunk project consists of the following segments:

- Segment N-1 consists of 2,800 feet of 27-inch diameter pipeline in Bangs Avenue between Tully Road and Carver Road.
- Segment N-2 consists of 6,100 feet of 24-inch diameter pipeline along Bangs Avenue from McHenry Avenue to Tully Road.
- Segment N-3 continues across undeveloped land from an MID canal to McHenry Road. This reach will consist of 1,600 feet of 21-inch diameter pipeline.
- Segment N-4 consists of 3,100 feet of 18-inch diameter pipeline in undeveloped land from Coffee Road to an MID Canal.
- Segment N-5 consists of 2,400 feet of 15-inch diameter pipeline in undeveloped land from east of Oakdale Road to Coffee Road.

- **North Trunk (Project N-6 and Pelandale LS 59):** This project is recommended under the Pelandale/McHenry Specific Plan (Final, June 2006), which identified facilities needed to service future growth within the Pelandale/McHenry CPD. The project includes a lift station and a 10-inch trunk within Pelandale Avenue and Tully Road. This lift station will pump flow under the MID Lateral Canal No. 6 and will have a firm capacity of 0.14 mgd. The 10-inch diameter pipeline will extend approximately 4,800 feet and connect to the existing sewer in Bangs Avenue.

- **North Trunk (Projects N-7 through N-9 and Kiernan LS 65):** Future development within the Kiernan/Carver North CPD will require the construction of several trunk sewers and a lift station to serve future users. This project is separated into the following segments:
  - Segment N-7 consists of 2,600 feet of 15-inch diameter pipeline located in American Avenue between Kiernan Avenue and Bangs Avenue.
  - Segment N-8 consists 5,600 feet of 10-inch diameter pipeline along Kiernan Road from American Avenue to Carver Road.
  - Segment N-9 continues in Kiernan Avenue between Carver Road and Stratos Way and consists of 6,300 feet of 8-inch diameter pipeline.
  - The Kiernan Avenue Lift Station (LS 65) will have a firm capacity of 0.24 mgd to convey PWWF from the Kiernan/Carver North CPD.

4.1.2.2 Area 6

- **Sonoma Trunk Extension (Projects SO-1 through SO-4 and Wood Sorrel LS 61):** These improvements have incorporated and modified future recommendations from the 2007 Master Plan to extend the Sonoma Trunk to the Roselle-Claribel CPD.

This project will extend the Sonoma Trunk to service future growth. The following segments are included:

- Segment SO-1 consists of 3,300 feet of 24-inch diameter pipeline that connects to an existing 27-inch diameter trunk. The proposed trunk will continue west in Sylvan Avenue and then north along an unimproved road.
- Segment SO-2 is an 18-inch diameter pipeline that extends 2,600 feet from Segment SO-1 to an area north of Mabel Avenue.
- Segment SO-3 consists of 2,800 feet of 15-inch diameter pipeline that extends from Segment SO-2 to an area south of Claribel Road.
- Segment SO-4 consists of 3,100 feet of 8-inch diameter pipeline that will convey flows from the southwest area of the Rose Claribel CPD. The 8-inch diameter pipeline will extend north from an existing 27-inch diameter sewer in Wood Sorrel Drive.
- The Wood Sorrel Drive Lift Station (LS 61) will have a firm capacity of 0.07 mgd.

- **Lakewood Trunk Extension (Projects L-1 through L-4 and LS 67):** Currently, the existing trunk is stubbed and plugged at the intersection of Litt Road and Sylvan Avenue. The Lakewood Trunk extension will service the eastern half of the Roselle-Claribel CPD. This project consists of the following segments:
  - Segment L-1 is located in Litt Road and extends from the end of Lakewood Trunk at Sylvan Avenue. This reach will consist of 2,900 feet of 18-inch diameter pipeline.
  - Segment L-2 continues in Litt Road and consists of 1,700 feet of 15-inch diameter pipeline.
  - Segment L-3 consists of 800 feet of 12-inch diameter pipeline that begins in Plainview Road and runs in Litt Road.
  - Segment L-4 consists of a 10-inch diameter pipeline that extends 3,000 feet from south of Claribel Road to Plainview Road.
  - The Litt Road Lift Station (LS 67) will have a firm capacity of 0.64 mgd.

- **Lakewood Sub-trunks (projects L-5 and L-6):** This group of improvements will service business, commercial, and residential growth to the east within the Village One CPD. Project L-5 will extend from an existing 15-inch diameter pipeline, located at the intersection of Ruffed Goose Lane and Crested Bobwhite Street, within the Falling Leaf Subdivision. The existing pipeline will extend east beyond the development and will stub in an undeveloped area. A proposed 8-inch diameter pipeline will extend 220 feet and terminate in Claus Road. Project L-6 is a 10-inch diameter pipeline that will extend the existing subtrunk in Merle Avenue to serve future growth.

4.1.2.3 Area 10

- **Ustick Sub-Trunks and Lift Station (Projects U-2 through U-4 and LS 62):** This group of improvements will service commercial and residential growth within the Fairview CPD. This project consists of three segments and a lift station, which are described below:
  - Segment U-2 consists of 3,400 feet of 10-inch diameter pipeline in Whitmore Avenue from Tuscan Avenue to Ustick Road.
  - Segment U-3 consists of 400 feet of 4-inch force main in Whitmore Avenue from Yuma Avenue to west of Tuscan Avenue. The force main will allow the proposed 10-inch diameter sewer (Segment U-2) to connect with the existing pipeline in Ustick Road.
  - Segment U-4 continues in Whitmore Avenue and extends from Carpenter Road to the proposed lift station near Yuma Avenue. This reach consists of 3,400 feet of 10-inch diameter pipeline.
  - The lift station at Whitmore and Carpenter Lift Station (LS 62) will have a firm capacity of 0.4 mgd.

4.1.3 Rehabilitation and Replacement Improvement Projects

It is recommended that the City rehabilitate existing trunk sewers and lift stations to extend the lives of these facilities for existing and future users and to improve operational reliability. These projects are described below.

- **Rehabilitation and Replacement (R&R) Program:** The City will implement an R&R program either to replace sewer pipelines susceptible to failure or to line corroded pipelines. This program will target small diameter pipelines and large diameter sewer mains throughout the City. Funding will be at a rate of $3.0 million per year for the first five years and will decrease to $1.67 million per year thereafter.

- **Sutter Trunk (Project S-4b):** This project will rehabilitate 400 feet of the existing 16-inch diameter pipeline under Highway 99 near Jefferson Street. Prior to implementing this project, a permanent parallel sewer (Project S-4a) will be constructed as a bypass.

4.1.3.1 Area 3

- **24-inch Rehabilitation along Sutter Trunk (Project RT-9):** Based on the results of the condition assessment, a portion of the Sutter Trunk will require rehabilitation directly upstream of the Sutter Plant. The recommended approach is to add cured-in-place pipe lining. Since much of the pipeline's interior is inaccessible for a condition assessment, it is assumed that half of the pipeline's length will be lined.

- **48-inch River Trunk Rehabilitation (Project RT-10):** Excessive corrosion is present in the entire reach of the River Trunk from Beard Brook to the Sutter Plant. For this reason, rehabilitation is recommended within the next five years.

4.1.3.2 Area 5

- **Santa Rosa Trunk (Project SR-1):** This project will rehabilitate 1,300 feet of the 30-inch diameter and 400 feet of the 24-inch diameter pipeline within Santa Rosa Avenue between Organ Drive and Mono Drive.

- **Santa Rosa Trunk (Project SR-6):** This segment of the Santa Rosa Trunk in Miller Road between Conejo Avenue and Phoenix Avenue is over 50 years old and shows signs of significant deterioration. This project will rehabilitate 1,000 feet of the 18-inch diameter pipeline.

4.1.4 Reliability Improvement Projects

It is recommended that the City construct parallel pipelines where the collection system crosses Highway 99. This would increase reliability and allow the existing pipeline to be rehabilitated without disrupting service. These projects are described below.

4.1.4.1 Area 2

- **Sutter Trunk (Project S-4a):** This project will construct a parallel pipeline under Highway 99 near Jefferson Street. The parallel sewer line will consist of 400 feet of 16-inch diameter pipeline and will serve as a bypass when rehabilitating the existing sewer. In addition, the sewer line will provide a redundant pipeline under Highway 99.

4.1.4.2 Area 3

- **River Bank Armament (Project RT-11):** Riverbank armament is required to prevent future erosion and exposure of the River Trunk and the CSL.

- **CSL Diversion Structure (Project RT-12):** This project is a new diversion structure that will divert flows between the CSL and the existing River Trunk if a pipeline fails. This project provides reliability to the CSL and River Trunk.

4.1.5 Storm Drain Cross Connection Removal Program

For areas of the City lacking storm drainage systems, storm water is conveyed into the sanitary sewer system via cross connections. However, removing some of these cross connections is necessary to reduce the amount of storm run-off that enters the sewer system. This is because increased storm run-off in a system increases the risk of sanitary sewer overflow.

Currently, the City has planned to remove three cross connections located downtown, one cross connection at Hahn Sewer Lift Station, and four cross connections in the Roosevelt

Park neighborhood. In the next 5 years, it is estimated that up to eight more cross connections could be removed City-wide. The remaining cross connections would be removed between years 2021 and 2035.

5.0 JUSTIFICATION OF WASTEWATER TREATMENT IMPROVEMENTS

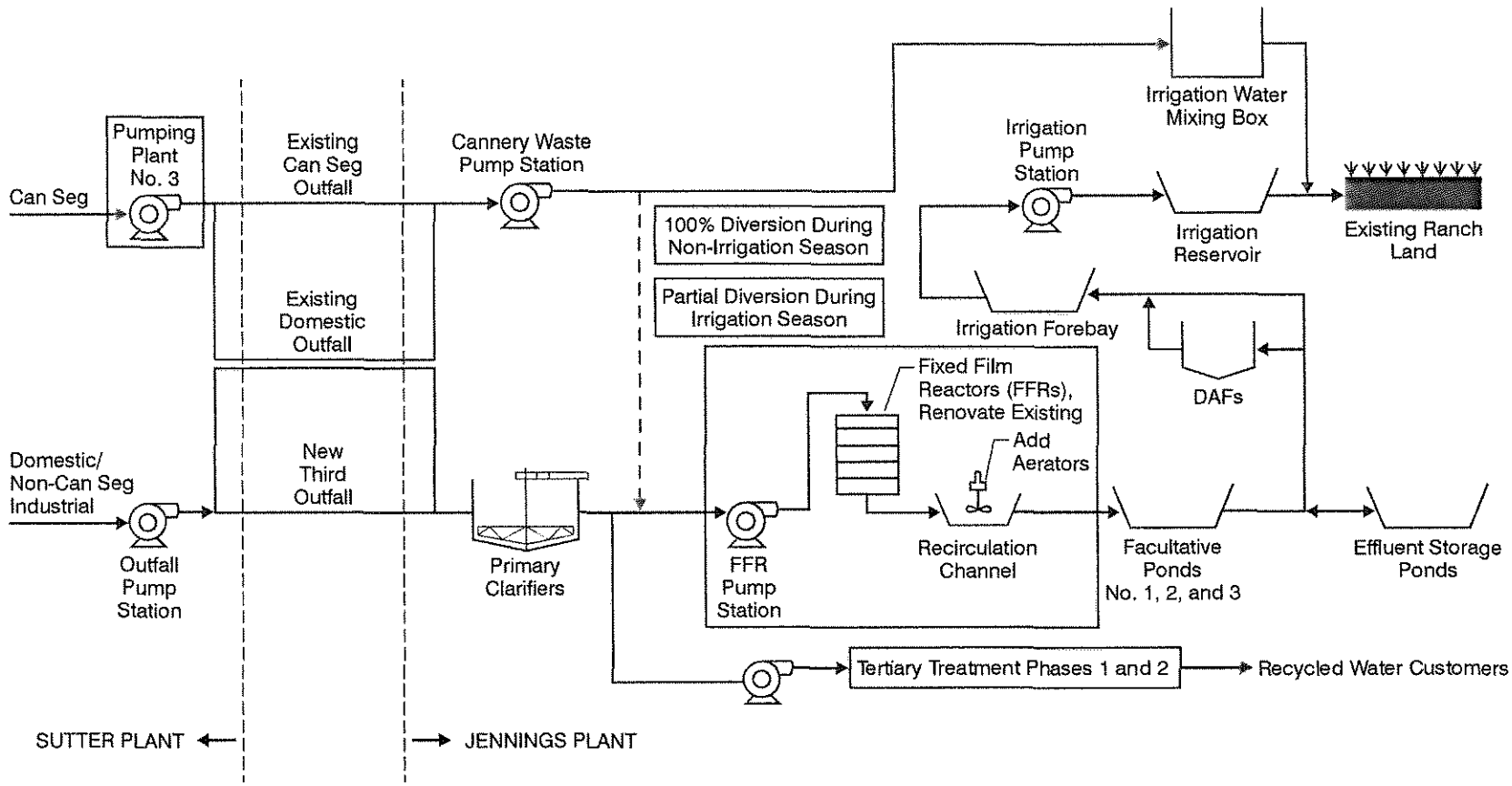
Per the 2016 Master Plan, improvements to the wastewater treatment facilities are recommended to improve reliability, to provide an increased level of treatment, and to increase treatment capacity to accommodate growth.

The recommended projects consist of the following components, which are described below.

- **Sutter Plant Improvements:** These improvements expand the Sutter Plant's hydraulic capacity and decommission abandoned facilities.
- **Outfall Pipelines:** This part of the project constructs a third outfall and new river crossings for the Domestic Outfall and Can Seg Outfall. It also adds slip lining to a portion of the Can Seg Outfall.
- **Can Seg Flow Treatment Improvements:** These improvements include upgrading the existing secondary treatment facilities so that they can treat combined primary effluent and a portion of the Can Seg flows.
- **Primary Treatment at Jennings Plant:** This part of the project adds new primary treatment and solids handling facilities to the Jennings Plant.

Recommended projects and estimated costs are shown in Table 5, and additional details from the Wastewater Treatment Master Plan CIP are presented in Appendix B. The estimated costs are in 2015 dollars and are referenced to the 20-City Average Engineering News Record Construction Cost Index (ENR CCI) of 10270 (December 2015). Construction costs include a 30 percent estimating contingency. Project costs include construction costs and a 32 percent allowance for engineering, legal, administration, and permitting costs.

A schematic of the recommended project is shown in Figure 4. Site layouts for the Sutter Plant, Outfall Pipelines, and Jennings Plant are shown on Figures 5, 6, and 7, respectively.



LEGEND
Can Seg Flow
Domestic/Non-Can Seg Industrial Flow
Tertiary Effluent

NOTE:
Red Box – New/modified facilities during Phase 1 of CIP.

SCHEMATIC OF RECOMMENDED PROJECT

FIGURE 4

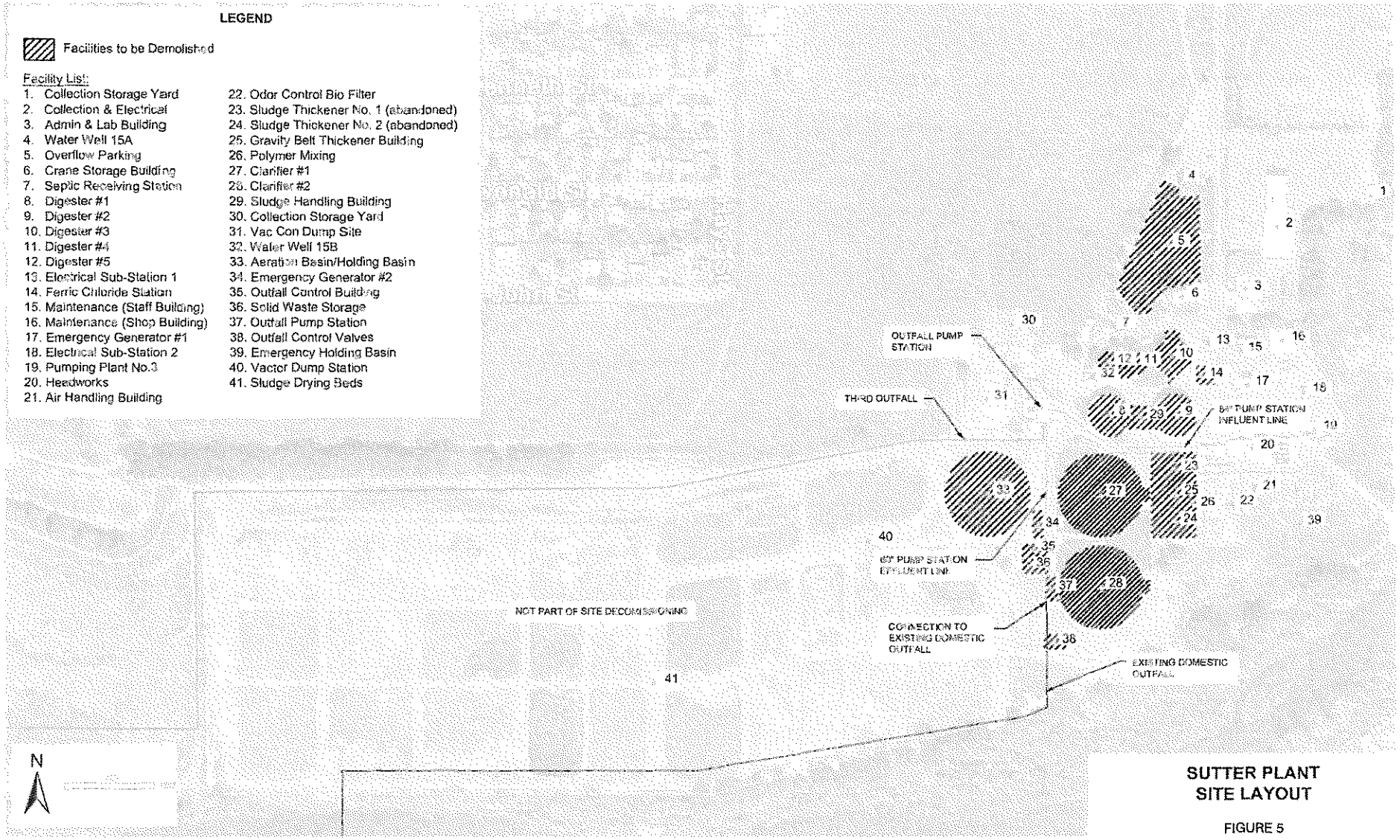
CITY OF MODESTO
ENGINEER'S REPORT

Source: Wastewater Treatment Master Plan

carollo

WEST YOST ASSOCIATES

mo1115f11-9704.ai



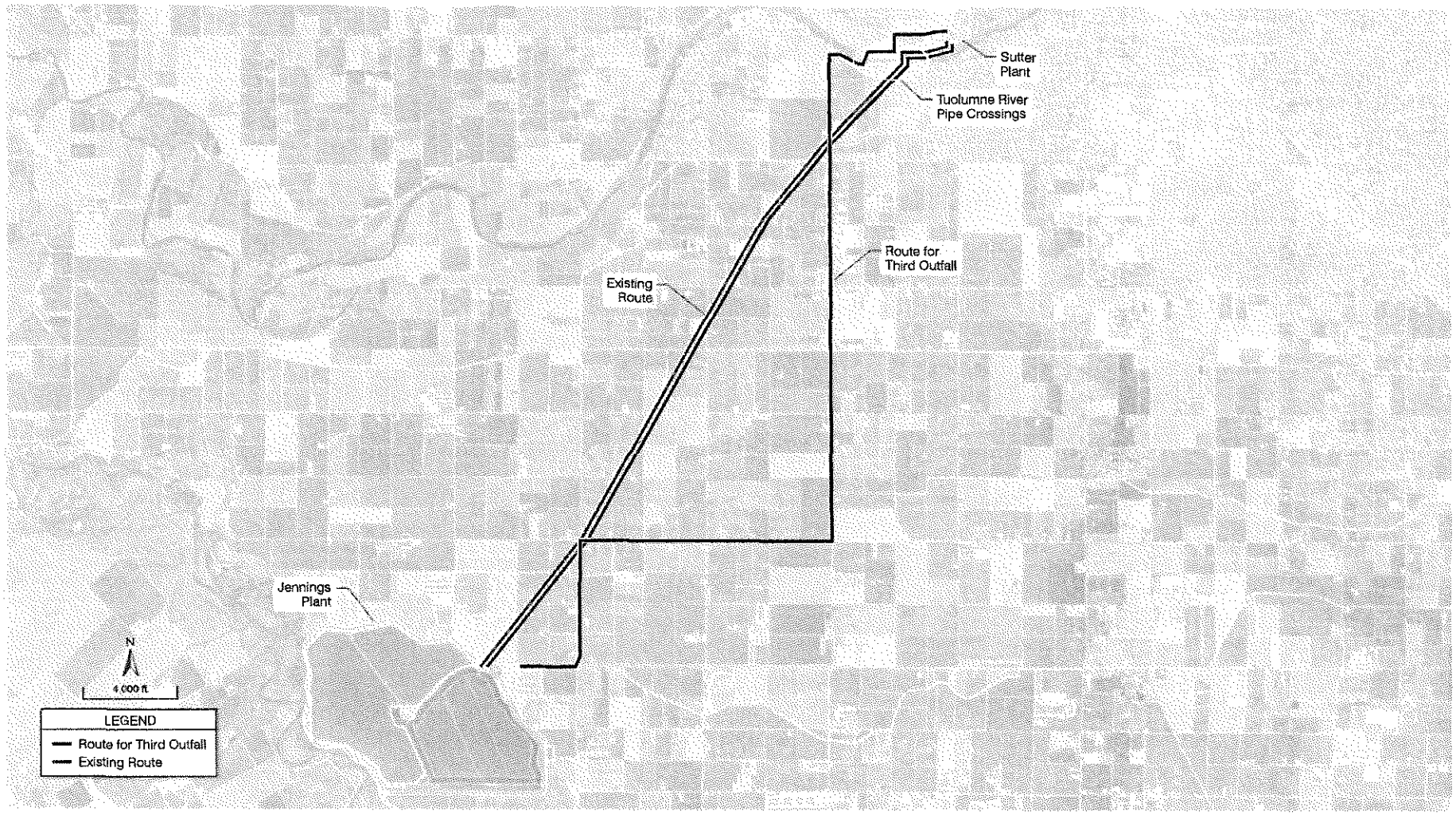
SUTTER PLANT SITE LAYOUT

FIGURE 5

CITY OF MODESTO
ENGINEER'S REPORT

Source: Wastewater Treatment Master Plan

mo1115/12-9704.ai



OUTFALL PIPELINES LAYOUT

FIGURE 6

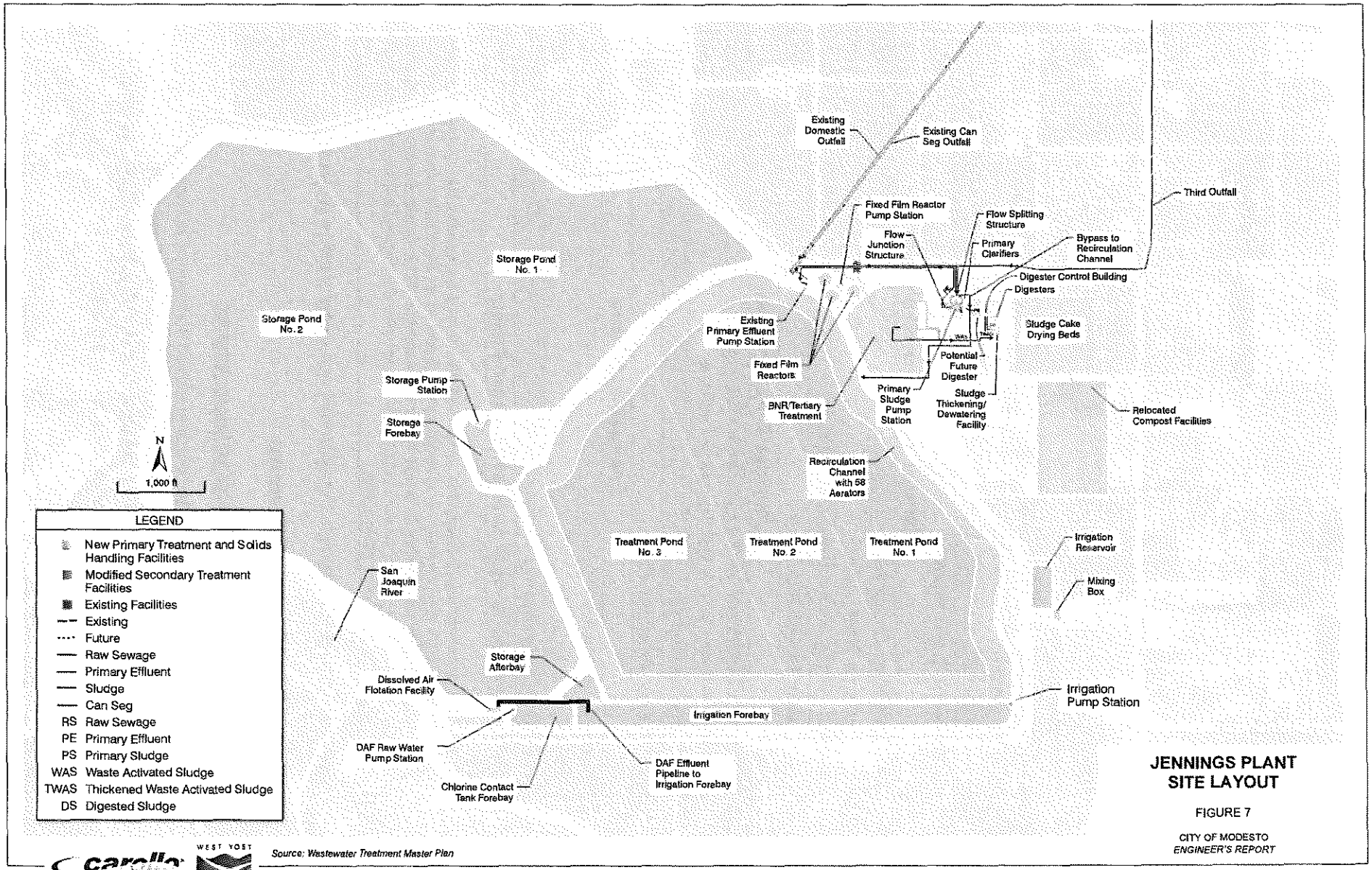
CITY OF MODESTO
ENGINEER'S REPORT

carollo

WEST YOST ASSOCIATES

Source: Wastewater Treatment Master Plan

mo1115f13-9704.ai



JENNINGS PLANT SITE LAYOUT

FIGURE 7

CITY OF MODESTO
ENGINEER'S REPORT

Source: Wastewater Treatment Master Plan

carollo WEST YOST ASSOCIATES

me111514-9704.ai

Table 5 Total Project Capital Costs for Recommended Project Engineer's Report City of Modesto, California	
Project Component	**Total Project Cost[1]**
Sutter Plant Improvements	
Influent Pump Station Improvements	$2.2
Headworks Improvements	$14.9
Outfall Pump Station Replacement	$17.3
Decommissioning of Abandoned Facilities	$4.9
Allowance for Flood Protection of Existing Sutter Facilities	$2.0
Subtotal for Sutter Plant	**$41.3**
Outfall Pipelines Improvements	
Tuolumne River Crossings	$26.0
Constructing a Third Outfall	$60.7
Slip Lining Portion of the Can Seg Outfall	$10.5
Subtotal for Outfall Pipelines	**$97.2**
Jennings Plant Improvements	
Secondary Treatment/Can Seg Treatment Facilities	$52.4
Primary Treatment and Solids Handling Facilities	$93.5
Miscellaneous Repairs	$0.9
Subtotal for Jennings Plant	**$146.8**
Engineering Studies	
Master Plan Updates	$2.0
Land Application Study	$0.3
Subtotal for Engineering Studies	**$2.3**
Total Project Capital Cost for Recommended Project	**$287.6**

Note:
(1) Total project costs are presented in millions of dollars and rounded to the nearest hundred thousand. Costs are provided as present value based on an ENR CCI number of 10270 corresponding to the 20-City Average Index in December 2015. Costs are not escalated to future years. Total project costs include an allowance for contingencies, engineering, legal, administration, and permitting costs.

The following sections describe the treatment and outfall pipeline projects.

5.1 Sutter Plant Improvements

5.1.1 SP - 1 Influent Pump Station Improvements

The influent pump station consists of four enclosed screw-type pumps as well as space planned for a fifth pump. Based on flow projections, the fifth pump will be required to provide sufficient capacity to convey the projected PWWF. However, this pump is not needed until near the end of the 20-year planning period.

5.1.2 SP - 2 Headworks, Dryden Box, and Influent Flume Improvements

- **SP - 2.1 New Dryden Box:** The existing corroded Dryden Box will be demolished and replaced with a smaller box designed to receive and combine flow from the existing CSL and the old River Trunk. The River Trunk will be repurposed as a redundant CSL.

- **SP - 2.2 New West Junction Structure:** A new West Trunk Junction Structure will be constructed, and modifications to the existing Junction Box No. 1 will be made. This includes adding yard piping that connects the two structures to provide a connection point for the new River Trunk.

- **SP - 2.3 Influent Screening:** The influent bar screens will be replaced with new chain-driven multi-rake screens with 1/4-inch bar spacing. These new screens will improve efficiency and reduce maintenance on downstream treatment facilities. A 4-foot wide chain-driven multi-rake screen with 1/2-inch bar spacing will also be installed in the bypass channel, with 1-foot wide bypass gates on either side of the screen to divert peak flows. Additionally, a new screenings washer compactor will be skid-mounted and installed. The existing washer compactor will be removed, skid-mounted as well, and stored for standby use.

- **SP - 2.4 Grit Removal:** A grit removal mechanism will be installed in Grit Basin No. 4 along with an additional grit pump. Improvements to increase the capture of fine particles include placing deflector baffles on the inlets to the grit basins, raising the elevation of the grit chamber effluent weirs, and installing new motor belt drives to reduce the impeller speed in all four grit basins. Additionally, the existing cyclone/grit classifiers will be replaced with two COANDA vortex-type grit washers.

- **SP - 2.5 Headworks Building Odor Control Improvements:** In the Bar Screen Room and Building as well as the Grit and Screening Handling Room, the ventilation rate will be increased to improve working conditions. In addition, the existing air handling unit (AHU) will be replaced with two new AHUs, and the existing metal air ductwork from the AHU to the Headworks Building will be replaced with FRP ductwork.

  The existing biofilter consists of two cells with a 4-foot soil media bed. To accommodate increased ventilation airflows, this biofilter will be expanded into the space currently occupied by the access ramps.

- **SP - 2.6 Influent Parshall Flumes:** Upstream flow straightening baffles will be installed to even out the flow pattern upstream of the flumes and to improve measurement accuracy. The third standby flume will be brought online to accommodate projected PWWF.

- **SP - 2.7 Pumping Plant No. 3 (Can Seg Pump Station):** Pumping Plant No. 3 will be expanded to add a new wet well and submersible pumps dedicated to lower flows during non-canning season. Two small dry pit submersible pumps (4 mgd and 8 mgd) will be installed in the new wet well to improve turn-down capacity so that cannery process water can be segregated from domestic flows year-round. Additionally, the two existing Can Seg climber screens on the inlet channel to the existing Pumping Plant No. 3 will be replaced with new 3/8-inch chain-driven multi-rake type screens. A third screen will be installed in the existing bypass channel.

5.1.3 SP - 3 Outfall Pump Station Replacement

The existing Primary Effluent Pump Station will be replaced with a new Outfall Pump Station located above the 100-year flood elevation. This new pump station will provide the capacity and pumping head required for the projected PWWF.

5.1.4 SP - 4 Demolition of Sutter Treatment Facilities

After relocating the Primary Treatment and Solids Handling Facilities to the Jennings Plant, the abandoned facilities at the Sutter Plant will be demolished to below grade and buried to provide space for future facilities.

5.1.5 SP - 5 Allowance for Flood Protection of Remaining Sutter Treatment Facilities

The facilities that remain at the Sutter Plant after relocating the Primary Treatment and Solids Handling Facilities will be modified to protect against a 100-year flood.

5.2 Outfall Pipelines Improvements

5.2.1 OP - 1 Replacement of Tuolumne River Pipe Crossings

- **OP - 1.1 Replacement of Existing Crossings:** For the Primary Domestic Outfall and Can Seg Outfall, the existing pipe crossings under the Tuolumne River will be replaced with new pipe crossings. The new crossings will allow the outfalls to operate under pressure and will increase their flow capacities. In addition, since the existing river crossings are likely in poor condition from corrosion, the new crossings will be designed with materials that prevent or delay corrosion and provide a long service life.

- **OP - 1.2 Crossing for Third Outfall.** A river crossing will also be provided for the new Third Domestic Outfall. For more on this, see CIP Project OP - 2.

5.2.2 OP - 2 Third Outfall

A new third outfall from the Sutter Plant to the Jennings Plant will be added to convey only domestic flows. The Third Outfall will have a 54-inch diameter and a length of

approximately 45,500 ft. This outfall will provide redundancy for the existing Domestic Outfall, which will allow it to provide redundancy for the Can Seg Outfall.

5.2.3 OP - 3 Slip Lining Portion of the Can Seg Outfall

A portion of the Can Seg Outfall will be lined with a plastic liner to improve its condition and reliability. Currently, the condition of the Can Seg Outfall interior is unknown. However, it is assumed that half of the pipeline's length will be lined. Nonetheless, the actual extent of the pipeline needing to be lined will be defined once the pipeline's condition is assessed.

5.3 Jennings Plant Improvements

5.3.1 JP - 1 Secondary Treatment/Can Seg Treatment Facilities Upgrade

- **JP - 1.1 Fixed Film Reactors (FFRs) and Pump Station Rehabilitation:** The existing FFR media, media support system, rotary distributor, and air supply fans will be replaced to increase the FFRs' performance. The pumps in the FFR Pump Station will also be replaced and equipped with variable frequency drives (VFDs) to meet minimum hydraulic loading requirements. In addition, the FFR Effluent Box will be expanded, and a new pipe will connect it to the existing pipeline from the Recirculation Diversion Box to the FFR Mixing Box. This will allow FFR effluent to be recirculated to the FFR influent instead of drawing make-up water from the Recirculation Channel.

- **JP - 1.2 Nutrient Feed and pH Control Systems:** Chemical feed pumps, storage tanks, and feed systems will be provided for each chemical. Nutrient addition and pH control of the Can Seg flow will be necessary for proper treatment process performance.

- **JP - 1.3 Peroxide Feed System:** Chemical feed pumps, storage tanks, and a feed system will be provided for peroxide to control odors from the FFRs.

- **JP - 1.4 Aerators in Recirculation Channel:** Fifty-eight 50-horsepower (hp) surface mechanical aerators, or another aeration system, will be installed in the Recirculation Channel to increase the secondary treatment capacity. A new electrical system, including transformers, motor control centers, and new ductbanks, will replace the mostly abandoned existing electrical service.

- **JP - 1.5 Dissolved Air Flotation (DAF) Piping Modifications:** The DAFs are used to remove algae and suspended solids from the pond effluent. The DAF effluent piping will be modified to convey the flow into the Irrigation Forebay. Flow from the Irrigation Forebay will then be used to irrigate the City's ranch land.

5.3.2 JP - 2 Primary Treatment and Solids Handling Facilities

- **JP - 2.1 Primary Treatment Facilities (Liquid Stream):** New Primary Treatment Facilities at the Jennings Plant will replace the aging Primary Treatment Facilities at the Sutter Plant. The new facilities will consist of three 110-foot diameter primary clarifiers, primary sludge pumping, and scum pumping.

- **JP - 2.2 Yard Piping and Structures:** Additional yard piping will be built to connect the primary treatment and solids handling facilities to the existing treatment facilities at the Jennings Plant. Flow splitting structures will also be provided.

- **JP - 2.3 Anaerobic Digesters:** Three anaerobic digesters will be built at the Jennings Plant to replace the aging digesters at the Sutter Plant and provide a means for treating the solids from waste activated sludge (WAS) generated by the BNR/tertiary facilities. Each digester will have a 115-foot diameter and a 31-foot side-water depth and will treat the combination of WAS and primary sludge from the new primary clarifiers. The digester complex will include a Digester Control Building to house electrical, instrumentation and control, digester mixing, and heating equipment.

- **JP - 2.4 Solids Processing Building (WAS Thickening and Biosolids Dewatering Facilities):** Two sieve drum concentrators will thicken the WAS before it is sent to the digesters. This thickening is necessary to reduce the volume requirements for the anaerobic digesters. After thickening, four belt filter presses, or another process, will dewater the digested sludge before it is sent to the sludge cake drying beds. The WAS thickening and biosolids dewatering equipment will be located in an enclosed building.

- **JP - 2.5 Sludge Cake Drying Beds:** Sludge cake (the dewatered digested sludge) will be solar-dried in new drying beds to reduce the volume and weight of the solids and treat it to Class I standards for land application at the City's ranch. The drying beds will consist of an asphalt-paved area with concrete containment walls and piping for drainage, as well as decant return to the existing tailwater pump station TPS-A. TPS-A will also be rehabilitated, and drying bed facilities will be constructed to accommodate additional flows.

5.3.3 JP - 3 Miscellaneous Repairs

The equipment at the Jennings Plant will require general replacement, and the existing facilities will need to be upgraded. Areas in need of repair include the Outfall Flowmeter Pit, FFR Mixing Box, Storage Pump Station, and DAF Facilities.

5.4 Engineering Studies

5.4.1 ES - 1 Master Plan Updates

The Master Plan will undergo an update every five years.

5.4.2 ES - 2 Land Application Study

The land application of cannery process water as irrigation water at current loadings is expected to continue for the duration of the planning period. However, a detailed scientific study is recommended to verify appropriate long-term land application rates and methodologies. If this study resulted in revised Waste Discharge Permit (WDR) requirements and loading rates, the requirements would likely be implemented over several five-year WDR permit cycles, which could continue beyond the 20-year planning period. For this reason, the CIP does not include projects to accommodate lower Can Seg land application rates.

6.0 COST ALLOCATION METHODOLOGY

This section describes the methodology used to allocate costs between existing and future domestic customers and Can Seg customers. Also described is the basis for cost allocations among the wastewater loading components, flow, biochemical oxygen demand (BOD), and total suspended solids (TSS).

6.1 Cost Allocations between Customers

6.1.1 Collection System Improvements

As discussed in Section 4.1, collection system improvements are categorized as capacity, new growth, rehabilitation and replacement (R&R), reliability, or storm drain cross connection removal. The methodology used to allocate costs for these categories is described below, and a summary of the collection system project cost allocations for each category is shown in Table 6. Detailed allocation criteria are presented in Appendix A.

6.1.1.1 Hydraulic Capacity Improvements

An existing hydraulic deficiency occurs where the flow levels in gravity sewers exceed the allowable d/D. A project to correct an existing hydraulic deficiency is allocated entirely to existing users.

An existing sewer or lift station may have sufficient capacity to convey current PWWFs, but as growth continues and more users are added to the system, flow will increase, resulting in capacity deficiencies. These projects, as well as new trunk sewers to extend wastewater collection system service to future growth areas, are considered future improvements and are allocated to future users.

Table 6	Allocation of Collection System Costs to Existing and Future Users Engineer's Report City of Modesto, California				
	Total Project Cost[1]	Cost Allocation[1]			
		Existing Customers		Future Customers	
Project Category		$	%	$	%
Capacity Improvements	$103.6	$ 65.1	62.8%	$38.6	37.2%
New Growth Improvements	35.4	-	0.0	35.4	100.0
R&R Improvements	56.0	50.1	89.3	6.0	10.7
Reliability Improvements	5.6	3.5	61.8	2.1	38.2
Storm Drain Removal	17.0	17.0	100.0	-	0.0
Total	**$217.7**	**$135.6**	**62.3%**	**$82.1**	**37.7%**

Note:
(1) Total project costs are presented in millions of dollars and rounded to the nearest hundred thousand. Costs are provided as present value based on an ENR CCI number of 10037 corresponding to the 20-City Average Index in July 2015. Costs are not escalated to future years. Total project costs include an allowance for contingencies, engineering, legal, and administration costs.

In some cases, a project is needed to correct an existing capacity deficiency, but it is sized to accommodate additional flows from future development. In these cases, the hydraulic modeling results are used to determine the cost breakdown between existing and future users based on the ratio of existing and build-out average dry weather flow.

6.1.1.2 New Growth Improvements

Projects to serve future growth include extensions of existing trunk sewers and the construction of new pump stations. Costs were allocated 100 percent to future use where growth improvements served only future customers.

6.1.1.3 R&R Improvements

R&R projects include improvements to existing trunk sewers or pump stations to extend their useful lives, to repair structural deficiencies, and/or to improve performance so that the facilities have adequate capacity throughout the planning period. These improvements benefit both existing and future customers by upgrading and extending the facilities' useful lives. Therefore, allocations are based on the relative ratio of average dry weather flows for existing and build-out conditions.

6.1.1.4 Reliability Improvements

These projects add parallel sewers where existing pipes cross below major obstacles. Since all users see long-term benefits from these upgraded facilities, allocations are based on relative average dry weather flows, similar to capacity improvements.

6.1.1.5 Storm Drain Removal

These projects mitigate extensive surcharging within the existing collection system and reduce the chances of overflow. These projects are assigned entirely to existing users, since the deficiencies are current.

6.1.2 Wastewater Treatment Improvements

Wastewater treatment improvements are allocated between existing and future domestic customers and Can Seg customers based on relative benefit. The methodology used to allocate each improvement is described in the following sections, and a summary of each cost allocation is shown in Table 7. Detailed allocation criteria are presented in Appendix B.

6.1.2.1 Sutter Plant Improvements

6.1.2.1.1 SP - 1 Influent Screw Pump Addition

Because the additional screw pump provides expansion capacity, it benefits only future domestic customers. For this reason, costs are allocated 100 percent to future domestic customers.

6.1.2.1.2 SP - 2 Headworks, Dryden Box, and Influent Flume Improvements

- **SP - 2.1 New Dryden Box:** This benefits only Can Seg customers. Costs are allocated 100 percent to Can Seg customers.
- **SP - 2.2 New West Junction Structure:** This benefits only domestic customers. The Allocation between existing and future users is in proportion to projected PWWF.
- **SP - 2.3 Influent Screening:** The new screens benefit only domestic customers. Allocation between existing and future users is in proportion to projected PWWF.
- **SP - 2.4 Grit Removal:** These improvements benefit only domestic customers. Allocation between existing and future users is in proportion to projected PWWF.
- **SP - 2.5 Headworks Building Odor Control Improvements:** This benefits only domestic customers. Allocation between existing and future users is in proportion to the projected PWWF.
- **SP - 2.6 Influent Parshall Flumes:** This benefits only domestic customers. Allocation between existing and future users is in proportion to the projected PWWF.
- **SP - 2.7 Pumping Plant No. 3 (Can Seg Pump Station):** This benefits only Can Seg customers. All costs are allocated 100 percent to Can Seg customers.

Table 7 Allocation of Wastewater Treatment Improvements to Customers
Engineer's Report
City of Modesto, California

Project Component	Total Project Cost[1]	Domestic Customers				Can Seg Customers	
		Existing Users		Future Users			
		$	%	$	%	$	%
Sutter Plant Improvements							
Influent Pump Station Improvements	$ 2.2	$ -	0.0%	$ 2.2	100.0%	$ -	0.0%
Headworks Improvements	14.8	7.6	51.5	1.5	10.4	5.7	38.1
Outfall Pump Station Replacement	17.3	14.4	83.2	2.9	16.8	-	0.0
Decommissioning of Abandoned Facilities	4.9	3.7	74.5	1.2	25.5	-	0.0
Allowance for Flood Protection	2.0	2.0	100.0	-	0.0	-	0.0
Subtotal for Sutter Plant	**$41.3**	**$27.7**	**67.1%**	**$ 7.9**	**19.2%**	**$ 5.7**	**13.7%**
Outfall Pipelines Improvements							
Tuolumne River Crossings	$26.0	$ 9.1	35.0%	$ 1.8	7.1%	$15.1	58.0%
Constructing a Third Outfall	60.7	40.4	66.5	8.2	13.5	12.1	20.0
Slip Lining Portion of the Can Seg Outfall	10.5	-	0.0	-	0.0	10.5	100.0
Subtotal for Outfall Pipelines	**$97.2**	**$49.5**	**50.9%**	**$10.0**	**10.3%**	**$37.7**	**38.8%**
Jennings Plant Improvements							
Secondary Treatment/Can Seg Treatment Facilities	$ 52.4	$ 8.6	16.4%	$ 2.9	5.6%	$40.9	78.0%
Primary Treatment and Solids Handling Facilities	93.5	69.6	74.5	23.9	25.5	-	0.0
Miscellaneous Repairs	0.9	0.1	16.6	<0.1	5.7	0.7	77.6
Subtotal for Jennings Plant	**$146.8**	**$78.4**	**53.4%**	**$26.9**	**18.3%**	**$41.6**	**28.3%**
Engineering Studies							
Master Plan Updates	$2.0	$1.1	54.5%	$0.3	15.7%	$0.6	29.8%
Land Application Study	0.3	-	0.0	-	0.0	0.3	100.0
Subtotal for Engineering Studies	**$2.3**	**$1.1**	**48.4%**	**$0.3**	**14.0%**	**$0.8**	**37.6%**
Total	**$287.6**	**$156.7**	**54.5%**	**$45.1**	**15.7%**	**$85.8**	**29.8%**

Note:
(1) Total project costs are presented in millions of dollars and rounded to the nearest hundred thousand. Costs are provided as present value based on an ENR CCI number of 10270 corresponding to the 20-City Average Index in December 2015. Costs are not escalated to future years. Total project costs include an allowance for contingencies, engineering, legal, administration, and permitting costs.

6.1.2.1.3 SP - 3 Outfall Pump Station Replacement

The new Outfall Pump Station benefits only domestic customers. Allocation between existing and future users is in proportion to projected PWWF.

6.1.2.1.4 SP - 4 Demolition of Sutter Treatment Facilities

Demolishing the abandoned facilities at the Sutter Plant benefits only the existing domestic customers. Allocation between existing and future users is in proportion to projected average day MMF.

6.1.2.1.5 SP - 5 Allowance for Flood Protection of Remaining Sutter Treatment Facilities

The potential for flooding at the Sutter Plant is an existing condition. For this reason, costs are allocated 100 percent to existing domestic customers.

6.1.2.2 Outfall Pipelines

6.1.2.2.1 OP - 1 Replacement of Tuolumne River Pipe Crossings

OP - 1.1 Replacement of Existing Crossings: The new crossings benefit both domestic and Can Seg customers. Since Can Seg customers use the Can Seg Outfall, the entire cost of the Can Seg Outfall was allocated to Can Seg customers. However, both domestic and Can Seg customers benefit from the Primary Domestic Outfall after the completion of the Third Outfall. During the peak canning season, the Primary Outfall acts as a redundant pipeline for the Can Seg Outfall. This season lasts approximately 70 to 80 days, which is approximately 20 percent of the year. For this reason, the Primary Domestic Outfall was allocated 80 percent to domestic customers and 20 percent to Can Seg customers. The domestic allocation was then further allocated to existing and future users in proportion to projected PWWF.

- **OP - 1.2 Crossing for Third Outfall:** The new crossings benefit both the domestic and Can Seg customers. The cost of the crossing for the Third Outfall was allocated 80 percent to domestic customers and 20 percent to Can Seg customers. The domestic allocation was then further allocated to existing and future users in proportion to projected PWWF.

6.1.2.2.2 OP - 2 Third Outfall

The cost of the Primary Domestic Outfall's crossing was allocated 80 percent to domestic customers and 20 percent to Can Seg customers. The domestic allocation was then further allocated to existing and future users in proportion to projected PWWF.

6.1.2.2.3 OP - 3 Slip Lining Portion of the Can Seg Outfall

Lining a portion of the Can Seg Outfall benefits only Can Seg customers. Costs are allocated 100 percent to Can Seg customers.

6.1.2.3 Jennings Plant Improvements

6.1.2.3.1 JP - 1 Secondary Treatment/Can Seg Treatment Facilities Upgrade

- **JP - 1.1 Fixed Film Reactors (FFRs) and Pump Station Rehabilitation:** This benefits both the domestic and Can Seg customers. Costs are allocated between the domestic and Can Seg customers based on design maximum month BOD loading (design MM BOD loading = 140,900 ppd; Can Seg = 109,400 ppd [77.6%]; domestic = 31,500 ppd [22.4%]).

  The domestic allocation was then further allocated to existing and future users in proportion to projected ADMMF (projected ADMMF = 27.4 mgd; existing = 20.4 mgd [74.5%]; future = 7.0 mgd [25.5%]).

- **JP - 1.2 Nutrient Feed and pH Control Systems:** This benefits only Can Seg customers. Costs are allocated 100 percent to Can Seg customers.

- **JP - 1.3 Peroxide Feed System:** This benefits only domestic customers. Allocation between existing and future users is in proportion to projected ADMMF.

- **JP - 1.4 Aerators in Recirculation Channel:** This benefits both domestic and Can Seg customers. Costs are allocated between the domestic industrial and Can Seg customers based on design maximum month BOD loading. The domestic allocation was then further allocated to existing and future users in proportion to projected ADMMF.

- **JP - 1.5 DAF Piping Modifications:** This benefits both domestic and Can Seg customers. Costs are allocated between the domestic and Can Seg customers based on design maximum month BOD loading. The domestic allocation was then further allocated to existing and future users in proportion to projected ADMMF.

6.1.2.3.2 JP - 2 Primary Treatment and Solids Handling Facilities

- **JP - 2.1 Primary Treatment Facilities:** This benefits only domestic customers. Allocation between existing and future users is in proportion to projected ADMMF.

- **JP - 2.2 Yard Piping and Structures:** This benefits only domestic customers. Allocation between existing and future users is in proportion to projected ADMMF.

- **JP - 2.3 Anaerobic Digesters:** This benefits only domestic customers. Allocation between existing and future users is in proportion to projected ADMMF.

- **JP - 2.4 Solids Processing Building (WAS Thickening and Biosolids Dewatering Facilities:** This benefits only domestic customers. Allocation between existing and future users is in proportion to projected ADMMF.

- **JP - 2.5 Sludge Cake Drying Beds:** This benefits only domestic customers. Allocation between existing and future users is in proportion to projected ADMMF.

6.1.2.3.3 JP - 3 Miscellaneous Repairs

These projects benefit both domestic and Can Seg customers. Costs were allocated between the domestic and Can Seg customers based on design maximum month BOD loading. The domestic allocation was then further allocated to existing and future users in proportion to projected MMF.

6.1.2.4 Engineering Studies

6.1.2.4.1 ES - 1 Master Plan Updates

Updates to the Master Plan will benefit both domestic and Can Seg customers. Costs were allocated based on the overall total cost allocation to domestic and Can Seg customers from all of the CIP projects for the Sutter Plant, Outfall Pipelines, and Jennings Plant (total = $285.3M; Can Seg = $84.9M [29.8%]; domestic = $200.4M [70.2%]).

The domestic allocation was then further allocated to existing and future users in proportion to total cost allocation from the CIP projects (domestic = $200.4M; existing = $156.8M [78.3%]; future = $43.6M [21.7%]).

6.1.2.4.2 ES - 2 Land Application Study

This benefits only Can Seg customers. Costs were allocated 100 percent to Can Seg customers.

6.2 Allocation to Billable Constituents

This section allocates project capital costs to the billable constituents of flow, BOD, and TSS. The basis of this analysis is to evaluate each project component or unit process and assess which constituent determines the function of the unit process and/or causes the capital costs incurred. A summary of recommended billable constituent cost allocations for each project component is presented on Table 8, and a discussion of the allocation for various project elements is provided below.

Table 8 Allocation of Project Costs to Billable Constituents
Engineer's Report
City of Modesto, California

Project Components	Total Project Cost[1]	Cost Allocation					
		Flow		BOD		TSS	
		$	%	$	%	$	%
Collection System Improvements							
All Collection System Projects	$217.7	$217.7	100.0%	$ –	0.0%	$ –	0.0%
Sutter Plant Improvements							
Influent Pump Station Improvements	$ 2.2	$ 2.2	100.0%	$ –	0.0%	$ –	0.0%
Headworks Improvements	14.8	14.8	100.0	–	0.0	–	0.0
Outfall Pump Station Replacement	17.3	17.3	100.0	–	0.0	–	0.0
Decommissioning of Abandoned Facilities	4.9	1.7	34.0	1.6	33.0	1.6	33.0
Allowance for Flood Protection	2.0	0.7	34.0	0.7	33.0	0.7	33.0
Subtotal for Sutter Plant	**$41.3**	**$36.7**	**88.9%**	**$ 2.3**	**5.5%**	**$ 2.3**	**5.5%**
Outfall Pipelines Improvements							
Tuolumne River Crossings	$26.0	$26.0	100.0%	$ –	0.0%	$ –	0.0%
Constructing a Third Outfall	60.7	60.7	100.0	–	0.0	–	0.0
Slip Lining Portion of the Can Seg Outfall	10.5	10.5	100.0	–	0.0	–	0.0
Subtotal for Outfall Pipelines	**$97.2**	**$97.2**	**100.0%**	**$ –**	**0.0%**	**$ –**	**0.0%**
Jennings Plant Improvements							
Secondary Treatment/Can Seg Treatment Facilities	$ 52.4	$21.8	41.5%	$29.2	55.7%	$ 1.4	2.8%
Primary Treatment and Solids Handling Facilities	93.5	24.4	26.0	20.9	22.4	48.3	51.6
Miscellaneous Repairs	0.9	0.3	34.0	0.3	33.0	0.3	33.0
Subtotal for Jennings Plant	**$146.8**	**$46.4**	**31.6%**	**$50.4**	**34.3%**	**$50.0**	**34.1%**
Engineering Studies							
Master Plan Updates	$ 2.0	$ 0.7	34.0%	$ 0.7	33.0%	$ 0.7	33.0%
Land Application Study	0.3	0.0	0.0	0.3	100.0	0.0	0.0
Subtotal for Engineering Studies	**$ 2.3**	**$ 0.7**	**30.2%**	**$ 0.9**	**40.4%**	**$ 0.7**	**29.3%**
Total - Wastewater Treatment Improvements	**$287.6**	**$181.0**	**62.9%**	**$53.6**	**18.6%**	**$53.0**	**18.4%**
Total - Collection System and Wastewater Treatment	**$505.3**	**$398.7**	**78.9%**	**$53.6**	**10.6%**	**$53.0**	**10.5%**

Note:
(1) Total project costs are presented in millions of dollars and rounded to the nearest hundred thousand. The collection system costs are provided as present value based on an ENR CCI number of 10037 corresponding to the 20-City Average Index in July 2015. The wastewater treatment costs are provided as present value based on an ENR CCI number of 10270 corresponding to the 20-City Average Index in December 2015. Costs are not escalated to future years. Total project costs include allowances for contingencies, engineering, legal, administration, and permitting costs.

6.2.1 Collection System Improvements

Sizing for all trunk sewer and pump station facilities is dictated by the flows they must accommodate. Consequently, the capital costs associated with all collection system improvements are allocated entirely to flow.

6.2.2 Wastewater Treatment Improvements

6.2.2.1 Sutter Plant Improvements

6.2.2.1.1 SP - 1 Influent Screw Pump Addition

Design criteria and allocation are based exclusively on flow.

6.2.2.1.2 SP - 2 Headworks, Dryden Box, and Influent Flume Improvements

- **SP - 2.1 New Dryden Box:** Design criteria and allocation are based exclusively on flow.
- **SP - 2.2 New West Junction Structure:** Design criteria and allocation are based exclusively on flow.
- **SP - 2.3 Influent Screening:** Design criteria and allocation are based exclusively on flow.
- **SP - 2.4 Grit Removal:** Design criteria and allocation are based exclusively on flow.
- **SP - 2.5 Headworks Building Odor Control Improvements:** Design criteria and allocation are based exclusively on flow.
- **SP - 2.6 Influent Parshall Flumes:** Design criteria and allocation are based exclusively on flow.
- **SP - 2.7 Pumping Plant No. 3 (Can Seg Pump Station):** Design criteria and allocation are based exclusively on flow.

6.2.2.1.3 SP - 3 Outfall Pump Station Replacement

Design criteria and allocation are based exclusively on flow.

6.2.2.1.4 SP - 4 Demolition of Sutter Treatment Facilities

This is a general project required for improvements to the site. Therefore, costs are allocated equally to all three wastewater constituents.

6.2.2.1.5 *SP - 5 Allowance for Flood Protection of Remaining Sutter Treatment Facilities*

This is a general project required for improvements to the site. Therefore, costs are allocated equally to all three wastewater constituents.

6.2.2.2 *Outfall Pipelines*

All outfall facility improvements are designed for increased capacity. Design criteria and allocation for each outfall is based exclusively on flow.

6.2.2.3 *Jennings Plant Improvements*

6.2.2.3.1 *JP - 1 Secondary Treatment/Can Seg Treatment Facilities Upgrade*

- **JP - 1.1 Fixed Film Reactors and Pump Station Rehabilitation:** Design criteria for the FFR Pump Station are based exclusively on flow, and design criteria for the FFRs are based on BOD. Cost allocation is split equally between flow and BOD.
- **JP - 1.2 Nutrient Feed and pH Control Systems:** Nutrient and pH control are required for secondary treatment to perform properly. Cost allocation is 40 percent to flow, 30 percent to BOD, and 30 percent to TSS.
- **JP - 1.3 Peroxide Feed System:** Design criteria and allocation are based exclusively on flow.
- **JP - 1.4 Aerators in Recirculation Channel:** Design criteria and allocation are based exclusively on BOD.
- **JP - 1.5 DAF Piping Modifications:** The DAFs are required for TSS removal. Therefore, allocation is based exclusively on TSS.

6.2.2.3.2 *JP - 2 Primary Treatment and Solids Handling Facilities*

- **JP - 2.1 Primary Treatment Facilities:** Design criteria are based on flow. Primary treatment also removes TSS and BOD. Cost allocation is 70 percent to flow, 10 percent to BOD, and 20 percent to TSS.
- **JP - 2.2 Yard Piping and Structures:** Design criteria and allocation are based exclusively on flow.
- **JP - 2.3 Anaerobic Digesters:** Primary sludge and WAS will both be digested. Of the total sludge sent to the digesters, approximately 70 percent will be primary sludge, which corresponds with TSS removal during primary treatment. The other 30 percent will be WAS, which consists of solids from BOD generated biomass. Therefore, cost allocation is 30 percent to BOD and 70 percent to TSS.

- **JP - 2.4 Solids Processing Building (WAS Thickening and Biosolids Dewatering Facilities):** Cost allocation is 30 percent to BOD and 70 percent to TSS on the same basis as anaerobic digesters.

- **JP - 2.5 Sludge Cake Drying Beds:** Cost allocation is 30 percent to BOD and 70 percent to TSS on the same basis as anaerobic digesters.

6.2.2.3.3 JP - 3 Miscellaneous Repairs

These are general projects required for improvements to the site. Costs are allocated equally to all three billable constituents.

6.2.2.4 Engineering Studies

6.2.2.4.1 ES - 1 Master Plan Updates

Costs are allocated equally to all three billable constituents.

6.2.2.4.2 ES - 2 Land Application Study

The study will determine BOD loading rates for the ranch land. Costs are allocated exclusively to BOD.

7.0 PROJECT PHASING AND CASH FLOW PROJECTIONS

The wastewater collection system and treatment improvements program outlined will be constructed in phases throughout the 20-year planning period. These improvements will be implemented in five-year periods. Table 9 summarizes the phasing of the collection system projects, and Appendix A shows the capital expenditures associated with the collection system implementation plan in more detail. Phasing costs are driven by reliability priority and anticipated new development.

The wastewater treatment improvements will also be constructed in phases. Timing for the projects was determined for each year for the first five years and for each five-year period for the remaining 15 years of the CIP. Similarly, the CIP cash flow was developed on a year-by-year basis for the first five years and on an average annual basis for each five-year period thereafter. Table 9 also summarizes the capital costs for each phase.

Combining the entire wastewater capital improvement program for the collection system and treatment improvements results in the cost flow presented in Figure 8.

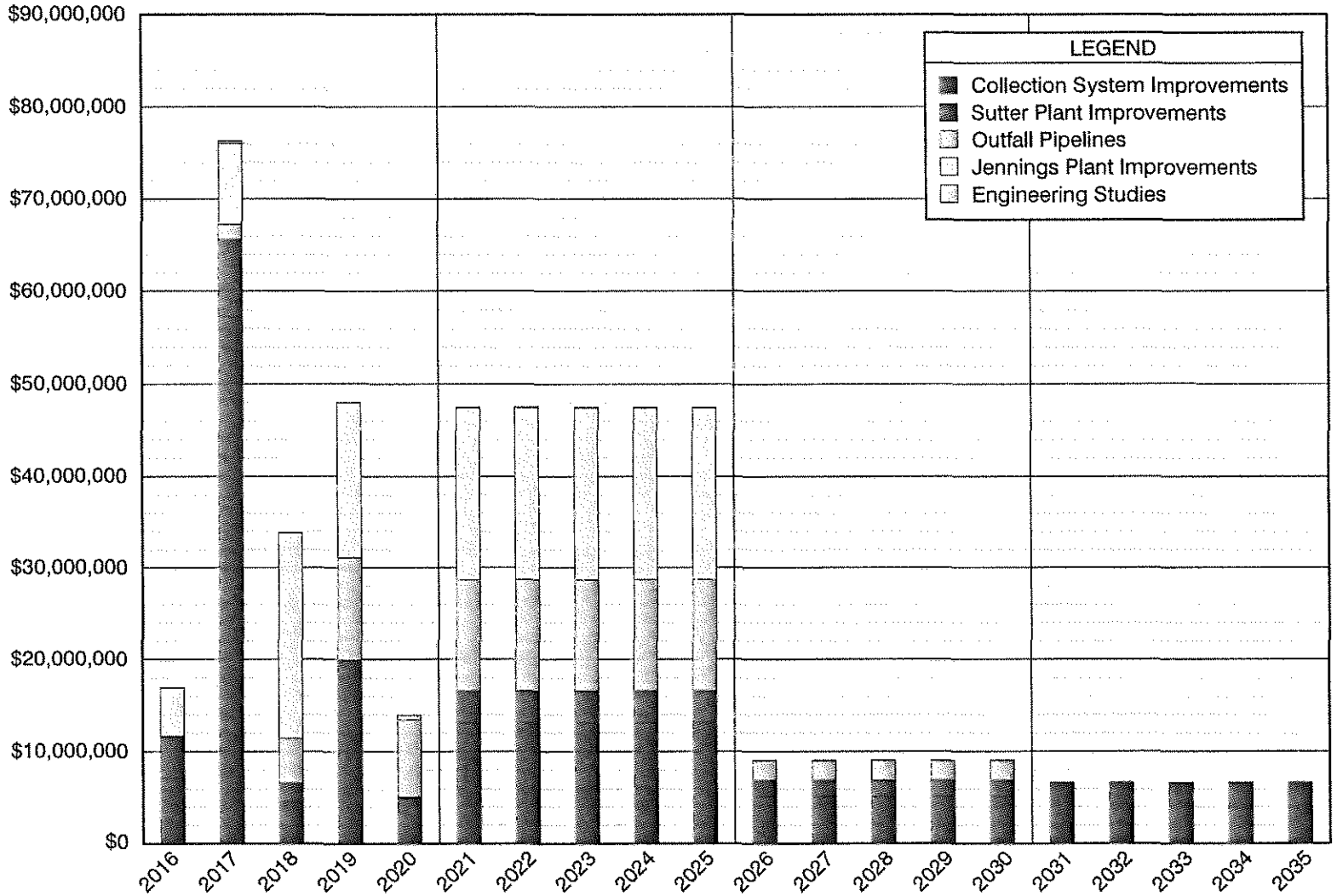
Table 9 Wastewater Treatment CIP Phasing
Engineer's Report
City of Modesto, California

Project	Project Number	Total Project Cost ($)[1]	Capital Improvement Program Cost per Phase ($)[1]							
			Phase 1					Phase 2	Phase 3	Phase 4
			2016	2017	2018	2019	2020	2021-2025	2026-2030	2031-2035
Collection System Improvements										
Capacity Improvements	-	103,642,000	2,324,000	34,283,000	-	16,967,000	2,071,000	40,769,000	1,589,000	5,639,000
New Growth Improvements	-	35,420,000	-	-	-	-	-	11,050,000	10,486,000	13,884,000
R&R Improvements	-	36,033,000	3,589,500	17,125,500	3,961,000	3,000,000	3,000,000	8,691,000	8,333,000	8,333,000
Reliability Improvements	-	5,601,000	186,500	4,854,500	560,000	-	-	-	-	-
Storm Drain Removal	-	17,040,000	1,020,000	1,020,000	-	-	-	5,000,000	5,000,000	5,000,000
Total - Collection System Improvements		**217,736,000**	**7,120,000**	**57,283,000**	**4,521,000**	**19,967,000**	**5,071,000**	**65,510,000**	**25,408,000**	**32,856,000**
Sutter Plant Improvements										
Influent Pump Station Improvements	SP-1	2,198,000	-	-	-	-	-	-	2,198,000	-
Headworks, Dryden Box, and Influent Flume Improvements Project	SP-2	14,849,000	4,454,900	8,315,600	2,078,900	-	-	-	-	-
Outfall Pump Station Replacement	SP-3	17,332,000	-	-	-	-	-	17,332,000	-	-
Demolition of Sutter Treatment Facilities	SP-4	4,942,000	-	-	-	-	-	-	4,942,000	-
Allowance for Flood Protection of Remaining Sutter Facilities	SP-5	2,000,000	-	-	-	-	-	-	2,000,000	-
Subtotal - Sutter Plant Improvements		**41,321,000**	**4,454,900**	**8,315,600**	**2,078,900**	**-**	**-**	**17,332,000**	**9,140,000**	**-**
Outfall Pipelines										
Tuolumne River Pipe Crossings	OP-1	26,045,000	98,700	1,657,600	4,779,900	11,148,000	8,361,000	-	-	-
Third Outfall Pipeline	OP-2	60,679,000	-	-	-	-	-	60,679,000	-	-
Slip Lining Portion of the Can Seg Outfall	OP-3	10,456,000	-	-	-	-	-	-	10,456,000	-
Subtotal Outfall Pipelines		**97,180,000**	**98,700**	**1,657,600**	**4,779,900**	**11,148,000**	**8,361,000**	**60,679,000**	**10,456,000**	**-**
Jennings Plant Improvements										
Secondary Treatment/Can Seg Treatment Facilities Upgrades	JP-1	52,422,000	4,822,400	8,332,700	22,438,400	16,828,800	-	-	-	-
Primary Treatment and Solids Handling Facilities	JP-2	93,530,000	-	-	-	-	-	93,530,000	-	-
Miscellaneous Repairs	JP-3	873,000	436,400	436,400	-	-	-	-	-	-
Subtotal - Jennings Plant Improvements		**146,825,000**	**5,258,800**	**8,769,100**	**22,438,400**	**16,828,800**	**-**	**93,530,000**	**-**	**-**

Table 9 Wastewater Treatment CIP Phasing
Engineer's Report
City of Modesto, California

Project	Project Number	Total Project Cost ($)[1]	Capital Improvement Program Cost per Phase ($)[1]							
			Phase 1					Phase 2	Phase 3	Phase 4
			2016	2017	2018	2019	2020	2021-2025	2026-2030	2031-2035
Engineering Studies										
Master Plan Updates	ES-1	2,000,000	-	-	-	-	500,000	500,000	500,000	500,000
Land Application Study	ES-2	250,000	-	250,000	-	-	-	-	-	-
Subtotal - Engineering Studies		**2,250,000**	-	**250,000**	-	-	**500,000**	**500,000**	**500,000**	**500,000**
Total - Wastewater Treatment Improvements		**287,576,000**	**9,812,400**	**18,992,300**	**29,297,800**	**27,976,800**	**8,861,000**	**172,041,000**	**20,096,000**	**500,000**
Total - Collection System and Wastewater Treatment Improvements		**505,312,000**	**16,932,400**	**76,275,300**	**33,818,200**	**47,943,800**	**13,932,000**	**237,551,000**	**45,504,000**	**33,356,000**

Note:
(1) Total project costs are presented in millions of dollars and rounded to the nearest hundred thousand. The collection system costs are provided as present value based on an ENR CCI number of 10037 corresponding to the 20-City Average Index in July 2015. The wastewater treatment costs are provided as present value based on an ENR CCI number of 10270 corresponding to the 20-City Average Index in December 2015. Costs are not escalated to future years. Total project costs include allowances for contingencies, engineering, legal, administration, and permitting costs.



CIP CASH FLOW

FIGURE 8

CITY OF MODESTO
ENGINEER'S REPORT

Source: Collection System Master Plan and Wastewater Treatment Master Plan

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APPENDIX A – COLLECTION SYSTEM CAPITAL IMPROVEMENT PROGRAM

Table A.1 Collection System Capital Improvement Program
Engineer's Report
City of Modesto, California

Project	Project Number	Description/ Street	Purpose	Improvement Category	Project Length/Size and Cost: Ex. Size/ Diam. (in)	New Size/ Diam. (in)	Replace/ New	Length (ft)	Unit Cost ($)	Capital Improvement Cost[1,m] ($)	Capital Improvement Program Cost per Phase ($): Phase 1: 2016	2017	2018	2019	2020	Phase 2: 2021-2025	Phase 3: 2026-2030	Phase 4: 2031-2035	Future Users Benefit (%)	Cost Allocation: Existing Improvements ($)	Future Improvements ($)
Existing System Improvements																					
Area 1																					
West Trunk																					
Hahn Lift Station	LS # 18 - Hahn	Harney Creek Road and Nightingale Drive	Increase the firm capacity from 0.65 mgd to 1.3 mgd to meet existing and future PWWFs.	Capacity	2.6 mgd	2.6 mgd	Replace	-	$ 1,492,000	$ 1,791,000	$ 1,791,000								14%	$ 1,537,000	$ 254,000
Rumble Trunk																					
Rumble Lift Station	LS # 10 - Rumble	Rumble Road near Bay Lane	Increase the firm capacity from 1.37 mgd to 2.33 mgd to meet existing and future PWWFs.	Capacity	1.4 mgd	3.5 mgd	Replace	-	$ 1,403,000	$ 2,280,000						$ 2,280,000			28%	$ 1,645,000	$ 635,000
Area 2																					
Sutter Trunk																					
Gravity Pipeline	S-4a	Highway 99	Increase reliability by constructing a parallel 16-inch diameter trunk under Highway 99.	Reliability	-	16	New	-	$ 171,500	$ 171,500	$ 188,500	$ 188,500							0%	$ 173,000	$ -
Gravity Pipeline	S-4b	Highway 99	Rehabilitate existing 16-inch diameter trunk.	Rehabilitation	16	-	Rehab	-	$ 113,000	$ 113,000	$ 56,500	$ 56,500							0%	$ 113,000	$ -
Area 3																					
River Trunk																					
Gravity Pipeline[2]	RT-1	Tuolumne Avenue	Provides gravity conveyance of the River Trunk flows from the discharge of the River Trunk force mains to the Sutter Plant.	Capacity	-	48	New	-	$3,211,000							$ 3,211,000			41%	$ 1,898,000	$ 1,313,000
Gravity Pipeline[2]	RT-2	Colorado Avenue	Provides gravity conveyance of the River Trunk flows from the discharge of the River Trunk force mains to the Sutter Plant.	Capacity	-	54	New	-	$8,648,000							$ 8,648,000			41%	$ 5,105,000	$ 3,543,000
Gravity Pipeline[2]	RT-3	Colorado Avenue	Provides gravity conveyance of the River Trunk flows from the discharge of the River Trunk force mains to the Sutter Plant.	Capacity	-	60/72	New	-	$7,442,000							$ 7,442,000			41%	$ 4,393,000	$ 3,049,000
Gravity Pipeline[3]	RT-4	Tuolumne Boulevard	Provide peak wet weather diversion for the existing Sutter Trunk.	Capacity	-	21	New	-	$1,137,000							$ 1,137,000			41%	$ 671,000	$ 466,000
Force Main[3]	RT-5	Tuolumne Boulevard	Two force mains allow the system to maintain flushing velocities through a wide range of flows and will convey flows from the River Trunk Pump Station.	Capacity	-	14 & 28	New	-	$5,816,000							$ 5,816,000			41%	$ 3,433,000	$ 2,383,000
Gravity Pipeline[3]	RT-6	Board Brook North Gravity Alignment	A gravity extension of the Dry Creek crossing that conveys flows to the River Trunk Pump Station.	Capacity	-	-	New	-	$16,967,000				$ 16,967,000						41%	$ 10,017,000	$ 6,950,000
Gravity Pipeline[3]	RT-7	B Street	Provide flows to the River Trunk Pump Station.	Capacity	-	36 & 48	New	-	$2,072,000						$ 2,072,000				41%	$ 1,223,000	$ 848,000
Gravity Pipeline[3]	RT-8	Open Space	Convey flows from the new Shackelford PS to the new River Trunk in Colorado.	Capacity	-	14 & 18	New	-	$1,944,000							$ 1,944,000			44%	$ 1,085,000	$ 859,000
Gravity Pipeline[3]	RT-9	Sutter Avenue	Based on the results of the condition assessment, the Sutter Ave Trunk will require rehabilitation.	Rehabilitation	-	36	New	-	$537,000	$ 537,000									41%	$ 315,000	$ 222,000
Gravity Pipeline[3]	RT-10	Open Space	Based on the results of the condition assessment, a segment of the River Trunk will require rehabilitation.	Rehabilitation	-	48	New	-	$14,069,000			$ 14,069,000							41%	$ 8,306,000	$ 5,763,000
River Bank Armament[3]	RT-11	Tuolumne River Bank	Armoring the riverbank to prevent future erosion and expose of the CSL and River Trunk.	Reliability	-	-	New	-	$4,668,000			$ 4,668,000							41%	$ 2,756,000	$ 1,912,000
CSL Diversion Structures[3]	RT-12	North of Sutter Plant	A contingency to divert flows between the CSL and River Trunk.	Reliability	-	-	New	-	$560,000				$ 560,000						41%	$ 331,000	$ 229,000
Shackelford Lift Station[3]	LS-Shackelford	East of Crows Landing	Eliminate the siphon below the Tuolumne River.	Capacity	-	4.2 mgd	New	-	$2,989,000							$ 2,989,000			44%	$ 1,676,000	$ 1,313,000
River Trunk Lift Station[3]	LS-River Trunk	Morton Boulevard	Eliminate River Trunk overload siphon and associated issues.	Capacity	-	54.5 mgd	New	-	$33,483,000			$ 33,483,000							41%	$ 19,767,000	$ 13,716,000
Area 4																					
Downtown Trunks																					
Gravity Pipeline	DT-1	J Street	The trunk in J Street exceeds the maximum d/D criteria under PWWF and causes the existing 12-inch pipeline to surcharge.	Capacity	12	15	Replace	2,400	$ 205	$ 800,000		$ 800,000							4%	$ 765,000	$ 35,000
Gravity Pipeline	DT-2	Kimble Street and Floto Street	The existing 10-inch diameter pipelines exceed the maximum d/D criteria under PWWF at approximately 90-percent capacity.	Capacity	10	12	Replace	1,000	$ 163	$ 165,000						$ 165,000			4%	$ 154,000	$ 11,000
Area 5																					
Santa Rosa Trunk																					
Gravity Pipeline	SR-1	Kimble Street and Floto Street	This segment has significant deterioration to a point where the structural integrity of the pipe is compromised.	Rehabilitation	24/30	-	Rehab	1,700	$ 580	$ 985,000				$ 985,000					0%	$ 985,000	$ -
Gravity Pipeline	SR-4	Coffee Street	The existing 10-inch diameter pipelines in Coffee Road exceed the maximum d/D criteria under PWWF and cause the existing 10-inch pipelines to surcharge.	Capacity	10	18	Replace	1,800	$ 205	$ 533,000	$ 533,000								0%	$ 533,000	$ -
Gravity Pipeline	SR-6	Kimble Street and Floto Street	This reach is over 50 years old and has significant deterioration to a point where the structural integrity of the pipe is compromised.	Rehabilitation	36	-	Rehab	1,000	$ 358	$ 358,000						$ 358,000			0%	$ 358,000	$ -
Rose and Celeste Trunk																					
Rose & Celeste Lift Station	LS # 29 - Rose & Celeste	Rose Avenue and Celeste Drive	Increase the firm capacity from 0.86 mgd to 1.2 mgd to meet existing and future PWWFs.	Capacity	0.9 mgd	2.9 mgd	Replace	-	$ 1,100,000	$ 1,791,000						$ 1,791,000			0%	$ 1,791,000	$ -
Area 6																					
Empire Trunk																					
Gravity Pipeline[4]	EM-1	McClure Road	The existing pipelines in McClure Road exceed the maximum d/D criteria under PWWF and cause the 10-inch pipelines to surcharge.	Capacity	10	15	Replace	200	$ -	In Progress									0%	$ -	$ -
Gravity Pipeline[4]	EM-2	Garner Road	This relief pipeline will alleviate surcharging within the Empire Trunk along Yosemite Boulevard and McClure Road.	Capacity	-	18	New	2,100	$ -	In Progress									0%	$ -	$ -
Gravity Pipeline	EM-3	Hoover Avenue	The existing pipelines exceed the maximum d/D under PWWF at approximately 80-percent capacity.	Capacity	10	12	Replace	1,800	$ 163	$ 476,000						$ 476,000			14%	$ 409,000	$ 67,000
Gravity Pipeline	EM-4	Benson Avenue	The 15-inch diameter trunk in Benson Avenue exceeds the d/D criteria under PWWF at approximately 85-percent capacity.	Capacity	15	18	Replace	1,400	$ 223	$ 537,000						$ 537,000			3%	$ 521,000	$ 16,000
Benson Lift Station	LS # 03 - Benson	Benson Avenue	Increase the firm capacity from 0.35 mgd to 1.3 mgd to meet existing and future PWWFs.	Capacity	0.2 mgd	2.6 mgd	Replace	-	$ 1,100,000	$ 1,791,000						$ 1,791,000			0%	$ 1,785,000	$ 6,000

Table A.1 Collection System Capital Improvement Program
Engineer's Report
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Project	Project Number	Description/ Street	Purpose	Improvement Category	Project Length/Size and Cost: Ex. Size/ Diam. (in)	New Size/ Diam. (in)	Replace/ New	Length (ft)	Unit Cost ($)	Capital Improvement Cost[Plus] ($)	Capital Improvement Program Cost per Phase ($): Phase 1 2016	Phase 1 2017	Phase 1 2018	Phase 1 2019	Phase 1 2020	Phase 2 2021-2025	Phase 3 2026-2030	Phase 4 2031-2034	Future Users Benefit (%)	Cost Allocation: Existing Improvements ($)	Cost Allocation: Future Improvements ($)
Sonoma/Lakewood Trunk																					
Scenic Lift Station[Pl]	LS # 31 - Scenic	Scenic Drive	Increase the firm capacity from 2.9 mgd to 19.4 mgd to meet existing and future PWWFs.	Capacity	13.0 mgd	35.0 mgd	Replace	-	$ -	In Progress									52%	$ -	$ -
Phase 1																					
Carver Trunk																					
Gravity Pipeline[Pl]	C-1	Parallel to Tuolumne River	This project rehabilitates the oldest and most deteriorated segment of the Carver Trunk.	Rehabilitation	18/24[illegible]	-	Replace	2,900	$ -	In Progress									0%	$ -	$ -
Gravity Pipeline[Pl]	C-2a	Highway 99 crossing	Increase reliability by constructing a parallel 24-inch diameter trunk under Highway 99.	Reliability	-	24	New	150	$ -	In Progress									0%	$ -	$ -
Gravity Pipeline[Pl]	C-2b	Highway 99 crossing	Rehabilitate existing 24-inch diameter trunk.	Reliability	-	24	New	150	$ -	In Progress									0%	$ -	$ -
Phase 2																					
Storm Drain	SDR	Various Locations	Remove storm drain connections from the sewer collection system.	Storm Drain Removal						$17,240,000	$ 1,020,000	$ 1,020,000				$ 5,000,000	$ 5,000,000	$ 5,000,000	0%	$ 17,040,000	$ -
Rehabilitation & Replacement	R&R	Various Locations	Small and Large Diameter Rehabilitation and Replacement Program.	Rehabilitation	-	-	-	-		$ 39,960,000	$ 3,000,000	$ 3,000,000	$ 3,000,000	$ 3,000,000	$ 3,000,000	$ 8,330,000	$ 8,330,000	$ 8,330,000	0%	$ 39,960,000	$ -
Existing Improvements Cost Estimate										$57,616,000	$4,120,000	$4,283,000	$4,021,000	$3,900,000	$3,021,000	$51,930,000	$13,330,000	$13,333,000		$120,025,000	$43,591,000
Future System Improvements																					
Phase 1																					
West Trunk																					
Gravity Pipeline	W-1	Carpenter Road to Sutter Plant	Build-out PWWF causes the lower reach of the West Trunk to exceed the maximum depth criteria at approximately 90 percent capacity.	Capacity	-	48	New	5,200	$ 165	$ 4,664,000								$ 4,664,000	34%	$ 3,083,000	$ 1,586,000
Gravity Pipeline	W-2	Veneman Avenue	The trunk in Veneman Avenue exceeds the d/D criteria at approximately 90 percent capacity.	Capacity	18	21	Replace	700	$ 250	$ 298,000							$ 298,000		14%	$ 257,000	$ 41,000
Gravity Pipeline	W-3	Undeveloped Area	These improvements are recommended to service future growth within the Beckwith-Dakota and College West CPDs.	New Growth	-	18	New	4,000	$ 333	$ 1,333,000								$ 1,333,000	100%	$ -	$ 1,333,000
Force Main	W-4	North Avenue	These improvements are recommended to service future growth within the Beckwith-Dakota and College West CPDs.	New Growth	-	8	New	9,000	$ 147	$ 2,150,000								$ 2,150,000	100%	$ -	$ 2,150,000
Gravity Pipeline	W-5	Dakota Avenue	These improvements are recommended to service future growth within the Beckwith-Dakota and College West CPDs.	New Growth	-	12	New	1,200	$ 163	$ 319,000								$ 319,000	100%	$ -	$ 319,000
Gravity Pipeline	W-6	Kansas Avenue	The improvement is recommended to service future growth within the Highway 132 CPD.	New Growth	-	15	New	4,300	$ 203	$ 1,421,000								$ 1,421,000	100%	$ -	$ 1,421,000
Gravity Pipeline	W-7	Carpenter Road and Faradale Road	The improvement is recommended to service infill as the sewer service area extends to include county islands.	New Growth	-	12	New	5,000	$ 153	$ 765,000							$ 765,000		100%	$ -	$ 765,000
Kansas Lift Station	LS # 53	Kansas Avenue and Altamont Court	The proposed lift station is necessary due to the extensive length, minimum slope of the proposed pipelines, and flat topography of the area.	New Growth	-	2.0 mgd	New	-	$ 999,000	$ 1,471,000								$ 1,471,000	100%	$ -	$ 1,471,000
Dakota Lift Station	LS # 54	Dakota Road and Beckwith Court	The proposed lift station is necessary due to the extensive length, minimum slope of the proposed pipelines, and flat topography of the area.	New Growth	-	1.6 mgd	New	-	$ 605,000	$ 993,000								$ 993,000	100%	$ -	$ 993,000
Woodland Lift Station[Pl]	LS # 39	Woodland Avenue and Pope Road	It is proposed that the firm capacity be increased up to 2 mgd from its current capacity of 20.5 mgd to meet future PWWFs.	Capacity	27.4 mgd	32.4 mgd	Expand	-	-	$ 1,293,000							$ 1,293,000		39%	$ 790,000	$ 503,000
Rumble Trunk																					
Gravity Pipeline	R-1	Claremont Avenue and Maud Kurtz Terrace	Under PWWF conditions, this reach of the Rumble Trunk experiences flow depths in excess of the maximum d/D at approximately 90-percent capacity.	Capacity	21	24	Replace	5,100	$ 296	$ 2,470,000						$ 2,470,000			19%	$ 1,993,000	$ 477,000
Gravity Pipeline	R-2	McHenry Avenue	This sewer trunk extension will provide service to future development in the Pelandale/McHenry CPD.	New Growth	-	10	New	900	$ 127	$ 200,000						$ 200,000			100%	$ -	$ 200,000
Dale Trunk																					
Gravity Pipeline	D-1	Undeveloped Area	This group of improvements is recommended to service future growth within the Kiernan-Carver and Kiernan-Carver North CPDs.	New Growth	-	18	New	1,700	$ 305	$ 490,000							$ 490,000		100%	$ -	$ 490,000
Force Main	D-2	Undeveloped Area	This group of improvements is recommended to service future growth within the Kiernan-Carver and Kiernan-Carver North CPDs.	New Growth	-	6	New	2,600	$ 147	$ 621,000							$ 621,000		100%	$ -	$ 621,000
Gravity Pipeline	D-3	Chapman Road	This group of improvements is recommended to service future growth within the Kiernan-Carver and Kiernan-Carver North CPDs.	New Growth	-	12	New	1,700	$ 163	$ 450,000							$ 450,000		100%	$ -	$ 450,000
Gravity Pipeline	D-4	Chapman Road	This group of improvements is recommended to service future growth within the Kiernan-Carver and Kiernan-Carver North CPDs.	New Growth	-	10	New	2,300	$ 137	$ 489,000							$ 489,000		100%	$ -	$ 489,000
Gravity Pipeline	D-5	Undeveloped Area	This group of improvements is recommended to service future growth within the Kiernan-Carver and Kiernan-Carver North CPDs.	New Growth	-	8	New	1,800	$ 152	$ 267,000							$ 267,000		100%	$ -	$ 267,000
Chapman Lift Station	LS # 60	Chapman Road	The proposed lift station is necessary due to the extensive length, minimum slope of the proposed pipelines, and flat topography of the area.	New Growth	-	1.6 mgd	New	-	$ 786,000	$ 1,276,000							$ 1,276,000		100%	$ -	$ 1,276,000
North Trunk Extension																					
Gravity Pipeline	N-1	Bangs Avenue	Future development within the northern portion of the City will require the construction of several trunk sewers to serve customers.	New Growth	-	27	New	2,800	$ 325	$ 1,524,000						$ 1,524,000			39%	$ -	$ 1,524,000
Gravity Pipeline	N-2	Bangs Avenue	Future development within the northern portion of the City will require the construction of several trunk sewers to serve customers.	New Growth	-	24	New	6,100	$ 298	$ 2,954,000						$ 2,954,000			13%	$ -	$ 2,954,000
Gravity Pipeline	N-3	Bangs Avenue	Future development within the northern portion of the City will require the construction of several trunk sewers to serve customers.	New Growth	-	21	New	1,900	$ 280	$ 676,000							$ 676,000		100%	$ -	$ 676,000
Gravity Pipeline	N-4	Bangs Avenue	Future development within the northern portion of the City will require the construction of several trunk sewers to serve customers.	New Growth	-	18	New	3,100	$ 363	$ 1,123,000							$ 1,123,000		100%	$ -	$ 1,123,000
Gravity Pipeline	N-5	Bangs Avenue	Future development within the northern portion of the City will require the construction of several trunk sewers to serve customers.	New Growth	-	15	New	2,400	$ 205	$ 800,000							$ 800,000		100%	$ -	$ 800,000
Gravity Pipeline	N-6	Tully Road and Pelandale Avenue	Future development within the northern portion of the City will require the construction of several trunk sewers to serve customers.	New Growth	-	10	New	4,600	$ 157	$ 1,059,000						$ 1,059,000			100%	$ -	$ 1,059,000
Gravity Pipeline	N-7	American Avenue	Future development within the northern portion of the City will require the construction of several trunk sewers to serve customers.	New Growth	-	15	New	3,100	$ 305	$ 1,034,000								$ 1,034,000	100%	$ -	$ 1,034,000
Gravity Pipeline	N-8	Kiernan Avenue	Future development within the northern portion of the City will require the construction of several trunk sewers to serve customers.	New Growth	-	10	New	5,600	$ 137	$ 1,246,000								$ 1,246,000	100%	$ -	$ 1,246,000
Gravity Pipeline	N-9	Kiernan Avenue	Future development within the northern portion of the City will require the construction of several trunk sewers to serve customers.	New Growth	-	8	New	8,200	$ 136	$ 1,116,000								$ 1,116,000	100%	$ -	$ 1,116,000

Table A.1 Collection System Capital Improvement Program
Engineer's Report
City of Modesto, California

Project	Project Number	Description/ Street	Purpose	Improvement Category	Project Length/Size and Cost: Ex. Size/ Diam. (in)	New Size/ Diam. (in)	Replace/ New	Length (ft)	Unit Cost ($)	Capital Improvement Cost[1,2,3] ($)	Capital Improvement Program Cost per Phase ($): Phase 1 2016	Phase 1 2017	Phase 1 2018	Phase 1 2019	Phase 1 2020	Phase 2 2021-2025	Phase 3 2026-2030	Phase 4 2031-2035	Future Users Benefit (%)	Cost Allocation: Existing Improvements ($)	Future Improvements ($)
Pelandale Lift Station	LS # 59	Pelandale Avenue	The proposed lift station is necessary due to the extensive length, minimum slope of the proposed pipelines, and flat topography of the area.	New Growth	-	0.3 mgd	New	-	$ 397,000	$ 645,000						$ 645,000			100%	$ -	$ 645,000
Kiernan Lift Station	LS # 65	Kiernan Avenue and Colonial Road	The proposed lift station is necessary due to the extensive length, minimum slope of the proposed pipelines, and flat topography of the area.	New Growth	-	0.5 mgd	New	-	$ 454,000	$ 736,000								$ 736,000	100%	$ -	$ 736,000
Area 1																					
Sutter Trunk																					
Gravity Pipeline	S-1	Jefferson Street	The trunk to Jefferson Avenue exceeds the d/D criteria at approximately 69 percent capacity.	Capacity	18	18	Replace	700	$ 223	$ 275,000								$ 275,000	26%	$ 204,000	$ 71,000
Area 2																					
Tuolumne Trunk Extension																					
Gravity Pipeline	SO-1	Undeveloped Area	This group of improvements is recommended to service future growth within the Roselle-Claribel CPD.	New Growth	-	24	New	5,500	$ 288	$ 1,587,000						$ 1,587,000			100%	$ -	$ 1,587,000
Gravity Pipeline	SO-2	Undeveloped Area	This group of improvements is recommended to service future growth within the Roselle-Claribel CPD.	New Growth	-	18	New	2,100	$ 223	$ 943,000						$ 943,000			100%	$ -	$ 943,000
Gravity Pipeline	SO-3	Undeveloped Area	This group of improvements is recommended to service future growth within the Roselle-Claribel CPD.	New Growth	-	15	New	2,800	$ 305	$ 853,000						$ 853,000			100%	$ -	$ 853,000
Gravity Pipeline	SO-4	Undeveloped Area	This group of improvements is recommended to service future growth within the Roselle-Claribel CPD.	New Growth	-	8	New	3,100	$ 109	$ 338,000						$ 338,000			100%	$ -	$ 338,000
Wood Scott Lift Station	LS # 61	North of Wood Scott Drive and Sylvan Avenue	The proposed lift station is necessary due to the extensive length, minimum slope of the proposed pipelines, and flat topography of the area.	New Growth	-	0.1 mgd	New	-	$ 358,000	$ 532,000						$ 532,000			100%	$ -	$ 532,000
Lakewood Trunk Extension																					
Gravity Pipeline	L-1	Litt Road	This group of improvements will service business, commercial, and residential growth to the east within the Village One CPD.	New Growth	-	18	New	4,900	$ 223	$ 1,091,000							$ 1,091,000		100%	$ -	$ 1,091,000
Gravity Pipeline	L-2	Litt Road	This group of improvements will service business, commercial, and residential growth to the east within the Village One CPD.	New Growth	-	15	New	1,700	$ 305	$ 517,000							$ 517,000		100%	$ -	$ 517,000
Gravity Pipeline	L-3	Litt Road	This group of improvements will service business, commercial, and residential growth to the east within the Village One CPD.	New Growth	-	12	New	900	$ 783	$ 711,000							$ 711,000		100%	$ -	$ 711,000
Gravity Pipeline	L-4	Plainview Road	This group of improvements will service business, commercial, and residential growth to the east within the Village One CPD.	New Growth	-	10	New	3,300	$ 197	$ 650,000							$ 650,000		100%	$ -	$ 650,000
Gravity Pipeline	L-5	Claus Road	This group of improvements will service business, commercial, and residential growth to the east within the Village One CPD.	New Growth	-	8	New	300	$ 189	$ 54,000						$ 54,000			100%	$ -	$ 54,000
Gravity Pipeline	L-6	Merle Ave	This group of improvements will service business, commercial, and residential growth to the east within the Village One CPD.	New Growth	-	10	New	400	$ 137	$ 89,000								$ 89,000	100%	$ -	$ 89,000
Litt Lift Station	LS # 57	Litt Road	The proposed lift station is necessary due to the extensive length, minimum slope of the proposed pipelines, and flat topography of the area.	New Growth	-	1.3 mgd	New	-	$ 489,000	$ 1,118,000							$ 1,118,000		100%	$ -	$ 1,118,000
Area 3																					
Uatick Trunk																					
Gravity Pipeline	U-1	Uatick Road	At build-out of Area 13, the PWWF from new growth will cause the Uatick Trunk to surcharge.	Capacity	33	18	Replace	2,000	$ 350	$ 700,000								$ 700,000	56%	$ 396,000	$ 304,000
Gravity Pipeline	U-2	Whitmore Avenue	This group of improvements will service commercial and residential growth to the southeast within the Fairview CPD.	New Growth	-	10	New	1,600	$ 137	$ 222,000								$ 222,000	100%	$ -	$ 222,000
Force Main	U-3	Whitmore Avenue	This group of improvements will service commercial and residential growth to the southeast within the Fairview CPD.	New Growth	-	4	New	427	$ 144	$ 98,000								$ 98,000	100%	$ -	$ 98,000
Gravity Pipeline	U-4	Whitmore Avenue	This group of improvements will service commercial and residential growth to the southeast within the Fairview CPD.	New Growth	-	10	New	3,400	$ 137	$ 757,000								$ 757,000	100%	$ -	$ 757,000
Whitmore/Carpenter Lift Station	LS # 62	Whitmore Avenue	The proposed lift station is necessary due to the extensive length, minimum slope of the proposed pipelines, and flat topography of the area.	New Growth	-	0.8 mgd	New	-	$ 646,000	$ 887,000								$ 887,000	100%	$ -	$ 887,000
Future Improvements Cost Estimate										45,118,000						11,520,000	12,075,000	19,523,000		6,618,000	38,500,000
Total Capital Improvement Cost Estimate										217,736,000	7,120,000	57,261,000	4,621,000	19,567,000	5,621,000	65,510,000	20,033,000	38,655,000		135,646,000	82,090,000

Notes

1. Costs are provided as present value based on an ENR CCI number of 10037 corresponding to the 20-City Average Index in December 2015. Costs are not escalated to future years.
2. Total construction cost includes the baseline construction cost plus a 25 percent allowance to account for unforeseen events and unknown conditions. Total project cost includes a 33 percent allowance to cover other costs including engineering, construction management, and project administration.
3. Cost estimates are from the River Trunk Realignment, Beard Brook Siphon and Cannery Segregation Line Improvement Project PDR.
4. Cost for project is not included in CIP because the improvement is currently in progress.
5. The cost for Woodlake Lift Station is based on the 2007 Master Plan and was re-valued to reflect the most probable current cost.
6. Lift station capacities refer to the total capacity unless noted otherwise.

APPENDIX B – WASTEWATER TREATMENT CAPITAL IMPROVEMENT PROGRAM

Table B.1 Wastewater Treatment CIP
Engineer's Report
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Project	Project Number	Description	Purpose	Improvement Category	Total Project Cost ($)[1]
Sutter Plant Improvements					
Influent Screw Pump Addition	SP-1	Installation of a fifth influent screw pump.	Increases influent pumping capacity to meet the projected PWWF.	Capacity	2,198,000
Headworks, Dryden Box, and Influent Flume Improvements Project	SP-2				
New Dryden Box	SP-2.1	New Dryden Box and associated yard piping	Replaces corroded box and provides improved and connection with existing Can Seg sewers.	Reliability/Capacity	2,600,000
New West Junction Structure	SP-2.2	West Trunk Junction Structure, improvements to the existing Junction Box No. 1, and associated yard piping.	Provides connection with new River Trunk	Reliability/Capacity	300,000
Influent Screening	SP-2.3	Four new multi-rake screens with 1/4 inch bar spacing, one new multi-rake with emergency bypass. Also includes the installation of a new skid mounted washer compactor.	Improves screenings capture and reduces maintenance on downstream processes.	Reliability/Capacity	4,075,000
Grit Removal	SP-2.4	Installation of a grit removal mechanism in Grit Basin No. 4 and an additional grit pump; modifications will be made to all grit basins.	Increases grit removal capacity at PHWWF. Improves grit capture and reduces maintenance on downstream processes.	Reliability/Capacity	1,469,000
Headworks Building Odor Control Improvements	SP-2.5	Installation of higher capacity fans, duct replacement, and expanding the biofilter.	Complies with new ventilation standards.	Reliability/Capacity	3,009,000
Influent Parshall Flumes	SP-2.5	Installation of flow straightening baffles and bring the third, standby flume online.	Improves accuracy of influent flow metering.	Reliability/Capacity	336,000
Pumping Plant No. 3	SP-2.7	Two additional low capacity pumps for pumping Can Seg flow to Jennings Plant; three new multi-rake screens with 3/8" bar spacing.	Extends turndown capability of Can Seg pumping to allow year-round segregation; improves screenings capture to reduce maintenance on downstream processes.	Reliability/Capacity	3,060,000
Headworks, Dryden Box, and Influent Flume Improvements Project Subtotal					14,849,000
Outfall Pump Station Replacement	SP-3	New pump station to replace the existing Primary Effluent Pump Station.	Provides expanded capacity and pumping head for peak wet weather flows; raises walls of wet well above the floodplain.	Reliability/Capacity	17,332,000
Demolition of Sutter Treatment Facilities	SP-4	Remove concrete structures to below grade and backfill.	Provides space for future facilities.	Reliability	4,942,000
Allowance for Flood Protection of Remaining Sutter Facilities	SP-5	Flood walls, raising grade, raising structures.	Provides protection for a 100-year flood.	Reliability	2,000,000
				Subtotal - Sutter Plant Improvements	41,321,000
Outfall Pipelines					
Tuolumne River Pipe Crossings	OP-1				
Replacement of Existing Crossings	OP-1.1	River crossing replacement for Primary Domestic Outfall and Can Seg Outfall.	Replaces corroded pipeline and improves reliability at critical location.	Rehabilitation/ Capacity	19,780,000
Crossing for Third Outfall	OP-1.2	New river crossing for third outfall.		Reliability/Capacity	6,265,000
Tuolumne River Pipe Crossings Subtotal					26,045,000
Third Outfall Pipeline	OP-2	New domestic outfall pipeline from the Sutter Plant to the Jennings Plant.	Provides additional PWWF capacity for Primary Domestic Outfall and redundancy for Can-Seg Outfall during DWF conditions.	Reliability/Capacity	60,679,000
Slip Lining Portion of the Can-Seg Outfall	OP-3	Pipe lining and appurtenances.	Repairs corroded sections and improves reliability of Can Seg Outfall.	Rehabilitation	10,456,000
				Subtotal - Outfall Pipelines	97,180,000

Table B.1 Wastewater Treatment CIP
Engineer's Report
City of Modesto, California

Project	Project Number	Description	Purpose	Improvement Category	Total Project Cost ($)[1]
Jennings Plant Improvements					
Secondary Treatment/ Can Seg Treatment Facilities Upgrades	JP-1				
Fixed Film Reactors and Pump Station Rehabilitation	JP-1.1	New media, rotary distributor, and pumps.	Improves reliability and performance of secondary treatment.	Rehabilitation/ Capacity	40,929,000
Nutrient Feed and pH Control Systems	JP-1.2	Chemical feed pumps, storage tanks, and feed system.	Adds nutrients and adjusts the pH of the Can-Seg flows to facilitate biological treatment process.	Reliability	2,283,000
Peroxide Feed System	JP-1.3	Chemical feed pumps, storage tanks, and feed system.	Controls odors from FFRs.	Reliability	391,000
Aerators in Recirculation Channel	JP-1.4	New aerators and electrical system.	Increases secondary treatment capacity for domestic and Can-Seg flows.	Rehabilitation/ Capacity	8,062,000
Dissolved Air Flotation (DAF) Piping Modifications	JP-1.5	Modification of DAF effluent piping to route the flow to the Irrigation Forebay.	Allows the DAF effluent to be used as irrigation water.	Rehabilitation/ Capacity	757,000
Secondary Treatment/Can Seg Treatment Facilities Upgrades Subtotal					**52,422,000**
Primary Treatment and Solids Handling Facilities	JP-2				
Primary Treatment Facilities	JP-2.1	Three 110-foot diameter primary clarifiers and a primary sludge pump station.	Replaces aging primary treatment facilities at the Sutter Plant.	Reliability/Capacity	15,969,000
Yard Piping and Structures	JP-2.2		Provides connections between the new treatment facilities with the existing facilities at the Jennings Plant.	Reliability/Capacity	13,174,000
Anaerobic Digesters	JP-2.3	Three 115-foot diameter digesters with a 31-foot sidewater depth with a Digester Control Building.	Replaces aging digesters at the Sutter Plant and provides treatment of the WAS generated by the BNR/tertiary facilities.	Reliability/Capacity	40,855,000
Solids Processing Building (WAS thickening and biosolids dewatering facilities)	JP-2.4	Two sieve drum concentrators for WAS thickening and two belt filter presses for dewatering housed in building.	Concentrates sludge and biosolids to reduce solar drying costs.	Reliability/Capacity	11,756,000
Sludge Cake Drying Beds	JP-2.5	Asphalt-paved beds with concrete containment walls.	Provides solar drying of dewatered biosolids to reduce disposal costs.	Reliability/Capacity	11,776,000
Primary Treatment and Solids Handling Facilities Subtotal					**93,530,000**
Miscellaneous Repairs	**JP-3**	**General replacement and upgrades of existing facilities.**	**Improves reliability and extends life of existing facilities.**	**Rehabilitation**	**873,000**
				Subtotal - Jennings Plant Improvements	**146,825,000**
Engineering Studies					
Master Plan Updates	**ES-1**	**The Master Plan will undergo an update every five years.**	**Allows for revised strategies to adapt to changing conditions.**		**2,000,000**
Land Application Study	**ES-2**	**Organic Loading Study**	**Identifies the maximum BOD loading rates on ranch land per new Waste Discharge Requirements.**		**250,000**
				Subtotal - Engineering Studies	**2,250,000**
				WTMP CIP TOTAL	**287,576,000**

Notes:
(1) Costs are provided as present value based on an ENR CCI number of 10270 corresponding to the 20-City Average Index in December 2015. Costs are not escalated to future years.

Table B.2 Wastewater Treatment CIP Cost Allocation - Customers
Engineer's Report
City of Modesto, California

Project	Project Number	Total Project Cost ($)[1]	Domestic Customers: Existing Users $	Existing Users %	Future Users $	Future Users %	Can-Seg Customers $	Can-Seg Customers %	Comments
Sutter Plant Improvements									
Influent Screw Pump Addition	**SP-1**	**2,198,000**	**-**	**0.0%**	**2,198,000**	**100.0%**	**-**	**0.0%**	**Improvements for future growth**
Headworks, Dryden Box, and Influent Flume Improvements Project	**SP-2**								
New Dryden Box	SP-2.1	2,600,000	-	0.0%	-	0.0%	2,600,000	100.0%	
New West Junction Structure	SP-2.2	300,000	249,500	83.2%	50,500	16.8%	-	0.0%	Allocation based on relative PWWF, current PWWF is 70.7 mgd and projected future PWWF is 85 mgd.
Influent Screening	SP-2.2	4,075,000	3,389,400	83.2%	685,600	16.8%	-	0.0%	Allocation based on relative PWWF.
Grit Removal	SP-2.3	1,469,000	1,221,900	83.2%	247,100	16.8%	-	0.0%	Allocation based on relative PWWF.
Headworks Building Odor Control Improvements	SP-2.4	3,009,000	2,502,800	83.2%	506,200	16.8%	-	0.0%	Allocation based on relative PWWF.
Influent Parshall Flumes	SP-2.5	336,000	279,500	83.2%	56,500	16.8%	-	0.0%	Allocation based on relative PWWF.
Pumping Plant No. 3	SP-2.6	3,060,000	-	0.0%	-	0.0%	3,060,000	100.0%	
Headworks, Dryden Box, and Influent Flume Improvements Project Subtotal		**14,849,000**	**7,643,100**	**51.5%**	**1,545,900**	**10.4%**	**5,660,000**	**38.1%**	
Outfall Pump Station Replacement	**SP-3**	**17,332,000**	**14,416,100**	**83.2%**	**2,915,900**	**16.8%**	**-**	**0.0%**	**Allocation based on relative PWWF.**
Demolition of Sutter Treatment Facilities	**SP-4**	**4,942,000**	**3,679,400**	**74.5%**	**1,262,600**	**25.5%**	**-**	**0.0%**	**Allocation based on relative MMF.**
Allowance for Flood Protection of Remaining Sutter Treatment Facilities	**SP-5**	**2,000,000**	**2,000,000**	**100.0%**	**-**	**0.0%**	**-**	**0.0%**	
Subtotal - Sutter Plant		**41,321,000**	**27,738,600**	**67.1%**	**7,922,400**	**19.2%**	**5,660,000**	**13.7%**	
Outfall Pipelines Improvements									
Tuolumne River Pipe Crossings	**OP-1**								
Replacement of Existing Crossings	OP-1.1	19,780,000	4,935,700	25.0%	998,300	5.0%	13,846,000	70.0%	100% of Can-Seg Outfall crossing and 20% of Domestic Outfall crossing allocated to Can-Seg. Domestic allocation based on relative PWWF.
Crossing for Third Outfall	OP-1.2	6,265,000	4,168,800	66.5%	843,200	13.5%	1,253,000	20.0%	20% of allocated to Can-Seg. Domestic allocation based on relative PWWF.
Tuolumne River Pipe Crossings Subtotal		**26,045,000**	**9,104,500**	**35.0%**	**1,841,500**	**7.1%**	**15,099,000**	**58.0%**	
Third Outfall Pipeline	**OP-2**	**60,679,000**	**40,376,500**	**66.5%**	**8,166,700**	**13.5%**	**12,135,800**	**20.0%**	**20% of Third Outfall allocated to Can-Seg. Domestic allocation based on relative PWWF.**
Lining of Can-Seg Outfall Pipeline	**OP-3**	**10,456,000**	**-**	**0.0%**	**-**	**0.0%**	**10,456,000**	**100.0%**	
Subtotal - Outfall Pipelines		**97,180,000**	**49,481,000**	**50.9%**	**10,008,200**	**10.3%**	**37,690,800**	**38.8%**	

Table B.2 **Wastewater Treatment CIP Cost Allocation - Customers**
Engineer's Report
City of Modesto, California

Project	Project Number	Total Project Cost ($)[1]	Domestic Customers: Existing Users $	Existing Users %	Future Users $	Future Users %	Can-Seg Customers $	Can-Seg Customers %	Comments
Jennings Plant Improvements									
Secondary Treatment/Can Seg Treatment Facilities Upgrades	**JP-1**								
Fixed Film Reactors and Pump Station Rehabilitation	JP-1.1	40,929,000	6,812,600	16.6%	2,337,600	5.7%	31,778,800	77.6%	Can-Seg and domestic allocation based on BOD loading to secondary treatment. Domestic BOD loading is 31,500 ppd and Can-Seg loading is 109,400 ppd.
Nutrient Feed and pH Control Systems	JP-1.2	2,283,000	-	0.0%	-	0.0%	2,283,000	100.0%	Nutrients for Can-Seg flow.
Peroxide Feed System	JP-1.3	391,000	291,100	74.5%	99,900	25.5%	-	0.0%	Odor control for primary effluent. Allocation based on relative MMF, current MMF is 20.4 mgd and projected future MMF is 27.4 mgd.
Aerators in Recirculation Channel	JP-1.4	8,062,000	1,341,900	16.6%	460,500	5.7%	6,259,600	77.6%	Can-Seg and domestic allocation based on BOD loading to secondary treatment.
Dissolved Air Flotation (DAF) Piping Modifications	JP-1.5	757,000	126,000	16.6%	43,200	5.7%	587,800	77.6%	Can-Seg and domestic allocation based on BOD loading to secondary treatment.
Secondary Treatment/Can Seg Treatment Facilities Upgrades Subtotal		**52,422,000**	**8,571,600**	**16.4%**	**2,941,200**	**5.6%**	**40,909,200**	**78.0%**	
Primary Treatment and Solids Handling Facilities	**JP-2**								
Primary Treatment Facilities	JP-2.1	15,969,000	11,889,300	74.5%	4,079,700	25.5%	-	0.0%	Allocation based on relative MMF.
Yard Piping and Structures	JP-2.2	13,174,000	9,808,400	74.5%	3,365,600	25.5%	-	0.0%	Allocation based on relative MMF.
Anaerobic Digesters	JP-2.3	40,855,000	30,417,600	74.5%	10,437,400	25.5%	-	0.0%	Allocation based on relative MMF.
Solids Processing Building (WAS thickening and biosolids dewatering facilities)	JP-2.4	11,756,000	8,752,600	74.5%	3,003,400	25.5%	-	0.0%	Allocation based on relative MMF.
Sludge Cake Drying Beds	JP-2.5	11,776,000	8,767,500	74.5%	3,008,500	25.5%	-	0.0%	Allocation based on relative MMF.
Primary Treatment and Solids Handling Facilities Subtotal		**93,530,000**	**69,635,400**	**74.5%**	**23,894,600**	**25.5%**	**-**	**0.0%**	
Miscellaneous Repairs	**JP-3**	**873,000**	**145,300**	**16.6%**	**49,900**	**5.7%**	**677,800**	**77.6%**	**Can-Seg and domestic allocation based on BOD loading to secondary treatment.**
Subtotal - Jennings Plant		**146,825,000**	**78,352,300**	**53.4%**	**26,885,700**	**18.3%**	**41,587,000**	**28.3%**	
Engineering Studies									
Master Plan Updates	**ES-1**	**2,000,000**	**1,089,500**	**54.5%**	**314,500**	**15.7%**	**596,000**	**29.8%**	**Allocation based on overall allocation percentages for total CIP.**
Land Application Study	**ES-2**	**250,000**	**-**	**0.0%**	**-**	**0.0%**	**250,000**	**100.0%**	**Study to determine BOD loading for land application of Can-Seg flows.**
Subtotal - Engineering Studies		**2,250,000**	**1,089,500**	**48.4%**	**314,500**	**14.0%**	**846,000**	**37.6%**	
Total		**287,576,000**	**156,661,400**	**54.5%**	**45,130,800**	**15.7%**	**85,783,800**	**29.8%**	

Notes:
(1) Costs are provided as present value based on an ENR CCI number of 10270 corresponding to the 20-City Average Index in December 2015. Costs are not escalated to future years.

Table B.3 Wastewater Treatment CIP Cost Allocation - Billable Constituents
Engineer's Report
City of Modesto, California

Project	Project Number	Total Project Cost ($)[1]	Cost Allocation: Flow $	Flow %	BOD $	BOD %	TSS $	TSS %	Comments
Sutter Plant Improvements									
Influent Screw Pump Addition	SP-1	2,198,000	2,198,000	100.0%	-	0.0%	-	0.0%	**Design criteria based on flow.**
Headworks, Dryden Box, and Influent Flume Improvements Project	SP-2								
New Dryden Box	SP-2.1	2,600,000	2,600,000	100.0%	-	0.0%	-	0.0%	Design criteria based on flow.
New West Junction Structure	SP-2.2	300,000	300,000	100.0%	-	0.0%	-	0.0%	Design criteria based on flow.
Influent Screening	SP-2.2	4,075,000	4,075,000	100.0%	-	0.0%	-	0.0%	Design criteria based on flow.
Grit Removal	SP-2.3	1,469,000	1,469,000	100.0%	-	0.0%	-	0.0%	Design criteria based on flow.
Headworks Building Odor Control Improvements	SP-2.4	3,009,000	3,009,000	100.0%	-	0.0%	-	0.0%	Design criteria based on flow.
Influent Parshall Flumes	SP-2.5	336,000	336,000	100.0%	-	0.0%	-	0.0%	Design criteria based on flow.
Pumping Plant No. 3	SP-2.6	3,060,000	3,060,000	100.0%	-	0.0%	-	0.0%	Design criteria based on flow.
Headworks, Dryden Box, and Influent Flume Improvements Project Subtotal		14,849,000	14,849,000	100.0%	-	0.0%	-	0.0%	
Outfall Pump Station Replacement	SP-3	17,332,000	17,332,000	100.0%	-	0.0%	-	0.0%	**Design criteria based on flow.**
Demolition of Sutter Treatment Facilities	SP-4	4,942,000	1,650,300	34.0%	1,630,900	33.0%	1,630,900	33.0%	**This is a general project required for the improvement of the site. Therefore, costs are allocated equally to all three billable constituents.**
Allowance for Flood Protection of Remaining Sutter Treatment Facilities	SP-5	2,000,000	680,000	34.0%	660,000	33.0%	660,000	33.0%	**This is a general project required for the improvement of the site. Therefore, costs are allocated equally to all three billable constituents.**
Subtotal - Sutter Plant		41,321,000	36,739,300	88.9%	2,290,900	5.5%	2,290,900	5.5%	
Outfall Pipelines Improvements									
Tuolumne River Pipe Crossings	OP-1								
Replacement of Existing Crossings	OP-1.1	19,780,000	19,780,000	100.0%	-	0.0%	-	0.0%	Design criteria based on flow.
Crossing for Third Outfall	OP-1.2	6,265,000	6,265,000	100.0%	-	0.0%	-	0.0%	Design criteria based on flow.
Tuolumne River Pipe Crossings Subtotal		26,045,000	26,045,000	100.0%	-	0.0%	-	0.0%	
Third Outfall Pipeline	OP-2	60,679,000	60,679,000	100.0%	-	0.0%	-	0.0%	**Design criteria based on flow.**
Lining of Can-Seg Outfall Pipeline	OP-3	10,456,000	10,456,000	100.0%	-	0.0%	-	0.0%	**Design criteria based on flow.**
Subtotal - Outfall Pipelines		97,180,000	97,180,000	100.0%	-	0.0%	-	0.0%	

Table B.3 Wastewater Treatment CIP Cost Allocation - Billable Constituents
Engineer's Report
City of Modesto, California

Project	Project Number	Total Project Cost ($)[1]	Cost Allocation: Flow $	Flow %	BOD $	BOD %	TSS $	TSS %	Comments
Jennings Plant Improvements									
Secondary Treatment/Can Seg Treatment Facilities Upgrades	JP-1								
Fixed Film Reactors and Pump Station Rehabilitation	JP-1.1	40,929,000	20,464,500	50.0%	20,464,500	50.0%	-	0.0%	Design criteria for the FFR Pump Station are based exclusively on flow. Design criteria for the FFRs are based on BOD. Allocation of cost is split equally between flow and BOD.
Nutrient Feed and pH Control Systems	JP-1.2	2,283,000	913,200	40.0%	684,900	30.0%	684,900	30.0%	The nutrients and pH control are required for proper secondary treatment performance.
Peroxide Feed System	JP-1.3	391,000	391,000	100.0%	-	0.0%	-	0.0%	Design criteria based on flow.
Aerators in Recirculation Channel	JP-1.4	8,062,000	-	0.0%	8,062,000	100.0%	-	0.0%	Design criteria based on BOD.
Dissolved Air Flotation (DAF) Piping Modifications	JP-1.5	757,000	-	0.0%	-	0.0%	757,000	100.0%	Design criteria based on flow.
Secondary Treatment/Can Seg Treatment Facilities Upgrades Subtotal		**52,422,000**	**21,768,700**	**41.5%**	**29,211,400**	**55.7%**	**1,441,900**	**2.8%**	
Primary Treatment and Solids Handling Facilities	**JP-2**								
Primary Treatment Facilities	JP-2.1	15,969,000	11,178,300	70.0%	1,596,900	10.0%	3,193,800	20.0%	Design criteria based on flow. Primary treatment also removes TSS and BOD.
Yard Piping and Structures	JP-2.2	13,174,000	13,174,000	100.0%	-	0.0%	-	0.0%	Design criteria based on flow.
Anaerobic Digesters	JP-2.3	40,855,000	-	0.0%	12,256,500	30.0%	28,598,500	70.0%	Approximately 70 percent of the total sludge sent to the digesters will be primary sludge, which corresponds to TSS removal during primary treatment. The WAS consists of solids from BOD generated biomass.
Solids Processing Building (WAS thickening and biosolids dewatering facilities)	JP-2.4	11,756,000	-	0.0%	3,526,800	30.0%	8,229,200	70.0%	Allocation based on same basis as anaerobic digesters.
Sludge Cake Drying Beds	JP-2.5	11,776,000	-	0.0%	3,532,800	30.0%	8,243,200	70.0%	Allocation based on same basis as anaerobic digesters.
Primary Treatment and Solids Handling Facilities Subtotal		**93,530,000**	**24,352,300**	**26.0%**	**20,913,000**	**22.4%**	**48,264,700**	**51.6%**	
Miscellaneous Repairs	**JP-3**	**873,000**	**296,800**	**34.0%**	**288,100**	**33.0%**	**288,100**	**33.0%**	**This is a general project required for the improvement of the site. Therefore, costs are allocated equally to all three billable constituents.**
Subtotal - Jennings Plant		**146,825,000**	**46,417,800**	**31.6%**	**50,412,500**	**34.3%**	**49,994,700**	**34.1%**	
Engineering Studies									
Master Plan Updates	**ES-1**	**2,000,000**	**680,000**	**34.0%**	**660,000**	**33.0%**	**660,000**	**33.0%**	**Costs are allocated equally to all three billable constituents.**
Land Application Study	**ES-2**	**250,000**	**-**	**0.0%**	**250,000**	**100.0%**	**-**	**0.0%**	**The study will determine BOD loading rates for the ranch land.**
Subtotal - Engineering Studies		**2,250,000**	**680,000**	**30.2%**	**910,000**	**40.4%**	**660,000**	**29.3%**	
Total		**287,576,000**	**181,017,100**	**62.9%**	**53,613,400**	**18.6%**	**52,945,600**	**18.4%**	

Notes:
(1) Costs are provided as present value based on an ENR CCI number of 10270 corresponding to the 20-City Average Index in December 2015. Costs are not escalated to future years.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-27

RESOLUTION APPROVING THE SEWER RATE AND FEE STUDY PREPARED BY BARTLE WELLS ASSOCIATES AS COMPLETE

WHEREAS, On July 24, 2007, by Resolution No. 2007-463, the City Council adopted the current wastewater rates, and the resolution required an annual review of the proposed maximum annual rate be conducted each year, and the rate increase be approved by Council prior to implementation, and

WHEREAS, in a 2014 litigation tolling agreement (tolling agreement) with Stanislaus Food Products, the City agreed to revisit its rate methodology and revise the wastewater rate and fee structure, recognizing the City employs different methods for treating and disposing of its wastewater; specifically, the direct land application of Cannery Segregation (Can-Seg) process water, and

WHEREAS, On September 23, 2014, by Resolution No. 2014-379, the City Council authorized staff to begin the Sewer Rate and Fee Study process, and

WHEREAS, on March 10, 2015, by Resolution No. 2015-79, the City Council approved an agreement with Bartle Wells Associates (BWA) to prepare a new wastewater rate and fee structure for the City's wastewater customers, based on actual costs of service, compliant with all legal requirements of Proposition 218, and

WHEREAS, BWA began preparing the Sewer Rate and Fee Study and analyzed the City's information and developed a revised rate and fee methodology as required by the tolling agreement, and

WHEREAS, BWA's effort has been reviewed by Baker Tilly International, an independent auditing firm hired by Stanislaus Food Products, and

WHEREAS, the revised rates and fees analysis has incorporated necessary Capital Improvement Projects (CIP) costs identified in the Wastewater Master Plan (WWMP) and Engineer's Report, and

WHEREAS, BWA's analysis, comprised of key modifications to the previous wastewater rate and fee studies, included WWMP Phase 1 CIPs; operation and maintenance of tertiary treatment facilities; recycled water sales; cost of service review of Can-Seg pipeline (currently cannery customers do not receive treatment but pay treatment rates); a new approach for developing sewer connection fees, and

WHEREAS, as a result of its review, analysis, and stakeholder input at multiple meetings, BWA presented its findings at a City Council workshop on December 8, 2015, and

WHEREAS, key rate and fee impacts were discussed including:

- Although Can-Seg flow charges will slightly increase, due to the lack of treatment, strength charges will decrease with a new Can-Seg rate customer class
- Because tertiary treatment "frees" capacity in existing facilities, installing secondary treatment plant upgrades will allow canneries to increase production using new secondary scalping rates by FY 2020-21
- Municipal (domestic) customers will see moderate increases to flow charges and higher increases to pollutant loading charges with residential sewer charges to increase annually
- Based on the revised sewer rate methodology, there will be decreases to the sewer connection fees

WHEREAS, the Sewer Rate and Fee Study is now complete,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Sewer Rate and Fee Study prepared by Bartle Wells Associates as complete, in substantially the form **attached** and as approved by the City Attorney.

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

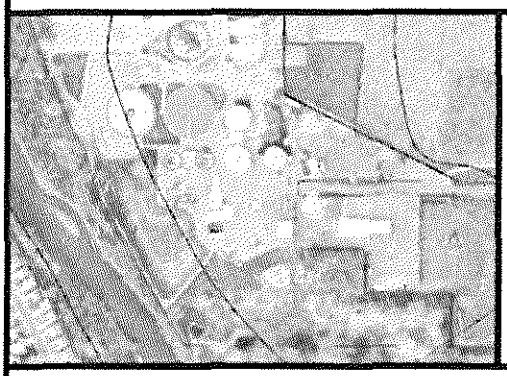
AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Marsh
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney



MODESTO
CALIFORNIA

City of Modesto

SEWER RATE AND FEE STUDY

Draft Report
January 2016

BARTLE WELLS ASSOCIATES
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Tel: 510/653-3399

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SECTION 1: INTRODUCTION AND EXECUTIVE SUMMARY

1.1 Background

The City of Modesto provides wastewater (sewer) service to a population of over 200,000 within the City limits and to about 900 customers within the Empire Sanitary District. The City's wastewater system consists of a sewer collection system, the Sutter Wastewater Treatment Plant (primary treatment), the Jennings Wastewater Treatment Plant (secondary and tertiary treatment), a Cannery Segregation Pipeline (CanSeg Line), and the Ranch. A new 12.6 million gallon per day tertiary treatment plant (Phase 2 plant) will come into service this year. The City last conducted an in-depth cost of service rate study in 2007, which was approved and implemented by the City in compliance with Proposition 218. Since 2007, the City has reviewed and updated its rates on a nearly annual basis and the rates have remained below the maximum rates approved under the Proposition 218 process.

The City engaged Bartle Wells Associates (BWA) to conduct a comprehensive cost of service review of the wastewater rates and charges. A rate update is needed due to changes in the City's treatment process, infrastructure improvements identified in the Wastewater Master Plan Update, and to comply with the Tolling Agreement between the City and Stanislaus Foods. This year, the City will complete construction of the Phase 2 tertiary treatment plant and bring the plant into operation. In addition to the existing Phase 1 treatment facilities, the combined tertiary treatment plants will free up capacity in the secondary treatment plant. The secondary treatment plant will be adapted to treat the high strength flows and capacity will be offered to cannery customers. The City is also pursuing treatment retrofits to produce recycled water.

A Wastewater Master Plan Update is currently being conducted by the City's consulting engineer, Carollo Engineers. The Wastewater Master Plan Update identifies repair and replacement projects and capacity improvements needed over the next twenty years. The City's current rate revenues are insufficient to fund these costs. The Wastewater Master Plan Update has also identified changes in the City's customer base. Due to the economic recession, drought conditions, and water conservation, wastewater flows have decreased since 2007.

A 2015 rate study update was also prompted by the City's Tolling Agreement with Stanislaus Foods. Stanislaus Food is the largest customer served by the City's Cannery Segregation Line. The CanSeg Line is used by five cannery customers during the canning season that typically runs from July through September. The CanSeg Line collects and conveys the canneries' process flow directly to the Ranch for land application. During canning season, the cannery process flow **does not** receive treatment, however, the canneries pay the same rates and charges as all other industrial customers who **do** receive wastewater treatment. To resolve this disparity between the CanSeg level of service and rates paid, the City committed to develop a new rate structure for the CanSeg customers by 2016.

1.2 Study Overview

This rate study provides a financial plan reviewing the City's operating and capital costs, reserve targets, and funding mechanisms and develops the Wastewater Fund revenue requirements. The costs associated with the CanSeg Line are developed separately from the remainder of the municipal and industrial treatment stream. As a second step, the revenue requirement is allocated to customer service, flow, and pollutant loading to determine the unit costs of service. As the final step, the unit costs are developed into rates for the next five year period.

1.3 Procedural Requirements of Proposition 218

Proposition 218, the "Right to Vote on Taxes Act", was approved by California voters in November 1996 and is codified as Articles XIIIC and XIIID of the California Constitution. Proposition 218 establishes requirements for imposing any new or increasing any existing property-related fees and charges. For many years, there was no legal consensus on whether water and sewer service fees met the definition of "property-related fees." In July 2007, the California Supreme Court essentially confirmed that Proposition 218 applies to water and sewer service fees.

The City must follow the procedural requirements of Proposition 218 for all sewer rate increases. These requirements include:

1. **Noticing Requirement** – The City must mail a notice of the proposed rate increases to all affected property owners or ratepayers. The notice must specify the amount of the fee, the basis upon which it was calculated, the reason for the fee, and the date/time/location of a public rate hearing at which the proposed rates will be considered/adopted.
2. **Public Hearing** – The City must hold a public hearing prior to adopting the proposed rate increases. The public hearing must be held not less than 45 days after the required notices are mailed.
3. **Rate Increases Subject to Majority Protest** - At the public hearing, the proposed rate increases are subject to majority protest. If more than 50% of affected property owners or ratepayers submit written protests against the proposed rate increases, the increases cannot be adopted.

Proposition 218 also established a number of substantive requirements that apply to sewer rates and charges, including:

1. **Cost of Service** - Revenues derived from the fee or charge cannot exceed the funds required to provide the service. In essence, fees cannot exceed the "cost of service".
2. **Intended Purpose** - Revenues derived from the fee or charge can only be used for the purpose for which the fee was imposed.
3. **Proportional Cost Recovery** - The amount of the fee or charge levied on any customer shall not exceed the proportional cost of service attributable to that customer.

4. **Availability of Service** - No fee or charge may be imposed for a service unless that service is used by, or immediately available to, the owner of the property.

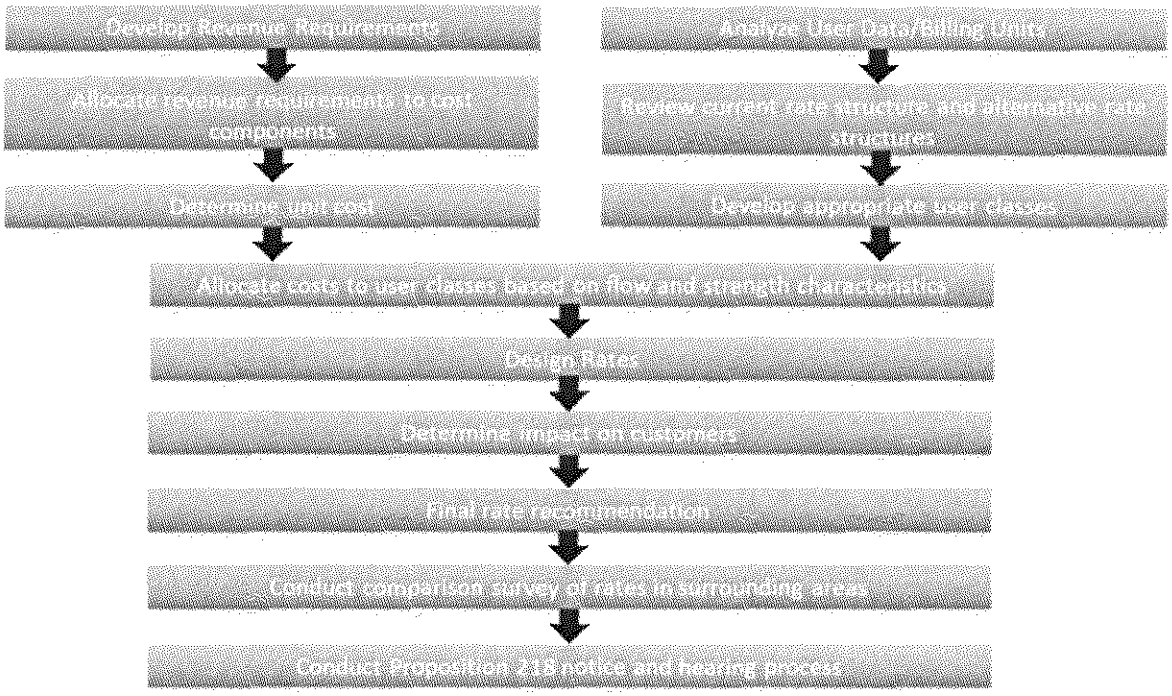
5. **General Government Services** - No fee or charge may be imposed for general governmental services where the service is available to the public at large.

Charges for water, sewer, and refuse collection are exempt from additional voting requirements of Proposition 218, provided the charges do not exceed the cost of providing service and are adopted pursuant to procedural requirements of Proposition 218.

1.4 Rate Study Process

This section details the development of the City of Modesto's sewer rates and compliance with Proposition 218 through a comprehensive cost of service and rate design study process as shown in the following figure.

Figure 1: Comprehensive Cost of Service Study Process



The following is a brief description of the sewer rate study process:

- **Revenue Requirements** - Revenue requirement is essentially a financial plan developed from the Wastewater Fund budget. Based on the best information currently available, the financial plan incorporates projected operation and maintenance costs, capital expenditures, debt service, and growth to estimate annual revenue requirements. The plan serves as a roadmap for funding the City's future operating and capital programs while maintaining long-term fiscal stability. The financial plan projections determine the annual wastewater revenue requirements to be recovered through sewer rates and other revenue sources.

- **Cost of Service Allocation** - The cost of service process builds on the financial plan analysis and assigns wastewater system costs to functional cost components (accounts, flow, BOD (biochemical oxygen demand), and TSS (total suspended solids)). This process is intended to proportionately allocate costs to each customer based on how he or she takes wastewater service.

- **Rate Design** - Rate design involves developing a rate structure that proportionately recovers costs from sewer system customers. Final rate recommendations are designed to (a) fund the utility's short- and long-term costs of providing service; (b) proportionately allocate costs to all customers and customer classes; and (c) comply with the substantive requirements of Proposition 218.

1.5 Findings and Recommendations

The findings and recommendations presented in this report were developed with substantial input and overview from City staff and stakeholders. The rate recommendations include modifications to the cost of service allocations and sewer rates. The final rates are designed to recover the sewer utility's cost of service and proportionately recover costs from all customer classes.

1.5.1 Revenue Requirement

Currently, the Wastewater Fund is in healthy financial shape. The service charges generate positive net revenues, debt coverage requirements are met, and the City has accumulated a cash reserve. Due to operating cost increases and the need to fund capital improvements, the service charges must increase to meet the City's financial obligations.

1.5.2 Cost Allocation

BWA proposes that the City continue to allocate costs to accounts, flow, BOD, and TSS for ratemaking purposes. These cost categories are common amongst wastewater purveyors and reflect how customers take wastewater service. The accounts functional cost component includes customer service, billing, and administration. Flow is the quantity of wastewater generated by each customer. BOD and TSS are wastewater pollutants that the City must treat.

BWA found that the City's current rates should be adjusted to collect a greater portion of costs from BOD and TSS charges. With tertiary treatment coming online and secondary treatment improvements planned, a greater portion of the City's cost of service is attributable to pollutant loading. This shift in cost allocation has a greater impact on commercial and industrial customers who have higher concentrations of BOD and TSS than domestic strength customers. Along similar lines, the proposed new CanSeg BOD and TSS charges are significantly less than the current industrial strength charges since the City does not provide treatment of the canneries' process water.

1.5.3 Rate Design

BWA proposes to maintain the City's current rate structure based on unit charges for accounts, flow, and strength. BWA proposes two new customer classes: 1) CanSeg customers and 2) secondary scalping customers.

As discussed above, the CanSeg Line operates only during canning season and bypasses the City's treatment process. BWA proposes a new schedule of CanSeg flow, BOD, and TSS charges that is distinct from the industrial rate schedule. The CanSeg rates would apply to the flows and loads that pass through the CanSeg Line while the line is in use during the canning season.

In addition to the CanSeg Line, canneries will be offered use of the secondary treatment stream. Currently, the CanSeg Line is at capacity and the canneries are unable to increase production. In order to expand wastewater service for the canneries, the City will conduct secondary treatment upgrades to provide treatment to the incremental increase in the canneries' process water. This process is referred to as secondary scalping.

By fiscal year (FY) 2020/21, the City projects that secondary treatment plant improvements will become operational and will allow the canneries to increase their canning season load by 25%. BWA recommends that the City sign service agreements with the canneries committing them to pay an annual Secondary CanSeg Capacity Fee in the secondary system. In addition, BWA proposes that the canneries pay flow, BOD, and TSS rates on the actual scalped flow. The CanSeg capacity fee is designed to recover the canneries' share of the capital cost of the secondary treatment improvements, and the rates are designed to recover the canneries' share of the operational costs of secondary treatment.

As discussed above, wastewater flows have decreased since 2007. In particular, the estimated wastewater flow of a single family residential customer has decreased from 280 gallons per day to 215 gallons per day. This has a profound impact on the residential sewer rates as a large portion of system costs are attributable to flow. To mitigate rate changes, BWA proposes to phase-in the change to the residential wastewater generation rate over the next five years. The Wastewater Master Plan Update also reflects adjustments to residential loading. This rate study phases-in loading adjustments over the next five years.

1.5.4 Proposed Rates

A summary of the current and proposed municipal and industrial sewer rates is provided below. The single family residential bill (account charge plus dwelling unit charge) is proposed to increase by approximately 6% annually from $31.92 to $42.45 per month over the next five years.

Table 1-1: Projected M&I Sewer Rates
City of Modesto
Sewer Rate and Fee Study

Category	Current	FY2016/17	FY2017/18	FY2018/19	FY2019/20	FY2020/21
Monthly Account Charge ($/Account)	$4.34	$4.40	$4.42	$4.46	$4.50	$4.54
Residential Rates ($/Dwelling Unit)						
Single Family Residential, Mobile Home on a lot	$27.58	$29.36	$31.36	$33.39	$35.67	$37.91
Multiple Family (2-4 Dwelling Units), one additional Dwelling Unit or Mobile Home on a lot	$23.67	$22.59	$24.03	$25.57	$27.50	$30.85
Apartments (5 or more Dwelling Units), Mobile Home Space in a Mobile Home Park	$17.96	$20.33	$21.50	$22.73	$24.36	$26.45
Commercial Quantity Charge ($/100 cubic feet)						
Group 1-BOD + TSS is 400 mg/l or less	$2.35	$2.76	$3.01	$3.29	$3.55	$3.88
Group 2-BOD + TSS is 401 mg/l to 900 mg/l	$2.89	$3.78	$4.07	$4.40	$4.70	$5.07
Group 2-BOD + TSS is 901 mg/l to 1,400 mg/l	$3.45	$4.80	$5.13	$5.50	$5.85	$6.27
Group 4-BOD + TSS is 1,401 mg/l or more	$4.11	$6.03	$6.40	$6.83	$7.23	$7.71
Industrial Charges (these three components are additive)						
Flow Charge ($/Million gallons)	$2,534	$2,604	$2,888	$3,212	$3,516	$3,901
BOD Charge ($/1,000 lbs)	$129	$213	$226	$238	$246	$263
TSS Charge ($/1,000 lbs)	$224	$441	$454	$471	$491	$504
Septage Quantity Charge						
Flow charge per 1,000 gallons	$67	$61	$63	$66	$69	$71

Table 1-2: Typical Customer Bill
City of Modesto
Sewer Rate and Fee Study

Rates	Current	FY2016/17	FY2017/18	FY2018/19	FY2019/20	FY2020/21
Monthly Account Charge ($/account)	$4.34	$4.40	$4.42	$4.46	$4.50	$4.54
Residential Rate ($/dwelling unit)	$27.58	$29.36	$31.36	$33.39	$35.67	$37.91
Total Single Family Residential Monthly Bill	$31.92	$33.76	$35.78	$37.85	$40.17	$42.45
% increase		6%	6%	6%	6%	6%

The current and proposed CanSeg Line wastewater rates are shown below. The cannery customers pay the City account charge plus flow and strength charges. The CanSeg flow rate is proposed to increase slightly and the strength charges are proposed to decrease significantly reflecting that CanSeg process water flows do not require treatment for land application.

Table 1-3: Proposed CanSeg Line Sewer Rates
City of Modesto
Sewer Rate and Fee Study

Category	Current	FY2016/17	FY2017/18	FY2018/19	FY2019/20	FY2020/21
Monthly Account Charge ($/Account)	$4.34	$4.40	$4.42	$4.46	$4.50	$4.54
CanSeg Line Charges (these three components are additive)						
Flow Charge ($/Million gallons)	$2,534.00	$2,680	$2,841	$3,012	$3,191	$3,384
BOD Charge ($/1,000 lbs)	$129.00	$1.39	$1.48	$1.57	$1.66	$1.76
TSS Charge ($/1,000 lbs)	$224.00	$4.04	$4.29	$4.54	$4.81	$5.11

The proposed secondary scalping rates are shown below. It is anticipated that the secondary scalping improvements would come online in FY2020/21. It is proposed that customers who take secondary

scalping service would sign agreements with the City to pay annual Secondary Can Seg Capacity charges based on their maximum flow and loading in addition to secondary scalping rates.

Table 1-4: Proposed Secondary Scalping Rates
City of Modesto
Sewer Rate and Fee Study

Category	Rate or Charge
Secondary Scalping Rates (these components are additive)	
Flow Charge ($/Million gallons)	$891.84
BOD Charge ($/1,000 lbs)	$98.25
TSS Charge ($/1,000 lbs)	$305.65
Annual Secondary Scalping Secondary Can Seg Capacity Charge (these components are additive)	
Flow ($/Million gallons per day, maximum day capacity)	$117,837.54
BOD ($/lbs per day, maximum day capacity)	$11.43
TSS ($/lbs per, maximum day capacity)	$27.29

SECTION 2: CURRENT SEWER RATES

The City last conducted a Proposition 218 public hearing regarding wastewater service charges on July 7, 2007. The rates were not subject to majority protest and were approved by City Council in Resolution No. 2007-463. Since 2007, the City has rescinded and updated its wastewater rate resolution on a nearly annual basis. This City of Modesto assigns rates based on accounts, flow, BOD, and TSS unit costs. Each customer's wastewater bill is proportional to that customer's use or benefit from the wastewater system. The City's current rate schedule is provided at the end of this section.

2.1 Account Charge

Resolution No. 2007-463 describes the monthly account charge as "a monthly fee charged to every sewer account to pay the actual fixed sewer system costs not allocable to sewer flow and strength components." The account charge is intended to recover general, administrative, and customer service costs. The FY2015/16 account charge is $4.34 per month. Across the City's customer base of nearly 63,200 accounts (estimated for FY2015/16), the City is projected to collect about $3.29 million in revenue from the account charge. This represents about 7% of the total rate revenue collected by the City of Modesto.

2.2 Flow and Strength Rates

In addition to the account charge, each customer is billed based on his/her proportional use of the wastewater system based on flow and pollutant strength characteristics. Provided below is a description of the flow and strength charges for each customer class. The City's rates are based on unit costs for flow ($/million gallons), BOD ($/thousand pounds), and TSS ($/thousand pounds). These unit costs are applied to flow and strength of each customer class to calculate the rates.

2.2.1 Industrial Rates

The City has 37 industrial customers. The point of discharge for each industrial customer is metered and sampled by the City of Modesto to determine flow and pollutant loading. Industrial customers are then billed for their observed flow, BOD, and TSS. Industrial wastewater flow is billed on a $/million gallon (MG) basis, BOD is billed on a $/thousand pound (klbs) basis, and TSS is also billed on a $/thousand pound (klbs) basis. Currently, the industrial customer class contributes about 27% of the total rate revenues of the wastewater enterprise.

Currently, the industrial customer class includes year-around enterprises and seasonal cannery customers. The canneries typically operate July to September and discharge their wastewater flow through a cannery segregation line to the Ranch. The flow is used for irrigation and does not undergo wastewater treatment. Although the cannery seasonal flow does not receive treatment, the canneries are currently charged the same rates as the other industrial customers.

2.2.2 Commercial Rates

The wastewater flow of other customer groups is not individually metered and sampled. The City estimates the flow and loading of non-industrial customers for rate design. Commercial customers are categorized into four groups based on pollutant loading. When a new commercial customer applies for service, the City of Modesto assigns the customer to a loading group based on typical strength characteristics for the type of business.

The City uses metered water use of commercial customers as a proxy for wastewater flow. City policy dictates that commercial customers must utilize dedicated irrigation water meters for outdoor use and separate meters for indoor water use. Indoor water use flows into the sewer system and outdoor water use does not. Because water use is billed on a hundred cubic foot (hcf) basis, the indoor water use/sewer flow of commercial customer is also billed for sewer on an hcf basis.

Unlike industrial customers, commercial customers are not billed separately for flow, BOD, and TSS. Instead, commercial customers have bundled rates which combine the costs of flow, BOD, and TSS into a single charge per customer group. The commercial flow is multiplied by the concentration (mg/l) to estimate the pounds of BOD and TSS produced per hcf of wastewater flow. The flow, BOD, and TSS are then multiplied by the unit charges (i.e. industrial rates) to determine a $/hcf rate based on the loading of each commercial group. Including accounts charges, the commercial customer class contributes about 11% of the total wastewater rate revenue.

2.2.3 Residential Rates

The residential customer class includes single family, multiple family (two to four dwelling units per account), and apartment customers (five or more dwelling units per account). Residential customers are charged for wastewater flow and strength on a dwelling unit basis.

In 2007, when the last rate study was conducted, the flow of each type of residential customer was estimated by the City's consulting engineer as part of the last Wastewater Master Plan and by the City's prior rate consultant. For rate design purposes, it was determined that the typical single family residential flow rate was 280 gallons per day (gpd), the typical multiple family dwelling flow rate was 210 gpd, and the typical apartment unit flow rate was 189 gpd. For the prior rate review, the residential BOD and TSS concentration was set as 200 mg/l for residential customers, which is industry typical. The flows and loadings of each residential dwelling type are multiplied by the unit costs (industrial rates) to determine the total monthly charge per dwelling unit. Residential flows and loads are proposed to be updated as part of this rate study.

The City also provides wastewater service to the Empire Sanitary District (Empire SD). The Empire SD customer base consists of about 900 residential accounts, which are billed the same rates as inside-City of Modesto residential customers.

2.2.4 Septage Rate

The City also charges for the dumping of septic waste at the sewage treatment plant. The current rate is $67 per 1,000 gallons of sewage. The septage rate is proportional to the unit costs of flow, BOD, and TSS less a collection system discount applied to the flow rate. During the prior rate review, the City set the septage pollutant loading as 4,926 mg/l BOD and 30,260 mg/l TSS, which is proposed to be updated as part of this study.

2.3 Current Rate Schedule

The City's current rate schedule is provided below. It should be noted that schools have the option of being charged based on the average daily attendance (ADA) of pupils plus staff. ADA rates are subject to service agreements between participating schools and the City of Modesto.

Table 2-1: Current (FY2015/16) Sewer Rates
City of Modesto
Sewer Rate and Fee Study

Category	Rate
Monthly Account Charge ($/Account)	$4.34
Residential Rates ($/Dwelling Unit)	
Single Family Residential, Mobile Home on a lot	$27.58
Multiple Family (2-4 Dwelling Units), one additional Dwelling Unit or Mobile Home on a lot	$23.67
Apartments (5 or more Dwelling Units), Mobile Home Space in a Mobile Home Park	$17.96
Commercial Quantity Charge ($/100 cubic feet)	
Group 1-BOD + TSS is 400 mg/l or less	$2.35
Group 2-BOD + TSS is 401 mg/l to 900 mg/l	$2.89
Group 2-BOD + TSS is 901 mg/l to 1,400 mg/l	$3.45
Group 4-BOD + TSS is 1,401 mg/l or more	$4.11
Industrial Charges (these three components are additive)	
Flow Charge ($/Million gallons)	$2,534
BOD Charge ($/1,000 lbs)	$129
TSS Charge ($/1,000 lbs)	$224
Septage Quantity Charge	
Flow charge per 1,000 gallons	$67

SECTION 3: REVENUE REQUIREMENT

This section develops the Wastewater Fund revenue requirement for the next five years. The revenue requirement is the financial plan for the wastewater utility projecting operating and capital expenses and calculating the revenue needed to fund these expenses. A portion of the wastewater service costs is offset by non-rate revenues and use of reserves and the remainder must be funded by wastewater service charges. BWA developed a master revenue requirement for the Wastewater Fund as a whole and subordinate revenue requirements for the M&I system and the CanSeg Line.

3.1 Current Revenues

Year-end estimates for FY2014/15 indicate that the Wastewater Fund generated approximately $46.7 million in revenue last year. Approximately $43.3 million was collected from service charges and approximately $3.4 million was collected from non-rate revenue sources, as shown below. The Wastewater Fund rental income is the lease of the Ranch to the farmer. In FY2015/16 and beyond, the City projects that the miscellaneous revenue category will collect $250,000 annually from development fees in addition to other revenues. The "Transfers In" revenue category consists of repayments of an Interfund Loan and a Compost Fund Loan. July 1, 2015, the City implemented a 3% rate adjustment and the City projects annual growth of 1.3% for most customer classes which is projected to increase rate revenues from $43.3 million to $44.9 million.

Table 3-1: Revenue Sources
City of Modesto
Sewer Rate and Fee Study

Category	FY2014/15 Estimated Revenue (Unaudited)	FY2015/16 Budget
Rate Revenue	$43,288,000	$44,908,000
Interest earnings	$453,000	$483,000
Rental Income	$502,000	$494,000
Interfund Charges (Service Credit Labor)	$1,211,000	$1,771,000
Miscellaneous (Development Fees & Other)	$1,113,000	$250,000
Transfers In	$166,000	$166,000
Total	$46,733,000	$48,072,000

3.2 Operating Expenses

For FY2015/16, the wastewater operating expenses are budgeted at $31.0 million. Operating expenses consist of ongoing annual costs including staffing, materials, supplies, power, chemicals, and maintenance. FY2015/16 will be the first full year of operations for the new Phase 2 tertiary treatment plant, which will be the wastewater fund's largest single operating expense at an estimated $6.5 million. In general, operating costs are projected to increase by 2% annually due to inflation. In FY2018/19, the City projects recycled water treatment upgrades to come online and have an annual operating cost of $300,000. In FY2020/21, the City projects that the secondary scalping improvements will come into operation resulting in cost increase of about $900,000 to the secondary treatment expense. Operating expenses are discussed in Section 4.

3.3 Debt Service

The City of Modesto currently has several outstanding bonds and State Revolving Fund (SRF) Loans. On November 1, 2015, the City fully refunded the Wastewater Revenue Refunding Bonds, Series 2005A and partially refunded the Wastewater Revenue Bonds, Series 2006A. Prior to the refunding, the annual debt service for the 2005 bonds was about $3.5 million. The refunding reduced the annual debt service to about $2.7 million.

Unlike the 2005 bonds, the 2006 bonds do not have level annual debt service. Instead, the City will make interest only payments until FY2023/24 when principal payments begin. Principal payments are scheduled FY2023/24 through FY2036/37. In FY2014/15, the City budgeted about $730,000 for the 2006 bonds (interest only) debt service cost. The refunding reduces the annual debt service cost to about $675,000 through FY2023/24. As principal comes due in FY2023/24, the annual debt service for the 2006 bonds increases to about $1.5 million.

The City has an outstanding Clean Water State Revolving Fund loan that the City used to finance the Phase 2 tertiary treatment plant construction. Per SRF policy, annual debt service payments begin after construction is completed. The first payment will be made in FY2016/17 and the annual amount is $8.2 million.

Fall 2014, the City submitted an SRF loan application to fund recycled water treatment upgrades. For financial planning purposes, it is assumed that the loan will be approved and that payments will begin FY2018/19. The total loan amount is estimated to be $65 million with an estimated annual debt service payment of $2.5 million.

3.4 Capital Expenses

As part of the Wastewater Master Plan Update, Carollo Engineers developed a capital improvement plan for the sewer collection system and the wastewater treatment stream. Over the next five years, a total of $248 million in capital improvements are planned. The fully detailed capital improvement plan is provided in Appendix A.

Table 3-2: 5-Year Summary of Capital Improvement Projects
City of Modesto
Sewer Rate and Fee Study

Category	FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20	FY 2020/21	5-Year Total
Collection System						
M&I System	35,837,000	29,784,000	8,611,000	6,039,000	24,933,000	105,204,000
CanSeg Line	2,901,000	2,439,000	0	7,614,000	7,767,000	20,721,000
Collection Subtotal	38,738,000	32,223,000	8,611,000	13,653,000	32,700,000	125,925,000
Treatment System						
M&I System	14,647,000	27,978,000	34,702,000	22,904,000	17,175,000	117,406,000
CanSeg Line [1]	1,636,000	1,669,000	0	129,000	1,255,000	4,689,000
Treatment Subtotal	16,283,000	29,647,000	34,702,000	23,033,000	18,430,000	122,095,000
Total	55,021,000	61,870,000	43,313,000	36,686,000	51,130,000	248,020,000

1 - CanSeg Line process water does not receive treatment. Some CanSeg Line facilities and equipment are located at the Jennings Treatment Plant and thus identified as "treatment" facilities.

3.5 Financial Policies, Assumptions, and Targets

The City's financial reserve policies include a reserve target and debt coverage goal. The City intends to maintain a cash reserve equal to 25% of its operating costs plus the annual SRF debt service payment. For FY2015/16, the reserve fund target is $15.9 million (including the tertiary SRF loan payment) and will increase to $19.5 million by FY2020/21. The increase in the reserve target reflects operating cost increases and the future annual recycled water project SRF loan payment.

The Wastewater Master Plan Update identifies $248 million in capital improvement projects to be completed over the next five years.[1] To mitigate rate impacts, the City intends to fund $19.25 million annually from reserves and rate revenue (referred to as "pay-as-you-go" funding). The FY2014/15 unaudited cash reserve is estimated to be nearly $78 million, well in excess of the minimum reserve target. Although the reserve cannot fund all capital improvements over the next five years, it can be spent down over time as rate adjustments are phased-in.

For financial planning purposes, it is assumed that annual capital expenses in excess of the pay-as-you-go funding amount will be debt financed over a thirty year term via municipal revenue bonds. The City will pursue grants and low cost financing, including SRF loans, where possible. Municipal bond financing acts as a "worst case" financing scenario for the purpose of determining rates.

Most municipal debt requires that the issuer generate net operating revenues of 1.25 times the total annual debt service payment or greater. This is referred to as "debt service coverage". To support a

[1] The Wastewater Master Plan Update is currently under development. Project costs may be further refined by Carollo Engineers and the City.

strong credit rating and good financial health, the City prefers to maintain a debt coverage ratio of 1.5 times the annual payment or greater.

3.6 CanSeg Line Revenue Requirement

As discussed throughout this report, BWA proposes that the City establish a new cost center for the CanSeg Line and distinguish CanSeg revenues from M&I system revenues. To facilitate this process, BWA developed a revenue requirement and cash flow for the CanSeg Line.

3.6.1 CanSeg Reserve

The CanSeg Line came into operation September 1999. The first full canning season utilizing the CanSeg Line occurred in 2000 (FY2020/21). Since that time, the CanSeg customers have paid the City of Modesto industrial wastewater service charges amounting to 14.7% of the total wastewater rates collected. Applying 14.7% to the FY2015/16 estimated ending fund reserve, the CanSeg Line is allocated a reserve fund balance of $10.6 million, see Table 3-3.

Table 3-3: CanSeg Line Reserve Allocation
City of Modesto
Sewer Rate and Fee Study

Year	Total Service Charge Revenue	CanSeg Service Charge Revenue [1]
FY2000/01	$19,162,689	$3,554,401
FY2001/02	$20,901,619	$2,506,585
FY2002/03	$23,556,044	$3,810,284
FY2003/04	$25,292,995	$3,709,791
FY2004/05	$24,419,607	$3,586,907
FY2005/06	$23,057,564	$3,083,784
FY2006/07	$24,776,869	$3,523,419
FY2007/08	$28,796,814	$4,728,867
FY2008/09	$35,852,852	$5,605,959
FY2009/10	$37,305,248	$5,083,230
FY2010/11	$39,056,043	$5,765,374
FY2011/12	$41,804,518	$6,555,794
FY2012/13	$43,405,632	$5,849,322
FY2013/14	$46,032,716	$6,633,495
FY2014/15 (unaudited)	$43,287,864	$5,858,182
FY2015/16 (estimate)	$44,908,331	$6,639,033
Total	$521,617,405	$76,494,425
CanSeg Line % of Past Service Charges Paid		14.7%
FY2015/16 Reserve Estimate (Ending Balance)		$72,153,279
CanSeg Line Reserve Allocation		$10,581,172

1 – Does not includes accounts charge revenue. Accounts charges are subject to a separate cost allocation process.

3.6.2 Operating Expenses and Non-rate Revenue

The CanSeg Line operating expenses are described in detail in the cost allocation section. The total CanSeg operating expenses are estimated at $581,000 in FY2016/17 and are projected to increase to

about $628,000 in FY2020/21. Expenses are offset by approximately $240,000 to $280,000 in non-rate revenues annually. For FY2016/17, the CanSeg Line non-rate revenues include about $70,000 in interest earnings, $170,000 in rental income, and about $4,000 of Interfund Loan repayments. Allocation of non-rate revenues to the CanSeg Line is discussed in Section 4.3: Allocation of Non-Rate Revenues and detailed revenue and expense worksheets for the CanSeg Line are provided in Appendix B

3.6.3 CanSeg Line Capital Expenses

As part of the Wastewater Master Plan Update, Carollo Engineers developed a capital improvement plan for both the M&I system and the CanSeg Line. Over the next five years, $25.4 million in capital improvement projects are planned for the CanSeg Line. The CanSeg Line projects are described below.

Table 3-4: 5-Year CanSeg Line Capital Improvement Projects
City of Modesto
Sewer Rate and Fee Study

Collection System and "Treatment" Projects	FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20	FY 2020/21
Old River Trunk Lining	0	0	0	7,614,000	7,767,000
CanSeg Bank Armament	2,391,000	2,439,000	0	0	0
CanSeg Diversion Structure	510,000	0	0	0	0
Dryden Box	623,000	636,000	0	0	0
Pumping Plant 3	1,013,000	1,033,000	0	0	0
Third Outfall (20%)	0	0	0	129,000	1,255,000
Total	**4,537,000**	**4,108,000**	**0**	**7,743,000**	**9,022,000**

River Trunk Lining - The relined River Trunk will be used for redundancy for both the CanSeg line and the new River Truck. The CanSeg Line Diversion Structure will allow CanSeg flow to switch from the CanSeg line to the relined River Trunk in the case of a Can Seg line failure. The relined River Trunk will also be able to take domestic wastewater in the event of a River Trunk Pump Station failure.

CanSeg Bank Armament - Project includes sheet piling and rip rap to protect the river bank from erosion during high river flows.

CanSeg Diversion Structure – The structure will allow switching flow from the CanSeg Line to the River Trunk in case of a CanSeg Line failure and vice versa.

Dryden Box - The Dryden Box is a junction box that will combine the flows from the existing CanSeg line and a new redundant CanSeg line. The redundant CanSeg line will be converted from the River Trunk. A new River Trunk, which will be positioned from the north along Colorado Ave., will replace the converted River Trunk.

Pumping Plant 3 Improvements - Two new submersible pumps and three new mechanical bar screens.

20% of the Third Outfall Pipeline - The new 54" pipeline will be the primary pipeline for transporting M&I flows during dry weather. During rainy periods, peak flows will be too high for one pipeline. One of the existing 66" outfall lines will need to be used in parallel with the 54" line for M&I flows during these events. However, during the dry season (when canning season will occur), the existing 66" outfall line will be available for use by the CanSeg Line in the case of a failure of the CanSeg line normally used. Since the third line will benefit M&I customers the most, the recommended cost allocation is 80% for the M&I system and 20% for the CanSeg Line.

3.6.4 CanSeg Line Cash Flow

Table 3-5 provides the cash flow for the CanSeg Line. The non-rate revenues and operating costs are developed in more detail in subsequent sections. FY2016/17 to FY2018/19 the CanSeg Line is projected to fund capital expenses via rate revenues and use of reserves. Thereafter, the CanSeg Line is projected to fund capital expenses via a combination of debt and rate revenues. Per City policy, rates are set to maintain a debt service coverage ratio of 1.5 times the annual debt service payment or greater. To fund operating and capital expenses, BWA projects a CanSeg Line rate revenue requirement $2.725 million in FY2016/17. BWA projects rate increases of 6% annually.

Table 3-5: CanSeg Line Cash Flow
City of Modesto
Sewer Rate and Fee Study

	FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20	FY 2020/21
Beginning Balance	$10,581,000	$7,160,000	$4,350,000	$5,782,000	$5,169,000
Debt Proceeds	0	0	0	5,500,000	5,500,000
Rate Increase		6.00%	6.00%	6.00%	6.00%
Rate Revenue	2,725,000	2,889,000	3,062,000	3,246,000	3,441,000
Non-Operating Revenue	245,000	268,000	244,000	272,000	283,000
Total Revenue	2,970,000	3,157,000	3,306,000	3,518,000	3,724,000
Operating Expenses	581,000	593,000	604,000	617,000	628,000
Net Revenue	2,389,000	2,564,000	2,702,000	2,901,000	3,096,000
Debt Service					
2005Bonds Refinancing	1,273,000	1,267,000	1,270,000	1,271,000	1,268,000
New Debt	0	0	0	0	375,000
Total	1,273,000	1,267,000	1,270,000	1,271,000	1,643,000
Debt Coverage	1.88	2.02	2.13	2.28	1.88
Capital	4,537,000	4,107,000	0	7,743,000	9,022,000
Ending Balance	$7,160,000	$4,350,000	$5,782,000	$5,169,000	$3,100,000

3.7 Wastewater Fund Cash Flow

Table 3-6 provides the Wastewater Fund master cash flow, which incorporates the revenues and expenses for both the M&I and CanSeg Line systems. As shown below and described in the cost allocation section, a shift in the revenue requirement is proposed such that the M&I system pays a higher portion of rate revenues and the cannery customers pay a lower portion of system revenues. Current rate revenues are budgeted at $44.9 million and are proposed to increase to $63.2 million by FY2020/21. In addition, the secondary scalping treatment improvements are projected to come online in FY2020/21. Secondary scalping will allow the canneries to increase their canning season loads by 25% and also provide non-canning season secondary treatment. Secondary scalping is projected to generate about $6.7 million in additional rate revenue in FY2020/21.

The City projects the recycled water delivery system will come online in FY2018/19. The recycled water rates (i.e. sales revenue) will be designed to recover recycled water operating costs plus 1.5 times the recycled water debt service expense.

As shown in Table 3-2, the City expects to fund between $36.7 million and $61.9 million of capital improvements annually. Of this amount, the City plans to fund $19.25 million annually via pay-as-you-go funding and the remainder will be debt financed. The City prefers to maintain a debt service coverage ratio of 1.5 or greater. However, to mitigate rate impacts, the debt service coverage ratio is projected to fall to a low of 1.42 in FY2018/19. Thereafter, the debt service coverage ratio is projected to exceed the target of 1.5 in FY2019/20 and FY2020/21.

The reserve fund is projected to remain above the minimum target of 25% of the operating expense plus the annual SRF debt payment for each year over the next five years.

Table 3-6: Wastewater Fund Master Cash Flow
City of Modesto
Sewer Rate and Fee Study

	Budget FY 2015/16	Projection FY 2016/17	Projection FY 2017/18	Projection FY 2018/19	Projection FY 2019/20	Projection FY 2020/21
Revenues						
Service Charges						
M&I Customers	38,269,000	43,530,000	47,067,000	50,890,000	55,024,000	59,777,000
CanSeg Line	6,639,000	2,725,000	2,889,000	3,062,000	3,245,000	3,441,000
Cannery Secondary Scalping	0	0	0	0	0	6,705,000
Total Service Charges	44,908,000	46,255,000	49,956,000	53,952,000	58,269,000	69,923,000
Interest Income	483,000	502,000	527,000	527,000	527,000	527,000
Rental Income - Lease of Land	494,000	494,000	494,000	494,000	494,000	494,000
Interfund Charges	1,771,000	1,842,000	1,934,000	1,934,000	1,934,000	1,934,000
Wastewater Developmental Fees	250,000	250,000	250,000	250,000	250,000	250,000
Transfers In	166,000	173,000	430,000	430,000	430,000	430,000
Recycled Water Sales	0	0	0	2,819,000	4,084,000	4,090,000
Total Revenues	**48,072,000**	**49,516,000**	**53,591,000**	**60,406,000**	**65,988,000**	**77,648,000**
Operating Expenses	**30,891,000**	**31,336,000**	**31,963,000**	**32,902,000**	**33,560,000**	**35,151,000**
Transfers Out to General Fund	**69,000**	**69,000**	**69,000**	**69,000**	**69,000**	**69,000**
Total Operating Expenses	**$30,960,000**	**$31,405,000**	**$32,032,000**	**$32,971,000**	**$33,629,000**	**$35,220,000**
Debt Service						
2005 Series Bonds & Refunding	3,034,000	2,743,000	2,730,000	2,736,000	2,738,000	2,732,000
2006 Series A Bonds	831,000	675,000	675,000	675,000	675,000	675,000
SRF Tertiary Treatment Project	0	8,204,000	8,204,000	8,204,000	8,204,000	8,204,000
SRF Recycled Water	0	0	0	2,519,000	2,519,000	2,519,000
New Debt	0	0	2,347,000	5,141,000	6,725,000	7,877,000
Total Debt Service	**$3,865,000**	**$11,622,000**	**$13,956,000**	**$19,275,000**	**$20,861,000**	**$22,007,000**
Debt Service Coverage Ratio	**4.43**	**1.56**	**1.54**	**1.42**	**1.55**	**1.93**
Retained Earnings Calculation						
Beginning Retained Earnings	77,819,000	72,153,000	59,393,000	47,746,000	36,658,000	28,906,000
Net Operating Surplus/Deficit	17,113,000	18,112,000	21,560,000	27,435,000	32,359,000	42,428,000
Total Debt Service	3,864,000	11,622,000	13,956,000	19,274,000	20,860,000	22,007,000
Pay as You Go CIP	18,915,000	19,250,000	19,250,000	19,250,000	19,250,000	19,250,000
Ending Retained Earnings	**$72,153,000**	**$59,393,000**	**$47,746,000**	**$36,658,000**	**$28,906,000**	**$30,077,000**
Minimum Reserve	$15,944,000	$16,056,000	$16,212,000	$18,966,000	$19,130,000	$19,528,000

SECTION 4: COST OF SERVICE ALLOCATION

The revenue requirements detailed in the previous section determine the amount of revenue to be recovered from sewer rates. The cost of service analysis advances the rate study process by providing a mechanism for recovery of revenues from customers based on the service that they receive from the wastewater system. Proposition 218 requires that agencies providing "property-related services" (including wastewater utility service) set rates and charges that are based on the cost of providing those services. Detailed cost allocation worksheets supporting this section are provided in Appendix B.

4.1 Methodology

BWA's cost of service analysis reviewed each non-rate revenue and expense line item listed in the wastewater budget and allocated the revenues and expenses to customer service, the M&I wastewater system, and the CanSeg Line system. Allocations were based on how the City incurs each revenue or expense and which customer group generates or benefits from each line item.

4.2 Customer Service

Consistent with Resolution 2007-463, the customer service function encompasses revenues and costs that are not attributable to wastewater flow or strength characteristics. Customer service expenses are recovered through the accounts charge, which has historically generated about 7% of the wastewater rate revenue.

Table 4-1 provides the budget line items allocated to customer service. For the five year rate plan, BWA allocated 6% to 7% of the wastewater fund interest earning revenue to the customer service function. For service credit labor charges, BWA allocated 11% to 12% of the annual revenue for this line item to customer service based on a composite of operating expenses. Service credits accrue when wastewater staff bill time to non-wastewater City services. Major expense categories include wastewater billing, rate analysis, general, system analysis, administration, and sphere of influence analysis. These expense categories are assumed to be largely management and administration related that benefit each wastewater customer (large and small) equally. A small portion of collections and plant operations expenses are also allocated to customer service to reflect staff oversight, management, and planning.

Table 4-1: Allocation to Customer Service
City of Modesto
Sewer Rate and Fee Study

Budget Line Item	Allocation to Customer Service
Non-rate Revenues	
Interest Revenue on Bank Accounts	6% to 7%
Interest Trustee/Investment Earnings	6% to 7%
Interfund Charges - Service Credit Labor Charges	11% to 12%
Operating Expenses	
Wastewater General	70%
Wastewater Utility Billing and Collections	100%
Capital Improvement Services	30%
Wastewater System Analysis	70%
Sphere of Influence Area Expansion	70%
Wastewater Rate Analysis	100%
Wastewater Inventory & Condition Assessment	70%
Wastewater Services Administration	70%
Wastewater Collections Administration	10%
Sewer Collections	10%
Wastewater Operations Administration	10%
Wastewater Plant Operations	10%
Transfer Out General Fund	70%

4.3 Allocation of Non-Rate Revenues

The City has a number of non-rate revenues that are allocated between the M&I system and the CanSeg Line as described below:

Interest Revenue and Earnings – Interest is earned on the wastewater fund balance. By paying their service charges, the CanSeg customers contributed to the accumulation of reserves over time. For FY2016/17, the CanSeg Line is allocated 14.7% of interest earnings reflecting historical rates paid by the CanSeg Line customers. For FY2017/18 and beyond, it is envisioned that the CanSeg Line will have its own sub-account within the Wastewater Fund and would generate its own interest earnings.

Lease of Land – Lease/rental revenue generated from the rental of the Ranch to a farmer. City of Modesto M&I treated wastewater effluent and CanSeg Line process water is used by the farmer to irrigate the Ranch. Historically, the CanSeg Line supplied about one quarter of the total annual process water/irrigation water to the Ranch. Into the future, it is estimated that CanSeg process water will make up 35% to 40% of irrigation water to the Ranch due to a decrease to M&I flow due to the Phase 2 tertiary treatment plant coming online. Table 4-2 summarizes the CanSeg process water flow to the Ranch.

Table 4-2: Estimated CanSeg Process Water to the Ranch
City of Modesto
Sewer Rate and Fee Study

Year	Total Irrigation Demand (MGY)	Treated Municipal Flow (or Supplemental Water) to Irrigation (MGY)	Percent Municipal/ Supplemental Water Flow	Total CanSeg Process Water to Irrigation (MGY)	Percent CanSeg Process Water
Existing CanSeg Flow Conditions					
2016	3,430	2,230	65%	1,200	35%
2017	3,430	2,230	65%	1,200	35%
2018	3,430	2,040	60%	1,390	40%
2019	3,430	2,120	62%	1,310	38%
2020	3,430	2,140	63%	1,290	37%
Existing CanSeg Conditions + 5 mgd Increase in Canning Season Flows in 2020					
2016	3,430	2,230	65%	1,200	35%
2017	3,430	2,230	65%	1,200	35%
2018	3,430	2,040	60%	1,390	40%
2019	3,430	2,120	62%	1,310	38%
2020	3,430	1,750	51%	1,680	49%

MGY – million gallons per year
Note: CanSeg process water shown above is assumed to include shoulder season flow

General Fund (Repayment of InterFund Loan) – Resolution No. 2000-446 describes the repayment of transfers made from the water and wastewater funds to the General Fund from July 1997 to September 1999. BWA evaluated the historical wastewater rate revenue collected during that period and estimates that the CanSeg rate revenues accounted for 3.1% (noting that the CanSeg Line came into service July of 1999 and thus paid no rates prior to that date). The CanSeg Line is therefore allocated 3.1% of the General Fund repayments.

The CanSeg Line is not allocated any revenue associated with Interfund Charges/Service Credit Labor Charges, Wastewater Development Fees, Compost Fund loan repayments or recycled water sales revenues. The Interfund Charges/Service Credit Labor Charges are credits for wastewater staff providing services to other City funds. Wastewater operations staff determined that no credits are attributable to the CanSeg Line. The CanSeg Line currently serves five cannery customers and is at capacity. No new customers are able to take service from the CanSeg Line. Therefore, no development fee revenue is allocated to the existing CanSeg Line.[2]

Similarly, cannery customers are excluded from receiving Compost Fund loan repayment revenue or recycled water sales revenue because these revenues are generated from non-CanSeg Line disposal process. The Compost Fund loan repayment is described in Resolution No 2013-257. The Phase 2 tertiary treatment plant State Revolving Fund loan financed the relocation of the City's compost facility from the Jennings Treatment Plant to another location to provide space for the new Phase 2 tertiary

[2] The secondary scalping improvements will expand capacity and secondary scalping capital costs are proposed to be recovered from a capacity fee, see Section 5.4: Secondary Scalping Rate Design.

treatment plant. The Compost Fund is now repaying the Wastewater Fund for the relocation. The repayment is owed to tertiary customers only. Likewise, planned future recycled water will be generated exclusively by M&I customers.

4.4 Operating Expense

Non-customer service operating expenses were allocated between M&I and CanSeg either directly based on wastewater operations staff estimates or indirectly based on composite of wastewater general and administrative expenses.

Directly allocated operating expense estimates were developed by City operations staff based on staff time, materials, and services needed to operate and manage the CanSeg Line. Although the cannery process water does not receive treatment, the CanSeg Line is allocated Sutter Plant and Jennings Plant operating costs reflecting how City staff record the CanSeg Line expenses. For future financial planning and rate design, BWA recommends that the City create a new budget line item for the CanSeg Line to more accurately record costs. About one third of the CanSeg Line operating expenses is environmental and laboratory services related to monitoring the Ranch for compliance with the City's discharge permit. Other costs include electrical for conveyance of the cannery process water to the Ranch. The CanSeg operating costs are projected to increase by 2% annually.

In addition to the directly allocated operating and maintenance costs, the CanSeg Line is allocated a small portion of wastewater general, capital improvement services, and transfer out expense categories. BWA allocated the CanSeg Line 2.1% of these categories based on a composite of the directly allocated operating expenses.

Table 4-3: CanSeg Line Directly Allocated Operating Costs
City of Modesto
Sewer Rate and Fee Study

Budget Code	Description	FY2015/16 Directly Allocated Operating Expense [1]
44113	Environmental Services	$156,165
44110	Laboratory and Environmental Services Admin	$10,575
44112	Laboratory Services	$15,064
44210	Wastewater Collections Administration	$1,993
44211	Sewer Collections	$22,600
44310	Wastewater Operations Administration	$401
44312	Wastewater Plant Operations	
	Staffing	$90,312
	Internal Service Fund Costs	$111,491
	Repair and Maintenance	$8,267
	Permit Costs	$10,362
	Contracted Costs	$14,645
	Total	$235,077
44313	Sutter Plant Maintenance	
	Staffing	$15,335
	Electrical Costs - Sutter	$39,220
	Total	$54,555
44314	Jennings Plant Maintenance	
	Staffing	$23,628
	Electrical Costs - Jennings	$25,551
	Total	$49,179
	Total	$545,609

1 - Developed by City Operations staff. Does not include other wastewater general service line items.

4.5 Debt Service

As described in Section 3.3, the City has two outstanding bonds, the outstanding tertiary SRF loan, and a planned SRF loan for the recycled water delivery facilities. Proceeds from the sale of Series 2006A Bonds were used to pay for the construction of the dissolved air flotation facilities and the design of the Phase 1A near term tertiary treatment facilities as well as portions of a long term tertiary treatment facilities. As discussed above, tertiary treatment and the production of recycled water are exclusively attributable to the M&I treatment stream and thus no debt service for these items are allocated to CanSeg.

A portion of the 2005 bonds debt service is attributable to the CanSeg Line. The proceeds of the 2005 bonds were used to refund the 1993, 1996, and 1997 wastewater bonds. Of note, the 1997 bonds proceeds were used to construct the CanSeg Line which came into service in 1999. Based on the projects funded, BWA allocated 46% of the 2005 bonds debt service to the CanSeg Line, see Appendix B.

Into the future, BWA recommends that the CanSeg Line financials be divorced from the M&I system such that CanSeg rates only fund CanSeg expenses. The CanSeg rates would be responsible for funding the CanSeg capital projects and associated debt service.

4.6 Secondary Scalping

Table 4-4 provides the cost allocation for the secondary scalping system. Secondary scalping is projected to come online FY2020/21. BWA reviewed the M&I non-customer service revenues expenses and allocated costs between the secondary treatment system and the rest of the M&I system (collection, primary, tertiary, and recycled water). Some expenses are clearly unrelated to secondary treatment including collection system, primary treatment, tertiary, and recycled water expenses and are not recovered from scalping rates. Other expenses such as laboratory, environmental, and wastewater electrical services are shared between each step in the treatment stream (primary, secondary, and tertiary). These expense are allocated 1/3 to secondary scalping. Some expense categories encompass general wastewater operations and are not easily allocated between secondary treatment and the remainder of the wastewater system. Approximately 23% of the general wastewater expenses are allocated to secondary treatment based on a composite of the other expense categories.

Operating expenses are funded via rate and non-rate revenues. The secondary system is allocated 23% of the interfund charges (service credit labor charges) based on the secondary O&M composite. The secondary system is also allocated 12% of rental revenue. As shown in Table 4-2, the existing CanSeg process water is estimated to account for 37% of flow to the Ranch. With the addition of 5 mgd of cannery scalping, the cannery process water is estimated to make up 49% of flow to the Ranch in FY2020/21. In total, the interfund charges and rental income allocated to secondary scalping in FY2020/21 is estimated to be $447,000. Because scalping is a new service, there is no past accumulation of reserves to offset the revenue requirement. In total, about $6.5 million in operating expenses must be recovered from scalping rates.

Table 4-4: Operating Cost Allocation for Secondary Scalping System
City of Modesto
Sewer Rate and Fee Study

Category	M&I System FY2020/21	Secondary Treatment Only FY2020/21	Allocation Notes
Rate Revenue Requirement		6,463,000	
Non-rate Revenues			
Interfund Charges - Service Credit Labor Charges	1,718,000	388,000	Secondary O&M Composite
Lease of Land	494,000	59,000	12% based on process water to Ranch
Total Non-rate Revenues	2,212,000	447,000	
Operating Expenses			
Wastewater General	202,000	46,000	Secondary O&M Composite
Wastewater Utility Billing and Collections	0	0	Does not apply - customer service
Wastewater PCE Litigation (6210)	564,000	0	Does not apply - collection system only
Capital Improvement Services	546,000	123,000	Secondary O&M Composite
Wastewater System Analysis	75,000	17,000	Secondary O&M Composite
Sphere of Influence Area Expansion	26,000	6,000	Secondary O&M Composite
Wastewater Rate Analysis	0	0	Does not apply - customer service
Wastewater Inventory & Condition Assessment	145,000	33,000	Secondary O&M Composite
Wastewater Services Administration	239,000	54,000	Secondary O&M Composite
Laboratory and Environmental Services Admin	476,000	159,000	Assumed to be 1/3
Laboratory Services	1,309,000	436,000	Assumed to be 1/3
Environmental Services	897,000	299,000	Assumed to be 1/3
Wastewater Collections Administration	224,000	0	Does not apply - collection system only
Sewer Collections	5,231,000	0	Does not apply - collection system only
Utility Cuts Repavement	30,000	0	Does not apply - collection system only
Sewer Lateral Cost Sharing Program	146,000	0	Does not apply - collection system only
Wastewater Operations Administration	766,000	255,000	Assumed to be 1/3
Wastewater Plant Operations	2,937,000	979,000	Assumed to be 1/3
Sutter Plant Maintenance	2,668,000	0	Does not apply - primary treatment only
Jennings Plant Maintenance	4,030,000	4,030,000	Secondary treatment cost
Sewer Lift Stations	1,154,000	0	Does not apply - collection system only
Tertiary Treatment	7,164,000	0	Does not apply - tertiary treatment only
Wastewater Electrical Services	1,407,000	469,000	Assumed to be 1/3
Recycled Water Cost (O&M + repairs)	312,000	0	Does not apply - recycled water only
Transfer Out General Fund	20,000	5,000	Secondary O&M Composite
Total Operating Expenses	30,568,000	6,911,000	
Operating Net Revenues		0	
Secondary O&M Composite			
Total Sanitary Costs Evaluated (direct allocation)	29,313,419		
Secondary O&M Portion	6,627,011		
Secondary O&M Composite	22.6%		

In addition to operating costs, the City will incur $51 million in capital expenses to construct the secondary scalping improvements. Improvements consist of renovation of fixed film reactors, aerator

addition in the recirculation channel, and dissolved air flotation piping modifications. The City (M&I system) will fund the construction cost in FY2015/16 to FY2019/20 and will be repaid via service charges once the system comes online.

It is unknown how much of the construction costs will be cash-funded or debt financed. If the improvements are debt financed, the secondary scalping customers would pay the annual debt service expense until the obligation is paid off (assumed to be 30 years). It is also assumed that the City would fund any debt service due during construction or the secondary scalping system would capitalize the interest. It is estimated that the City will fund $5.2 million of debt service costs incurred during construction.

If the City cash funds the improvements, the funding should be considered a loan from the M&I system to the scalping system. Scalping customers should pay the City's carrying cost/opportunity cost of funding the secondary improvements to reflect returns the City could have earned by investing the funds elsewhere. Thus, for financial planning purposes, the costs associated with debt funding also apply to a scenario in which the M&I system cash funds the improvements for the benefit of secondary scalping customers.

Table 4-5 provides the scalping construction costs and projected debt service paid during construction.

Table 4-5: Secondary Scalping Capital Expenses
City of Modesto
Sewer Rate and Fee Study

	FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20	5-Year Total
Secondary Scalping Construction Cost	2,233,000	3,993,000	17,093,000	22,056,000	5,624,000	50,999,000
Est. Debt Service Paid During Const. [1]						
New Debt - Projects Funded FY2015/16		162,000	162,000	162,000	162,000	648,000
New Debt - Projects Funded FY2016/17		0	276,000	276,000	276,000	828,000
New Debt - Projects Funded FY2017/18		0	0	1,130,000	1,130,000	2,260,000
New Debt - Projects Funded FY2018/19		0	0	0	1,453,000	1,453,000
Total Debt Service Paid During Const.						5,189,000

[1] It is assumed that debt service payments begin the year after the project was funded. Debt service payments assume a 30-year term, a 4.5% interest rate, and financing of the construction cost, $250,000 in issuance costs, and a debt service reserve fund equal to the annual payment based on typical municipal bond terms and conditions.

It is assumed that the debt service paid during construction by the City will be repaid by scalping customers over a thirty year term. The $5.2 million in debt service paid during construction repaid over a thirty year term results in an annual payment of $173,000.

Table 4-6 estimates the total annual debt service for the secondary scalping system for rate making purposes. The debt service expense includes financing the construction cost plus repayment of debt service paid during construction. In total, the annual capital cost of the secondary scalping improvements is $3.6 million.

Table 4-6: Secondary Scalping Debt Service
City of Modesto
Sewer Rate and Fee Study

Expense	Annual Debt Service
New Debt - Projects Funded FY2015/16	162,000
New Debt - Projects Funded FY2016/17	276,000
New Debt - Projects Funded FY2017/18	1,130,000
New Debt - Projects Funded FY2018/19	1,453,000
New Debt - Projects Funded FY2019/20	383,000
Repayment of Debt Service Paid During Construction	173,000
Total Annual Cost	**$3,577,000**

In total, the annual cost of the secondary system is about $10 million including approximately $6.5 million in operating costs plus $3.6 million in debt service (capital) costs. However, the total revenue requirement is $11.8 million reflecting operating costs, debt service costs, and debt coverage of 1.5 times the annual payment.

4.7 Summary Allocation to M&I and CanSeg

Table 4-7 provides a five year summary of the M&I and CanSeg cost allocation. CanSeg Line rate revenue currently makes up about 15% of the total rate revenue and is proposed to decrease to 5.9% reflecting the FY2016/17 cost allocation. FY2017/18 to FY2019/2020, the CanSeg Line's contribution to total rate revenues is proposed to decrease slightly to 5.6% reflecting growth of the M&I customer base. Most M&I customer classes are projected to grow by 1.3% and the industrial class is projected to grow by 2.6% annually. After coming online in FY2020/21, the secondary scalping rate revenue is projected to make up 9.6% of the total rate revenue.

Table 4-7: Summary Allocation to M&I and CanSeg
City of Modesto
Sewer Rate and Fee Study

	Budget	Projection	Projection	Projection	Projection	Projection

	FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20	FY 2020/21
Service Charges						
M&I Customers	38,269,000	43,530,000	47,067,000	50,890,000	55,024,000	59,777,000
CanSeg Line	6,639,000	2,725,000	2,889,000	3,062,000	3,245,000	3,441,000
Secondary Scalping	0	0	0	0	0	6,705,000
Total Service Charges	44,908,000	46,255,000	49,956,000	53,952,000	58,269,000	69,923,000
Service Charges						
M&I Customers	85.2%	94.1%	94.2%	94.3%	94.4%	85.5%
CanSeg Line	14.8%	5.9%	5.8%	5.7%	5.6%	4.9%
Secondary Scalping	0.0%	0.0%	0.0%	0.0%	0.0%	9.6%
Total	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

Includes accounts charge revenues and a 0.8% delinquency factor

4.8 Allocation to Flow and Strength

The final step in the cost allocation process is to allocate the M&I, secondary scalping, and CanSeg Line expenses to flow and strength based on industry standard cost allocations, see Table 4-8. Scalping expenses are allocated based on the secondary allocation shown below.

Table 4-8: Flow and Strength Allocations
City of Modesto
Sewer Rate and Fee Study

Functionalized Cost Categories	Flow	BOD	TSS
Collection System & Pumping	100%	0%	0%
Primary	70%	10%	20%
Secondary	40%	30%	30%
Lab, Enviro, Monitoring	40%	30%	30%
Tertiary & Recycled Water	25%	25%	50%
Electrical	80%	10%	10%

Table 4-9 presents a summary of the M&I cost allocation to flow and loads. The proposed M&I cost allocation is more heavily weighted to loading which reflects increased costs for secondary and tertiary treatment. Table 4-10 presents a summary of the CanSeg Line allocation to flow and loads. The CanSeg Line expenses are largely flow based reflecting the purpose of the CanSeg Line as a method to collect, convey, and dispose cannery season process water. A small portion of the CanSeg Line revenue requirement is allocated to strength reflecting environmental compliance, laboratory work, and sampling.

Table 4-9: M&I Cost Allocation to Flow and Strength
City of Modesto
Sewer Rate and Fee Study

Category	Current	FY2016/17
Flow	$25,461,000	$25,236,000
BOD	$3,584,000	$5,906,000
TSS	$4,876,000	$9,035,000
Total	$33,921,000	$40,177,000
Flow	75%	63%
BOD	11%	15%
TSS	14%	22%
Total	100%	100%

Does not include customer service, CanSeg Line, or secondary scalping revenues.

Table 4-10: CanSeg Cost Allocation to Flow and Strength
City of Modesto
Sewer Rate and Fee Study

Category	Current	FY2016/17
Flow	$2,523,000	$2,669,000
BOD	$2,497,000	$27,000
TSS	$1,618,000	$29,000
Total	$6,639,000	$2,725,000
Flow	38%	98%
BOD	38%	1%
TSS	24%	1%
Total	100%	100%

Does not include customer service

4.9 Septage

Septage customers transport their effluent directly to the wastewater treatment plant and do not use the sewer collection system. Thus, the cost of the collection system is credited from the septage revenue requirement. BWA conducted a cost allocation separating the M&I collection system costs from the M&I treatment stream. BWA determined the collection system makes up about 27% of the M&I wastewater revenue requirement. A detailed cost allocation workpaper for the septage collection system credit is provided in Appendix B.

SECTION 5: RATE DESIGN

The previous section determined the amount of revenue allocated to flow, BOD, and TSS for the M&I service, CanSeg Line, and secondary scalping service. The allocated revenue is then divided by the billing units to calculate the rates. A detailed schedule of billing units and projected rates is provided in Appendix C.

5.1 Billing Units

BWA estimated the number of accounts, number of residential dwelling units, and flows and loads for the next five years.

5.1.1 Accounts

The City of Modesto currently provides wastewater service to 62,400 accounts consisting of residential, multiple family, commercial, industrial customers located within the City of Modesto as well as the City of Ceres and the Empire Sanitary District. The City projects growth of 1.3% annually for most municipal customers and 2.6% annual growth for industrial customers. Projected accounts over the next six years is provided in Table 5-1.

Table 5-1: Number of Customer Accounts
City of Modesto
Sewer Rate and Fee Study

		Projected					
Customer Class	**Actual FY2014/15**	**FY 2015/16**	**FY 2016/17**	**FY 2017/18**	**FY 2018/19**	**FY 2019/20**	**FY 2020/21**
Single Family Residential	54,558	55,267	55,986	56,714	57,451	58,198	58,954
Multiple family Residential	4,188	4,242	4,298	4,353	4,410	4,467	4,525
Commercial	2,711	2,746	2,782	2,818	2,855	2,892	2,929
Industrial	32	33	34	35	35	36	37
CanSeg	5	5	5	5	5	5	5
Empire SD	888	900	911	923	935	947	960
Total	62,382	63,193	64,015	64,848	65,691	66,546	67,411

5.1.2 Flow and Loadings

BWA estimated the flows and loadings of each customer class over the next five years. For FY2015/16 and beyond, commercial and industrial flows are estimated as 95% of the actual FY2014/15 flows reflecting water conservation compounded by the growth rates described above. Commercial loads are estimated based on the flow and strength characteristics of each of the four commercial customer groups (i.e. the flow of group 1 is multiplied by 200 mg/l BOD and 200 mg/l TSS to estimate the group 1 loading). The commercial loading used for rate design purposes is shown in Table 5-2. The loading assumptions provided below are the same assumptions used in the 2007 rate study.

Table 5-2: Commercial Loading
City of Modesto
Sewer Rate and Fee Study

Commercial Rate Group	BOD (mg/l)	TSS (mg/l)
Group 1	200	200
Group 2	450	450
Group 3	700	700
Group 4	1,000	1,000

The City's prior rate study assumed septage pollutant loading of 4,926 mg/l of BOD and 30,260 mg/l of TSS. These loading factors were based on 1995 and 1996 sampling data. More recent sampling data is not available so BWA used septage characteristics cited by the U.S. Environmental Protection Agency.[3] It is assumed that septage flows will increase by 1.3% annually consistent with the growth rate of the residential customer class.

The 2007 rate study estimated the single family residential flow to be 280 gallons per day. The Wastewater Master Plan Update estimates the current single family residential flow to be 215 gallons per day. With a decrease in residential flow, the non-residential customer classes are attributed a greater portion of system costs. Moreover, the loads of residential customers are proposed to be adjusted from 200 mg/l for both BOD and TSS to 270 mg/l BOD and 310 mg/l TSS consistent with the Wastewater Master Plan Update. To mitigate rate impacts, the residential flow and load adjustments are phased-in over the next five years, see Table 5-3. The flow and loading assumptions for each type of residential customer is multiplied by the number of units, see Table 5-4, to estimate total residential flows and loads used for rate design.

Table 5-3: Residential Flow and Loading Characteristics
City of Modesto
Sewer Rate and Fee Study

Residential Customers	Current	FY2016/17	FY2017/18	FY2018/19	FY2019/20	FY2020/21
Gallons per Day Wastewater Effluent						
Single Family	280	260	248	235	227	215
Multi Family (2-4 units)	210	200	190	180	175	175
Apartment (5+ units)	189	180	170	160	155	150
BOD (mg/l) [1]	200	200	212	230	255	270
TSS (mg/l) [1]	200	205	230	255	275	310

1 - mg/l = milligrams per liter; loading factors apply to all types of residential customers

[3] U.S. Environmental Protection Agency. 1994. Guide to Septage Treatment and Disposal. EPA-625-R-94-002

Table 5-4: Residential Dwelling Units
City of Modesto
Sewer Rate and Fee Study

Residential Dwelling Units [1]	Actual FY2014/15	Projected FY2015/16	FY2016/17	FY2017/18	FY2018/19	FY2019/20	FY2020/21
Single Family	56,812	57,551	58,299	59,057	59,824	60,602	61,390
Multiple Family	7,375	7,471	7,568	7,666	7,766	7,867	7,969
Apartments	14,886	15,080	15,276	15,474	15,675	15,879	16,086
Total	79,073	80,101	81,142	82,197	83,266	84,348	85,445

1 - Includes Empire Sanitary District dwelling units

The total M&I flows and loads projected over the next five years is provided in Table 5-5.

Table 5-5: Total M&I Flows and Loads for Rate Design
City of Modesto
Sewer Rate and Fee Study

Customer Class	FY2016/17	FY2017/18	FY2018/19	FY2019/20	FY2020/21
Flow (MG)					
Residential [1]	7,089	6,838	6,557	6,422	6,229
Commercial	1,299	1,316	1,333	1,351	1,368
Industrial	1,405	1,441	1,479	1,517	1,557
Septage	9	9	9	9	9
Total Flow	9,801	9,604	9,378	9,299	9,163
BOD (klbs)					
Residential [1]	11,824	12,089	12,578	13,658	14,027
Commercial	4,072	4,125	4,179	4,233	4,288
Industrial	11,499	11,798	12,105	12,420	12,743
Septage	463	469	475	481	487
Total BOD	27,858	28,482	29,337	30,792	31,546
TSS (klbs)					
Residential [1]	12,119	13,116	13,945	14,729	16,105
Commercial	4,072	4,125	4,179	4,233	4,288
Industrial	3,427	3,517	3,608	3,702	3,798
Septage	919	931	943	955	968
Total TSS	20,538	21,689	22,675	23,619	25,159

1 - Includes Empire Sanitary District. Reflects phase-in of residential flow and load adjustments.

The CanSeg Line flows and loads are provided in Table 5-6 and projected to remain stable over the next five years for the purpose of rate design.

Table 5-6: CanSeg Line Flows and Loads
City of Modesto
Sewer Rate and Fee Study

CanSeg Line Annual Flows and Loads	
Flow (MG)	996
BOD (klbs)	19,358
TSS (kbs)	7,225

5.2 M&I and CanSeg Line Rate Design

Table 5-7 presents the calculation of the accounts charge. The allocated customer service revenue is divided by the number of accounts billed monthly to calculate the charge.

Table 5-7: Accounts Charge
City of Modesto
Sewer Rate and Fee Study

	Current	FY2016/17	FY2017/18	FY2018/19	FY2019/20	FY2020/21
Annual Revenue	$3,291,000	$3,354,000	$3,413,000	$3,487,000	$3,561,000	$3,643,000
Billed Accounts (over 12 months)	752,253	762,037	771,948	781,988	792,158	802,461
Monthly Rate ($/account)	$4.34	$4.40	$4.42	$4.46	$4.50	$4.54
% increase		1.4%	0.5%	0.8%	0.8%	1.0%

Table 5-8 presents the calculation of the M&I flow and strength unit costs. The allocated flow, BOD, and TSS rate revenue requirement is divided by the billing units to calculate the $/million gallons cost for flow and $/klbs cost for BOD and TSS. The FY2016/17 costs reflect the updated cost allocation between M&I and CanSeg Line customers.

Table 5-8: M&I Flow and Strength Unit Costs
City of Modesto
Sewer Rate and Fee Study

Category	Current	FY2016/17	FY2017/18	FY2018/19	FY2019/20	FY2020/21
Rate Revenue						
Flow	$25,461,000	$25,317,000	$27,509,000	29,871,000	32,429,000	35,453,000
BOD	$3,584,000	$5,877,000	$6,385,000	6,934,000	7,527,000	8,229,000
TSS	$4,876,000	$8,983,000	$9,760,000	10,599,000	11,506,000	12,579,000
Total Rev	$33,921,000	$40,177,000	$43,654,000	$47,404,000	$51,462,000	$56,261,000
%Increase		18%	9%	9%	9%	9%
Billing Units						
Flow (MG)	10,155	9,721	9,525	9,301	9,222	9,088
BOD (klbs)	28,083	27,636	28,254	29,102	30,546	31,293
TSS (klbs)	22,002	20,374	21,515	22,493	23,430	24,958
Unit Cost						
Flow	$2,534	$2,604	$2,888	$3,212	$3,516	$3,901
BOD	$129	$213	$226	$238	$246	$263
TSS	$224	$441	$454	$471	$491	$504
% Increase						
Flow		3%	11%	11%	9%	11%
BOD		65%	6%	5%	3%	7%
TSS		97%	3%	4%	4%	3%

Does not include customer service, CanSeg Line, or secondary scalping revenues.

The unit costs are scaled to the flows and loadings of each customer group (as provided in Section 5.1.2 Flow and Loadings) to calculate the final rates, see Table 5-9. Septage customers are provided a flow rate discount of 27% reflecting their non-use of the sewer collection system. Septage customers pay the same unit costs for BOD and TSS as all other M&I customers.

Table 5-9: Projected M&I Sewer Rates

City of Modesto
Sewer Rate and Fee Study

Category	Current	FY2016/17	FY2017/18	FY2018/19	FY2019/20	FY2020/21
Monthly Account Charge ($/Account)	$4.34	$4.40	$4.42	$4.46	$4.50	$4.54
Residential Rates ($/Dwelling Unit)						
Single Family Residential, Mobile Home on a lot	$27.58	$29.36	$31.36	$33.39	$35.67	$37.91
Multiple Family (2-4 Dwelling Units), one additional Dwelling Unit or Mobile Home on a lot	$23.67	$22.59	$24.03	$25.57	$27.50	$30.85
Apartments (5 or more Dwelling Units), Mobile Home Space in a Mobile Home Park	$17.96	$20.33	$21.50	$22.73	$24.36	$26.45
Commercial Quantity Charge ($/100 cubic feet)						
Group 1-BOD + TSS is 400 mg/l or less	$2.35	$2.76	$3.01	$3.29	$3.55	$3.88
Group 2-BOD + TSS is 401 mg/l to 900 mg/l	$2.89	$3.78	$4.07	$4.40	$4.70	$5.07
Group 2-BOD + TSS is 901 mg/l to 1,400 mg/l	$3.45	$4.80	$5.13	$5.50	$5.85	$6.27
Group 4-BOD + TSS is 1,401 mg/l or more	$4.11	$6.03	$6.40	$6.83	$7.23	$7.71
Industrial Charges (these three components are additive)						
Flow Charge ($/Million gallons)	$2,534	$2,604	$2,888	$3,212	$3,516	$3,901
BOD Charge ($/1,000 lbs)	$129	$213	$226	$238	$246	$263
TSS Charge ($/1,000 lbs)	$224	$441	$454	$471	$491	$504
Septage Quantity Charge						
Flow charge per 1,000 gallons	$67	$61	$63	$66	$69	$71

5.3 CanSeg Line Rate Design

Table 5-10 presents the CanSeg Line flow and strength charges. The allocated flow, BOD, and TSS rate revenues are divided by the CanSeg Line billing units to calculate the rates. In addition to the charges shown in Table 5-10, the cannery customers would pay the proposed monthly accounts charges shown in Table 5-9.

The CanSeg Line flow rate is proposed to increase slightly in FY2016/17 and the strength charges are proposed to decrease dramatically. Each year thereafter, the rates are proposed to increase by 6% annually consistent with the cash flow provided in Table 3-5. The rate increases are needed to fund operating cost increases, debt service expenses, and to facilitate "rate smoothing". The proposed rates shown below span the next five year planning horizon. Beginning FY2021/22, the City plans to rehabilitate the CanSeg Line outfall pipeline. The rehabilitation is projected to span four years and cost $28.3 million. By implementing annual rate increases, the cannery customers can mitigate rate spikes in later years.

Table 5-10: CanSeg Line Sewer Rates
City of Modesto
Sewer Rate and Fee Study

Category	Current	FY2016/17	FY2017/18	FY2018/19	FY2019/20	FY2020/21
Rate Revenue						
Flow	$2,523,000	$2,669,000	$2,829,000	$2,999,000	$3,178,000	$3,370,000
BOD	$2,497,000	$27,000	$29,000	$30,000	$32,000	$34,000
TSS	$1,618,000	$29,000	$31,000	$33,000	$35,000	$37,000
Total Revenue	$6,638,000	$2,725,000	$2,889,000	$3,062,000	$3,246,000	$3,441,000
Billing Units						
Flow (MG)	996	996	996	996	996	996
BOD (klbs)	19,358	19,358	19,358	19,358	19,358	19,358
TSS (klbs)	7,225	7,225	7,225	7,225	7,225	7,225
Unit Cost						
Flow	$2,534	$2,680	$2,841	$3,012	$3,191	$3,384
BOD	$129	$1.39	$1.48	$1.57	$1.66	$1.76
TSS	$224	$4.04	$4.29	$4.54	$4.81	$5.11
% Increases						
Flow		6%	6%	6%	6%	6%
BOD		-99%	6%	6%	6%	6%
TSS		-98%	6%	6%	6%	6%

Does not include customer service, M&I, or secondary scalping revenues.

5.4 Secondary Scalping Rate Design

It is proposed that secondary scalping operating costs be recovered via rates charged to scalped flow, BOD, and TSS. To provide revenue stability, it is proposed that capital costs be recovered through a fixed annual Secondary CanSeg Capacity charge.

5.4.1 Secondary Scalping Rates

To calculate the secondary scalping rates, the operating rate revenue requirement (developed in Table 4-4) is divided by the estimated flows and loads treated at the secondary plant. Carollo Engineers estimated the secondary scalping flows and loads in FY2020/21 when the secondary improvements are completed, see Table 5-11. Over the past five years, the canning season has lasted 78 days on average. Based on the estimated daily flows and loads and length of the canning season, the total annual secondary system billing units are shown in Table 5-12 along with the proposed rates.

Table 5-11: FY2020/21 Secondary Scalping Influent Flows and Loads
City of Modesto
Sewer Rate and Fee Study

Parameter	Units	M&I	Can-Seg	Total Secondary Influent	M&I	Can-Seg
Non-Canning Season						
Flow	mgd	5.3	2.0	7.3	72.6%	27.4%
BOD	lbs/day	10,800	25,300	36,100	29.9%	70.1%
TSS	lbs/day	4,900	5,300	10,200	48.0%	52.0%
Canning Season						
Flow	mgd	5.3	5.0	10.3	51.5%	48.5%
BOD	lbs/day	10,800	109,400	120,200	9.0%	91.0%
TSS	lbs/day	4,900	38,900	43,800	11.2%	88.8%

Table 5-12: Secondary Scalping Operating Rate Design
City of Modesto
Sewer Rate and Fee Study

Component	Cost Allocation	Annual Operating Rate Revenue Requirement	FY2020/21 Annual Flow and Loads	Units	Rates
Flow	40%	$2,585,000	2,899	MG	$891.84
BOD	30%	$1,939,000	19,736	thousand lbs	$98.25
TSS	30%	$1,939,000	6,344	thousand lbs	$305.65
	100%	$6,463,000			

5.4.2 Annual Secondary CanSeg Capacity Charge

Given the significant cost of constructing the secondary scalping improvements, BWA proposes that capital costs be recovered through an annual Secondary Scalping CanSeg Capacity Fee. The capacity fee revenue requirement is set as $5.37 million, which is 1.5 times the estimated annual debt service cost (developed in Table 4-6). The fee is calculated as the capital revenue requirement divided by the canning season maximum capacity of the secondary improvements. The canning season maximum is the appropriate capacity metric for calculation of the Secondary CanSeg Capacity fee because the improvements were designed and engineered for the maximum canning season loads. Although hydraulic capacity is not reached, the secondary treatment facilities are limited by BOD loading. Absent the canning season peak, the City would construct lower capacity, less expensive improvements or forgo secondary improvements all together. It is envisioned that the City would reserve secondary capacity for the cannery customers via service agreements. Cannery customers would estimate their scalping capacity and commit to pay annual Secondary Can Seg Capacity charges based on that capacity. The capacity fee is calculated in Table 5-14.

Table 5-13: Secondary Treatment Capacity
City of Modesto
Sewer Rate and Fee Study

Parameter	Units	M&I [1]	Existing Can-Seg Flow Treated	Additional Can-Seg Flow Treated (25% Increase)	Available Can-Seg Capacity	Total Secondary Influent [2]
Non-Canning Season						
Flow	mgd	13.22	1.77	0.44	5.20	20.63
BOD	lbs/day	31,500	26,100	6,500	76,600	140,700
TSS	lbs/day	20,100	6,900	1,700	20,300	49,000
Canning Season						
Flow	mgd	13.22	0	5.00	0	18.22
BOD	lbs/day	31,500	0	109,400	0	140,900
TSS	lbs/day	20,100	0	38,900	0	59,000

1 - Based on projected 2035 max month flow and loads.
2 - Under theses flows and loads, the capacity of the secondary treatment facilities is limited by the BOD loading.

Table 5-14: Secondary Scalping Secondary CanSeg Capacity Fee
City of Modesto
Sewer Rate and Fee Study

Component	Cost Allocation	Capital Revenue Requirement	Canning Season Capacity	Units	Secondary CanSeg Capacity Fee
Flow	40%	$2,147,000	18.22	mgd max day capacity	$117,837.54
BOD	30%	$1,610,000	140,900	lbs/day max day capacity	$11.43
TSS	30%	$1,610,000	59,000	lbs/day max day capacity	$27.29
	100%	$5,367,000			

5.5 Customer Impacts

As described throughout this report, there are a number of proposed changes to the City's cost allocation and rate structure that will impact customers.

5.5.1 Customer Class-Level Impacts

Table 5-15 provides the proposed revenue to be collected from each customer class over the next five years. Commercial, industrial, and septage customers are proposed to receive larger increases due to the shift in cost from the flow charge to the pollutant loadings (treatment) charges. In addition, the estimated flow per residence is proposed to decrease over time resulting in a higher portion of system costs recovered from non-residential customers. During canning season, CanSeg Line customers are proposed to receive a steep revenue reduction reflecting the CanSeg process water flow does not require treatment.

Table 5-15: Customer Class Revenue Impacts
City of Modesto
Sewer Rate and Fee Study

Customer Class	Current	FY2016/17	FY2017/18	FY2018/19	FY2019/20	FY2020/21
Residential	$26,836,000	$28,807,000	$30,920,000	$33,130,000	$35,690,000	$38,492,000
Empire SD	$471,000	$508,000	$546,000	$585,000	$631,000	$682,000
Commercial	$4,789,000	$6,143,000	$6,701,000	$7,341,000	$7,964,000	$8,716,000
Septic Tank Pumping	$561,000	$516,000	$542,000	$573,000	$605,000	$636,000
Industrial	$5,612,000	$7,556,000	$8,359,000	$9,261,000	$10,134,000	$11,250,000
CanSeg Line	$6,639,000	$2,725,000	$2,889,000	$3,062,000	$3,245,000	$3,441,000
Total	$44,908,000	$46,255,000	$49,956,000	$53,952,000	$58,269,000	$63,218,000
Revenue % Increases						
Residential		7%	7%	7%	8%	8%
Empire SD		8%	7%	7%	8%	8%
Commercial		28%	9%	10%	8%	9%
Septic Tank Pumping		-8%	5%	6%	6%	5%
Industrial		35%	11%	11%	9%	11%
CanSeg Line		-59%	6%	6%	6%	6%
Total		3%	8%	8%	8%	8%

Reflects 0.8% delinquency. Includes accounts charge revenue. Does not include secondary scalping.

5.5.2 Secondary Scalping Impacts

The CanSeg Line is currently at capacity and is not able to accommodate an increase in flow. Secondary scalping provides the opportunity for cannery customers to increase their process water and have it treated at a lower cost than M&I system rates. Provided below are example bills for a hypothetical cannery customer comparing the cost of municipal system service vs. secondary scalping wastewater service. The hypothetical cannery customer is assumed to make up one fifth of the cannery customer class' committed scalping capacity and estimated annual flows and loads.

Provided below is the hypothetical example cannery customer's wastewater bill under the proposed M&I rates in FY2020/21 and under the proposed secondary scalping capacity fee and rates for FY2020/21. Under the M&I rates, the customer would be billed about $2.0 million. Under the secondary

scalping rates and capacity fee, the customer would be billed $1.3 million. The customer receives a savings of approximately 34% compared with the M&I treatment scenario.

Table 5-16: Example Secondary Scalping Customer Impact
City of Modesto
Sewer Rate and Fee Study

M&I Canning Season	Units	Billing Units	FY2020/21 Rate or Charge	Billed Amount
Rates				
Flow	MG	193	$3,901.21	$752,154
BOD	klbs	3,159	$262.97	$830,700
TSS	klbs	911	$504.01	$459,180
Total Canning Season M&I Wastewater Bill				**$2,045,646**

Scalped Canning Season	Units	Billing Units	FY2020/21 Rate or Charge	Billed Amount
Rates				
Flow	MG	193	$891.84	$171,947
BOD	klbs	3,159	$98.25	$310,343
TSS	klbs	911	$305.65	$278,468
Secondary Can Seg Capacity Charge		Committed Max Capacity		
Flow	MGD	1.00	$117,837.54	$117,838
BOD	lbs/day	21,880	$11.43	$250,013
TSS	lbs/day	7,780	$27.29	$212,302
Total Canning Season Secondary Scalping Wastewater Bill				**$1,340,910**
Secondary Scalping Savings				$701,123
				34%

5.5.3 Residential Bill Comparison

Under the proposed rate increases, the typical single family residential monthly bill is proposed to increase approximately 6% annually from the $31.91 to $42.45 over the next five years.

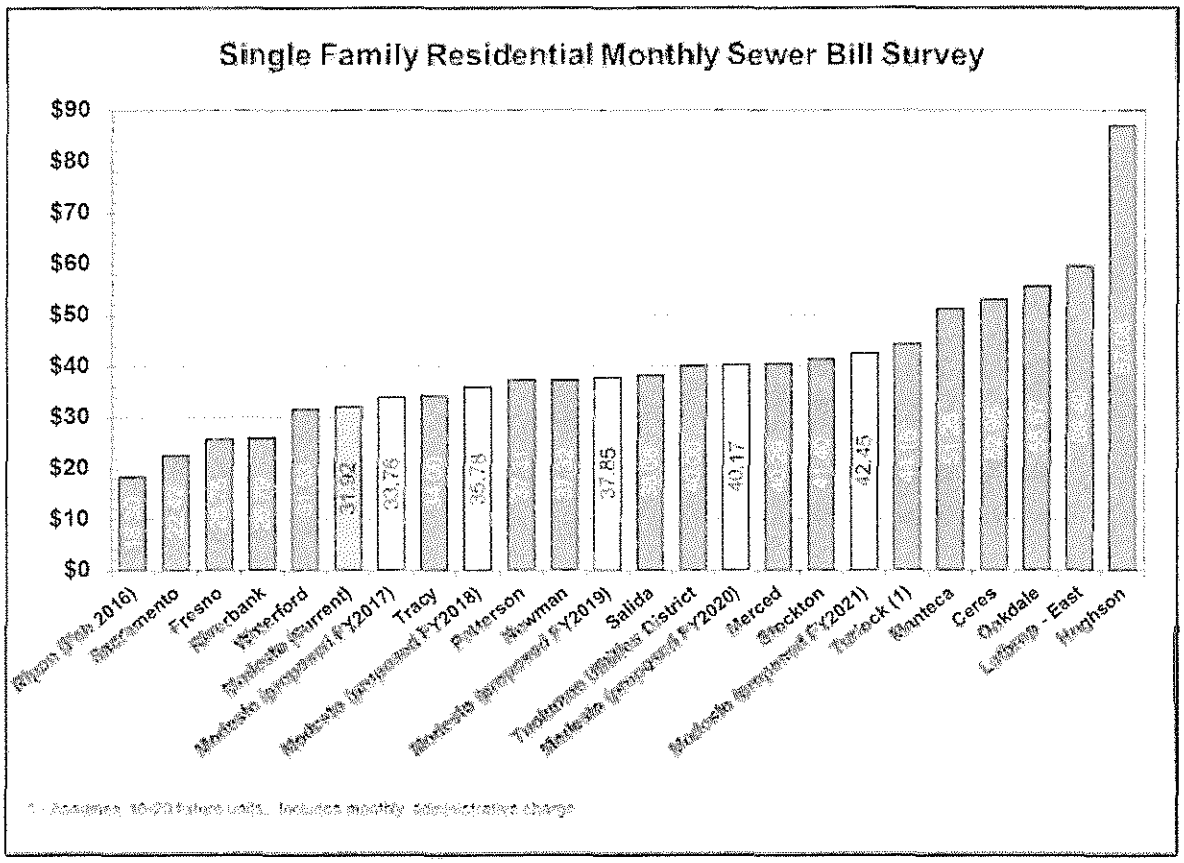
Table 5-17: Typical Customer Bill
City of Modesto
Sewer Rate and Fee Study

Rates	Current	FY2016/17	FY2017/18	FY2018/19	FY2019/20	FY2020/21
Monthly Account Charge	$4.34	$4.40	$4.42	$4.46	$4.50	$4.54

($/account)						
Residential Rate ($/dwelling unit)	$27.58	$29.36	$31.36	$33.39	$35.67	$37.91
Total Single Family Residential Monthly Bill	$31.92	$33.76	$35.78	$37.85	$40.17	$42.45
% increase		6%	6%	6%	6%	6%

Although the typical residential bill is proposed to increase, the City of Modesto bill will remain competitive with other local wastewater agencies, see figure below.

Figure 2: Residential Bill Comparison



SECTION 6: CONCLUSIONS AND RECOMMENDATIONS

This Sewer Rate and Fee Study report presents a comprehensive review of the City of Modesto's wastewater revenue requirement, cost allocation, and rate structure. The City last conducted a comprehensive cost of service review in 2007. Since then, the City has engaged in a Wastewater Master Plan Update which identified needed capital improvements and also projected reduced flows from residential customers. In addition, the City signed a Tolling Agreement committing the City to develop a separate cost allocation and rate schedule for CanSeg Line customers. Finally, the City is planning major operational changes including providing secondary scalping service to cannery customers, bringing the tertiary treatment system online, and generating recycled water. All of these factors were considered in the rate study to fairly develop rates for customers.

6.1 Conclusions

The City practices sound financial planning that has provided for the financial health of the wastewater enterprise. Historically, the City has gradually increased rates to keep up with inflationary cost increases and to accumulate reserves. This allows the City to avoid rate spikes when new costs are incurred, such as the new tertiary treatment plant operating and debt service costs. The City has been very successful in securing grants and low cost State Revolving Fund loans providing savings to the ratepayers. The City's financial targets are to maintain debt service coverage of 1.5 times the annual payment and to maintain reserves equal to 25% of operating costs plus one year's SRF debt service payment. These policies provide financial stability and benefit the ratepayers.

The City's rate structure, composed of an accounts charge, a flow charge, a BOD charge, and a TSS charge, is consistent with generally accepted rate making principles and industry standard practice. These functional categories reflect how the City provides wastewater service: the City provides customer service and billing, the City collects and conveys effluent, the City treats wastewater pollutants, and the City disposes of the wastewater. BWA finds the City's functional categories to be reasonable and appropriate.

The M&I rates must increase over the next five years to fund the City's wastewater operating and capital expenses, meet debt coverage requirements, and to maintain emergency reserves. Residential rates are proposed to increase by 6% annually and non-residential rates are proposed to increase more steeply. BWA found that a higher portion of wastewater service costs are attributable to wastewater treatment than previously assumed. Therefore, BOD and TSS rates are proposed to increase more significantly than the flow charge. The rate change impacts higher strength customers to a greater degree than domestic strength customers.

Since the CanSeg Line came into service in 1999, the cannery customers have over-paid for wastewater service. The CanSeg Line collects the canneries' process water, bypasses the treatment stream, and conveys the process water for disposal on the Ranch as irrigation water. Although the process water does not receive treatment, the City billed the cannery customers the fully encumbered M&I industrial

rates. The City's current billing procedures reflect the City's budgeting process. The CanSeg Line operating costs are embedded into the M&I wastewater budget line items and are not easily distinguished from M&I costs. As such, determining the CanSeg Line costs was difficult for City staff.

6.2 Recommendations

BWA recommends that the City adopt the rates shown in this report. Rates were developed as part of a collaborative process that included workshops with City staff, including personnel from Engineering, Wastewater Operations, and Finance, the City's consulting engineer, and cannery stakeholders. BWA recommends that the City adopt a new cost center for the CanSeg Line and record actual costs over the next fiscal year. The City can then "true up" the CanSeg cost allocation with actual data. The City should provide separate accounting for the CanSeg Line revenues and expenses to prevent against cross-customer subsidies.

At minimum, BWA recommends that the City review and update its cost allocation every five years and/or concurrent with Wastewater Master Plan Updates. Proposition 218 allows public agencies to adopt rates over a five year planning horizon. Any further rate increases must be supported by a cost of service analysis.

APPENDICES

Appendix A: Capital Improvement Plan
Appendix B: Cost Allocation Worksheets
Appendix C: Billing Units

Appendix A: Capital Improvement Plan

Table A-1: 10-Year Collection System Capital Improvement Plan
City of Modesto
Sewer Rate and Fee Study

Project	Capital Cost [1]	FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23	FY 2023/24	FY 2024/25	FY 2025/26
AREA 1												
West Trunk	1,474,366	506,500	516,630	-	223,384	227,852	-	-	-	-	-	-
West Sub-Trunks	10,184,427	1,012,500	1,637,610	-	-	-	-	-	-	-	866,442	3,747,189
Rumble Trunk	4,745,250	3,712,500	1,032,750	-	-	-	-	-	-	-	-	-
Rumble Sub-Trunks	2,564,940	-	-	-	2,564,940	-	-	-	-	-	-	-
North Trunk Extension	9,866,560	-	-	-	-	3,650,502	3,723,513	-	-	-	1,233,933	1,258,612
North Sub-Trunks	2,359,791	-	-	-	-	-	-	-	1,168,213	1,191,578	-	-
Dale Trunk	3,303,079	-	-	-	-	-	-	1,635,188	1,667,892	-	-	-
AREA 2												
Emerald Trunk	9,465,631	-	-	-	-	-	-	3,114,402	3,176,690	883,431	901,100	688,122
Emerald Sub-Trunks	2,324,014	613,000	625,260	-	537,502	548,252	-	-	-	-	-	-
AREA 3												
Sutter Trunk	2,101,467	768,500	1,055,700	277,267	-	-	-	-	-	-	-	-
AREA 4												
6th Street Trunk	1,249,406	-	-	618,518	630,888	-	-	-	-	-	-	-
J Street Trunk	891,082	-	-	441,130	449,952	-	-	-	-	-	-	-
D Street Trunk	1,441,703	-	-	713,714	727,989	-	-	-	-	-	-	-
F Street Trunk	360,426	-	-	178,429	181,997	-	-	-	-	-	-	-
AREA 5												
Santa Rosa Trunk	6,494,827	-	-	-	1,019,821	778,810	2,725,976	1,970,221	-	-	-	-
Santa Rosa Sub-Trunks	5,924,694	-	-	-	-	-	-	403,166	2,742,487	1,775,650	-	-
AREA 6												
Sonoma Trunk Extension	5,138,560	2,071,500	2,112,930	472,342	481,788	-	-	-	-	-	-	-
Lakewood Trunk Extension	3,853,893	-	-	955,607	974,720	-	-	-	952,260	971,306	-	-
Lakewood Sub-Trunks	340,370	168,500	171,870	-	-	-	-	-	-	-	-	-
Empire Trunk	2,045,250	1,012,500	1,032,750	-	-	-	-	-	-	-	-	-
Old River Trunk	15,381,025	-	-	-	-	7,614,369	7,766,656	-	-	-	-	-
New River Trunk	89,078,382	-	25,614,240	26,126,525	-	-	18,483,969	18,853,648	-	-	-	-
Cannery Segregation Line	5,839,578	500,000	2,900,880	2,438,698	-	-	-	-	-	-	-	-
AREA 8												
Ceres Trunk	1,973,540	977,000	996,540	-	-	-	-	-	-	-	-	-
AREA 10												
Ustick Trunk	1,132,914	-	-	-	560,848	572,065	-	-	-	-	-	-
Ustick Sub-Trunks	7,576,709	-	-	-	-	-	-	-	-	-	-	3,750,846
CITY-WIDE PROJECTS												
Lift Station Stand-By Generators	518,761	-	-	-	256,812	261,949	-	-	-	-	-	-
Storm Runoff Removal	2,060,400	1,020,000	1,040,400	-	-	-	-	-	-	-	-	-
Total Capital Cost	**199,691,043**	12,362,500	38,737,560	32,222,229	8,610,642	13,653,799	32,700,113	25,976,625	9,707,543	4,821,965	3,001,475	9,444,769

1 - Total capital cost including expenses planned for FY2027 and beyond; costs escalated by 2% annually to the year of construction

Table A-2: 10-Year Wastewater Treatment Capital Improvement Plan
City of Modesto
Sewer Rate and Fee Study

Project	Proposed Facility Category	Total Project Cost	FY15/16	FY16/17	FY17/18	FY18/19	FY19/20	FY20/21	FY21/22	FY22/23	FY23/24	FY24/25	FY25/26
Sutter Plant													
Headworks, Dryden Box, and Influent Flume Improvements [1]	Capacity	13,593,939	1,554,400	6,251,274	5,788,265	-	-	-	-	-	-	-	-
Influent Screw Pump Addition	Capacity	2,671,515	-	-	-	-	-	-	-	-	19,567	358,289	2,293,660
Outfall Pump Station	Capacity	19,708,741	-	-	-	-	213,997	2,080,640	8,860,646	8,553,458	-	-	-
Demolition of Sutter Treatment Facilities	Capacity	6,556,309	-	-	-	-	-	-	531,999	3,181,630	2,842,680	-	-
Outfall Pipelines													
Tuolumne River Crossings	Rehabilitation	37,005,435	-	399,942	3,889,952	12,646,310	15,991,420	4,077,812	-	-	-	-	-
Third Outfall Pipeline from Sutter Plant to Jennings Plant	Capacity	59,714,354	-	-	-	-	645,563	6,277,362	20,406,739	25,804,534	6,580,156	-	-
Line Canseg Outfall Pipeline	Rehabilitation	28,299,469	-	-	-	-	-	-	153,383	2,972,913	11,157,126	14,016,046	-
Jennings Plant													
Secondary Treatment/Canseg Treatment Facilities Upgrades [2]	Rehabilitation	50,999,688	2,233,400	3,993,300	17,092,524	22,056,147	5,624,318	-	-	-	-	-	-
Primary Treatment and Solids Handling Facilities [3]	Capacity	106,524,132	-	-	-	-	557,886	5,994,275	5,533,737	17,393,858	30,330,043	30,936,644	15,777,689
Dredging	Rehabilitation	10,201,000	2,500,000	5,100,000	2,601,000	-	-	-	-	-	-	-	-
Misc. Repairs	Rehabilitation	1,078,042	264,200	538,968	274,874	-	-	-	-	-	-	-	-
		Annual Capital Costs	6,552,000	16,283,484	29,646,614	34,702,457	23,033,182	18,430,090	35,486,504	57,906,393	50,929,573	45,310,979	18,071,348

Costs escalated by 2% annually to the year of construction
1 - Project includes: Headworks Improvements, Dryden Box Improvements, Influent Flume Improvements, Pumping Plant No. 3 Improvements, and Headworks Screening Room Ventilation Improvements.
2 - Project includes: Renovation of Fixed Film Reactors, Aerator Addition in Recirculation Channel, and DAF Piping Modifications.
3 - Project includes: Primary Treatment Facilities, Yard Piping and Structures, Anaerobic Digesters, WAS Thickening and Biosolids Dewatering, and Sludge Cake Drying Beds.

Appendix B: Cost Allocation Worksheets

2005 Bonds Use of Proceeds

	Original Use of Funds	Refunded Principal	Method of Allocation		CanSeg Cost	
1993 Bonds	Parallel 60" Outfall, Sonoma Trunk – Floyd to Sylvan Avenues, Lakewood Trunk Extension, Remodeling of the 1000 Oaks Lift Station, land acquisition for trunk construction	$4,945,000	13.8%	CanSeg % of system total net book value of wastewater fixed assets based on CanSeg year of construction	$684,158	
1996 Bonds	Refund 1987 Wastewater Treatment Facility Refunding Revenue Bonds	$2,710,000	13.8%	CanSeg % of system total net book value of wastewater fixed assets based on CanSeg year of construction	$374,938	
1997 Bonds	Improve/construct the can-seg line, construct a subtrunk and sewer extension, and to purchase co-compost equipment	$32,365,000	54%	% of original par for can-seg facilities	$17,513,729	
Total		$40,020,000			$18,572,825	46%

Note: used to allocate 2005 bonds debt service to CanSeg Line service

City of Modesto
Wastewater Fund ProForma
FY2016/17 Proposed Budget

26,823,130	Indirect Cost Allocation
561,295	Total O&M Considered
2.1%	CanSeg Portion

DRAFT	Proposed FY 2016/17	Accounts		Rate Rev Req	M&I Allocation	CanSeg Allocation	M&I	CanSeg
Non-rate Revenues								
Use of Reserves/Replenishment less delinquency	12,760,196	0%	27,000	12,733,196	Direct	26.9%	9,312,305	3,421,000
Interest Revenue on Bank Accounts	344,240	7%	25,228	319,012	Direct	14.7%	272,118	46,895
Interest Trustee/Investment Earnings	158,080	7%	11,585	146,495	Direct	14.7%	124,960	21,535
Lease of Land	494,000	0%	0	494,000	Direct	35.0%	321,100	172,900
Interfund Charges - Service Credit Labor Charges	1,841,757	12%	212,917	1,628,840	Direct	0.0%	1,628,840	0
Wastewater Developmental Fees (4211-42500)	250,000	0%	0	250,000	Direct	0.0%	250,000	0
General Fund (RePayment of InterFund Loan)	121,139	0%	0	121,139	Direct	3.1%	117,431	3,708
Compost Fund (RePayment of InterFund Loan)	51,919	0%	0	51,919	Direct	0.0%	51,919	0
Recycled Water Sales (NVRRWP)	0	0%	0	0	Direct	0.0%	0	0
Total Non-rate Revenues	**16,021,331**		**249,729**	**3,011,405**			**2,766,368**	**245,038**
Operating Expenses								
Wastewater General	635,931	70%	445,152	190,779	Indirect	2.1%	186,787	3,992
Wastewater Utility Billing and Collections	616,435	100%	616,435	0	Direct	0.0%	0	0
Wastewater PCE Litigation (6210)	520,891	0%	0	520,891	Direct	0.0%	520,891	0
Capital Improvement Services	735,590	30%	220,677	514,913	Indirect	2.1%	504,138	10,775
Wastewater System Analysis	232,486	70%	162,740	69,746	Direct	0.0%	69,746	0
Sphere of Influence Area Expansion	81,097	70%	56,768	24,329	Direct	0.0%	24,329	0
Wastewater Rate Analysis	273,568	100%	273,568	0	Direct	0.0%	0	0
Wastewater Inventory & Condition Assessment	446,683	70%	312,678	134,005	Direct	0.0%	134,005	0
Wastewater Services Administration	749,960	70%	524,972	224,988	Indirect	2.1%	220,280	4,708
Laboratory and Environmental Services Admin	450,581	0%	0	450,581	Direct	2.5%	439,794	10,787
Laboratory Services	1,224,391	0%	0	1,224,391	Direct	1.3%	1,209,025	15,365
Environmental Services	987,581	0%	0	987,581	Direct	1.6%	828,292	159,288
Wastewater Collections Administration	232,580	10%	23,258	209,322	Direct	68.5%	207,290	2,033
Sewer Collections	5,395,139	10%	539,514	4,855,625	Direct	0.0%	4,832,573	23,052
Utility Cuts Repavement	28,073	0%	0	28,073	Direct	0.0%	28,073	0
Sewer Lateral Cost Sharing Program	134,585	0%	0	134,585	Direct	0.0%	134,585	0
Wastewater Operations Administration	786,796	10%	78,680	708,116	Direct	0.1%	707,707	409
Wastewater Plant Operations	3,280,954	10%	328,095	2,952,859	Direct	8.1%	2,713,080	239,779
Sutter Plant Maintenance	2,520,077	0%	0	2,520,077	Direct	2.2%	2,464,430	55,646
Jennings Plant Maintenance	2,923,478	0%	0	2,923,478	Direct	1.7%	2,873,315	50,163
Sewer Lift Stations	1,065,777	0%	0	1,065,777	Direct	0.0%	1,065,777	0
Tertiary Treatment	6,618,046	0%	0	6,618,046	Direct	0.0%	6,618,046	0
Wastewater Electrical Services	1,300,177	0%	0	1,300,177	Direct	0.0%	1,300,177	0
CCTV	95,472	0%	0	95,472	Direct	5.0%	90,698	4,774
Recycled Water Cost (O&M + repairs)	0	0%	0	0	Direct	0.0%	0	0
Transfer Out General Fund	68,640	70%	48,048	20,592	Indirect	2.1%	20,161	431
Total Operating Expenses	**31,404,987**		**3,630,585**	**27,774,403**			**27,193,202**	**581,201**
Debt Service								
2005 Series A Bonds	0	0%	0	0	Direct	46.4%	0	0
2005A Bond Refinancing	2,742,864	0%	0	2,742,864	Direct	46.4%	1,469,932	1,272,932
2006 Series A Bonds	674,688	0%	0	674,688	Direct	0.0%	674,688	0
SRF Loan Payments: Phase 2 - Tertiary	8,204,373	0%	0	8,204,373	Direct	0.0%	8,204,373	0
SRF Loan Payments: NVRRWP	0	0%	0	0	Direct	0.0%	0	0
New Debt - Projects FY2016	0	0%	0	0	Direct	0.0%	0	0
New Debt - Projects FY2017	0	0%	0	0	Direct	0.0%	0	0
New Debt - Projects FY2018	0	0%	0	0	Direct	0.0%	0	0
New Debt - Projects FY2019	0	0%	0	0	Direct	0.0%	0	0
New Debt - Projects FY2020	0	0%	0	0	Direct	0.0%	0	0
Total Debt Service	**11,621,925**		**0**	**11,621,925**			**10,348,993**	**1,272,932**
Pay as You Go CIP	**19,250,000**	0%	0	**19,250,000**	Direct		**14,713,000**	**4,537,000**
Rate Revenue Requirement	46,255,581		3,353,855	42,901,726			40,176,563	2,725,095

City of Modesto

Wastewater Fund ProForma
FY 2017/18 Proposed Budget

27,359,593 Total O&M Considered
572,521 CanSeg Portion
2.1%

DRAFT	Proposed FY 2017/18	Accounts		Rate Rev Req	M&I Allocation	CanSeg Allocation	M&I	CanSeg
Non-rate Revenues								
Use of Reserves/Replenishment	11,646,630	0%	28,890	11,617,740	Direct	42.0%	8,807,740	2,810,000
Interest Revenue on Bank Accounts	361,452	7%	24,932	336,520	Direct	12.1%	295,951	40,569
Interest Trustee/Investment Earnings	165,984	7%	11,449	154,535	Direct	12.1%	135,905	18,630
Lease of Land	494,000	0%	0	494,000	Direct	40.0%	296,400	197,600
Interfund Charges - Service Credit Labor Charges	1,933,845	12%	223,514	1,710,330	Direct	0.0%	1,710,330	0
Wastewater Developmental Fees (4211-42500)	250,000	0%	0	250,000	Direct	0.0%	250,000	0
General Fund (RePayment of InterFund Loan)	378,000	0%	0	378,000	Direct	3.1%	366,429	11,571
Compost Fund (RePayment of InterFund Loan)	51,919	0%	0	51,919	Direct	0.0%	51,919	0
Recycled Water Sales (NVRRWP)	0	0%	0	0	Direct	0.0%	0	0
Total Non-rate Revenues	**15,281,830**		**259,896**	**3,375,304**			**3,106,934**	**268,370**
Operating Expenses								
Wastewater General	648,650	70%	454,055	194,595	Indirect	2.1%	190,523	4,072
Wastewater Utility Billing and Collections	628,764	100%	628,764	0	Direct	0.0%	0	0
Wastewater PCE Litigation (6210)	531,309	0%	0	531,309	Direct	0.0%	531,309	0
Capital Improvement Services	750,302	30%	225,091	525,212	Indirect	2.1%	514,221	10,990
Wastewater System Analysis	237,136	70%	165,995	71,141	Direct	0.0%	71,141	0
Sphere of Influence Area Expansion	82,719	70%	57,903	24,816	Direct	0.0%	24,816	0
Wastewater Rate Analysis	279,039	100%	279,039	0	Direct	0.0%	0	0
Wastewater Inventory & Condition Assessment	455,617	70%	318,932	136,685	Direct	0.0%	136,685	0
Wastewater Services Administration	764,959	70%	535,471	229,488	Indirect	2.1%	224,685	4,802
Laboratory and Environmental Services Admin	459,593	0%	0	459,593	Direct	2.5%	448,590	11,002
Laboratory Services	1,248,878	0%	0	1,248,878	Direct	1.3%	1,233,206	15,673
Environmental Services	1,007,332	0%	0	1,007,332	Direct	19.2%	844,858	162,474
Wastewater Collections Administration	237,232	10%	23,723	213,509	Direct	1.0%	211,435	2,074
Sewer Collections	5,503,042	10%	550,304	4,952,738	Direct	0.5%	4,929,225	23,513
Utility Cuts Repavement	28,634	0%	0	28,634	Direct	0.0%	28,634	0
Sewer Lateral Cost Sharing Program	137,277	0%	0	137,277	Direct	0.0%	137,277	0
Wastewater Operations Administration	802,532	10%	80,253	722,279	Direct	0.1%	721,861	417
Wastewater Plant Operations	3,346,573	10%	334,657	3,011,916	Direct	8.8%	2,767,342	244,574
Sutter Plant Maintenance	2,570,478	0%	0	2,570,478	Direct	2.3%	2,513,719	56,759
Jennings Plant Maintenance	2,981,948	0%	0	2,981,948	Direct	1.7%	2,930,782	51,166
Sewer Lift Stations	1,087,093	0%	0	1,087,093	Direct	0.0%	1,087,093	0
Tertiary Treatment	6,750,407	0%	0	6,750,407	Direct	0.0%	6,750,407	0
Wastewater Electrical Services	1,326,181	0%	0	1,326,181	Direct	0.0%	1,326,181	0
CCTV	97,381	0%	0	97,381	Direct	5.0%	92,512	4,869
Recycled Water Cost (O&M + repairs)	0	0%	0	0	Direct	0.0%	0	0
Transfer Out General Fund	68,640	70%	48,048	20,592	Indirect	2.1%	20,161	431
Total Operating Expenses	**32,031,714**		**3,702,235**	**28,329,479**			**27,736,663**	**592,816**
Debt Service								
2005 Series A Bonds	0	0%	0	0	Direct	46.4%	0	0
2005A Bond Refinancing	2,729,934	0%	0	2,729,934	Direct	46.4%	1,463,003	1,266,931
2006 Series A Bonds	674,688	0%	0	674,688	Direct	0.0%	674,688	0
SRF Loan Payments: Phase 2 - Tertiary	8,204,373	0%	0	8,204,373	Direct	0.0%	8,204,373	0
SRF Loan Payments: NVRRWP	0	0%	0	0	Direct	0.0%	0	0
New Debt - Projects FY2016	0	0%	0	0	Direct	0.0%	0	0
New Debt - Projects FY2017	2,347,148	0%	0	2,347,148	Direct	0.0%	2,347,148	0
New Debt - Projects FY2018	0	0%	0	0	Direct	0.0%	0	0
New Debt - Projects FY2019	0	0%	0	0	Direct	0.0%	0	0
New Debt - Projects FY2020	0	0%	0	0	Direct	0.0%	0	0
Total Debt Service	**13,956,143**		**0**	**13,956,143**			**12,689,212**	**1,266,931**
Pay as You Go CIP	**19,250,000**	0%	0	**19,250,000**	Direct		**15,143,000**	**4,107,000**
Rate Revenue Requirement	49,956,027		3,413,450	46,542,578			43,654,199	2,888,379

City of Modesto
Wastewater Fund ProForma
FY 2018/19 Proposed Budget

28,206,785 Total O&M Considered
583,971 CanSeg Portion
2.1%

	Proposed	Accounts	Rate	M&I	CanSeg

DRAFT	FY 2018/19			Rev Req	Allocation	Allocation	M&I	CanSeg
Non-rate Revenues								
Use of Reserves/Replenishment	11,088,626	0%	30,912	11,057,713	Direct	0.0%	12,489,713	-1,432,000
Interest Revenue on Bank Accounts	361,452	7%	24,698	336,754	Direct	9.1%	306,074	30,680
Interest Trustee/Investment Earnings	165,984	7%	11,342	154,642	Direct	9.1%	140,554	14,089
Lease of Land	494,000	0%	0	494,000	Direct	38.0%	306,280	187,720
Interfund Charges - Service Credit Labor Charges	1,933,845	11%	221,434	1,712,411	Direct	0.0%	1,712,411	0
Wastewater Developmental Fees (4211-42500)	250,000	0%	0	250,000	Direct	0.0%	250,000	0
General Fund (RePayment of InterFund Loan)	378,000	0%	0	378,000	Direct	3.1%	366,429	11,571
Compost Fund (RePayment of InterFund Loan)	51,919	0%	0	51,919	Direct	0.0%	51,919	0
Recycled Water Sales (NVRRWP)	2,818,627	0%	0	2,818,627	Direct	0.0%	2,818,627	0
Total Non-rate Revenues	**17,542,453**		**257,473**	**17,254,067**			**5,952,294**	**244,060**
Operating Expenses								
Wastewater General	661,623	70%	463,136	198,487	Indirect	2.1%	194,378	4,109
Wastewater Utility Billing and Collections	641,339	100%	641,339	0	Direct	0.0%	0	0
Wastewater PCE Litigation (6210)	541,935	0%	0	541,935	Direct	0.0%	541,935	0
Capital Improvement Services	765,308	30%	229,592	535,716	Indirect	2.1%	524,625	11,091
Wastewater System Analysis	241,879	70%	169,315	72,564	Direct	0.0%	72,564	0
Sphere of Influence Area Expansion	84,373	70%	59,061	25,312	Direct	0.0%	25,312	0
Wastewater Rate Analysis	284,620	100%	284,620	0	Direct	0.0%	0	0
Wastewater Inventory & Condition Assessment	464,729	70%	325,310	139,419	Direct	0.0%	139,419	0
Wastewater Services Administration	780,258	70%	546,181	234,077	Indirect	2.1%	229,231	4,846
Laboratory and Environmental Services Admin	468,784	0%	0	468,784	Direct	2.5%	457,562	11,222
Laboratory Services	1,273,856	0%	0	1,273,856	Direct	1.3%	1,257,870	15,986
Environmental Services	1,027,479	0%	0	1,027,479	Direct	19.2%	861,755	165,724
Wastewater Collections Administration	241,977	10%	24,198	217,779	Direct	1.0%	215,664	2,115
Sewer Collections	5,613,103	10%	561,310	5,051,792	Direct	0.5%	5,027,809	23,983
Utility Cuts Repavement	29,207	0%	0	29,207	Direct	0.0%	29,207	0
Sewer Lateral Cost Sharing Program	140,022	0%	0	140,022	Direct	0.0%	140,022	0
Wastewater Operations Administration	818,583	10%	81,858	736,724	Direct	0.1%	736,299	426
Wastewater Plant Operations	3,413,504	10%	341,350	3,072,154	Direct	8.8%	2,822,688	249,466
Sutter Plant Maintenance	2,621,888	0%	0	2,621,888	Direct	2.3%	2,563,993	57,894
Jennings Plant Maintenance	3,041,587	0%	0	3,041,587	Direct	1.7%	2,989,397	52,189
Sewer Lift Stations	1,108,835	0%	0	1,108,835	Direct	0.0%	1,108,835	0
Tertiary Treatment	6,885,415	0%	0	6,885,415	Direct	0.0%	6,885,415	0
Wastewater Electrical Services	1,352,704	0%	0	1,352,704	Direct	0.0%	1,352,704	0
CCTV	99,329	0%	0	99,329	Direct	5.0%	94,363	4,966
Recycled Water Cost (O&M + repairs)	300,000	0%	0	300,000	Direct	0.0%	300,000	0
Transfer Out General Fund	68,640	70%	48,048	20,592	Indirect	2.1%	20,166	426
Total Operating Expenses	**32,970,976**		**3,775,319**	**29,195,657**			**28,591,213**	**604,444**
Debt Service								
2005 Series A Bonds	0	0%	0	0	Direct	46.4%	0	0
2005A Bond Refinancing	2,735,796	0%	0	2,735,796	Direct	46.4%	1,466,145	1,269,652
2006 Series A Bonds	674,688	0%	0	674,688	Direct	0.0%	674,688	0
SRF Loan Payments: Phase 2 - Tertiary	8,204,373	0%	0	8,204,373	Direct	0.0%	8,204,373	0
SRF Loan Payments: NVRRWP	2,518,627	0%	0	2,518,627	Direct	0.0%	2,518,627	0
New Debt - Projects FY2016	0	0%	0	0	Direct	0.0%	0	0
New Debt - Projects FY2017	2,347,148	0%	0	2,347,148	Direct	0.0%	2,347,148	0
New Debt - Projects FY2018	2,793,354	0%	0	2,793,354	Direct	0.0%	2,793,354	0
New Debt - Projects FY2019	0	0%	0	0	Direct	0.0%	0	0
New Debt - Projects FY2020	0	0%	0	0	Direct	0.0%	0	0
Total Debt Service	**19,273,986**		**0**	**19,273,986**			**18,004,334**	**1,269,652**
Pay as You Go CIP	**19,250,000**	0%	0	**19,250,000**	Direct		**19,250,000**	**0**
Rate Revenue Requirement	53,952,510		3,486,934	50,465,576			47,403,540	3,062,036

City of Modesto
Wastewater Fund ProForma
FY 2019/20 Proposed Budget

28,770,920 Total O&M Considered
595,651 CanSeg Portion
2.1%

DRAFT	Proposed FY 2019/20	Accounts		Rate Rev Req	M&I Allocation	CanSeg Allocation	M&I	CanSeg
Non-rate Revenues								
Use of Reserves/Replenishment	7,751,379	0%	33,076	7,718,303	Direct	0.0%	7,105,303	613,000
Interest Revenue on Bank Accounts	361,452	6%	23,361	338,091	Direct	15.8%	284,765	53,327
Interest Trustee/Investment Earnings	165,984	6%	10,727	155,257	Direct	15.8%	130,768	24,488
Lease of Land	494,000	0%	0	494,000	Direct	37.0%	311,220	182,780
Interfund Charges - Service Credit Labor Charges	1,933,845	11%	221,387	1,712,457	Direct	0.0%	1,712,457	0
Wastewater Developmental Fees (4211-42500)	250,000	0%	0	250,000	Direct	0.0%	250,000	0
General Fund (RePayment of InterFund Loan)	378,000	0%	0	378,000	Direct	3.1%	366,429	11,571
Compost Fund (RePayment of InterFund Loan)	51,919	0%	0	51,919	Direct	0.0%	51,919	0
Recycled Water Sales (NVRRWP)	4,083,941	0%	0	4,083,941	Direct	0.0%	4,083,941	0
Total Non-rate Revenues	**15,470,520**		**255,475**	**15,181,969**			**7,191,499**	**272,166**
Operating Expenses								
Wastewater General	674,855	70%	472,399	202,457	Indirect	2.1%	198,265	4,192
Wastewater Utility Billing and Collections	654,166	100%	654,166	0	Direct	0.0%	0	0
Wastewater PCE Litigation (6210)	552,774	0%	0	552,774	Direct	0.0%	552,774	0
Capital Improvement Services	780,614	30%	234,184	546,430	Indirect	2.1%	535,117	11,313
Wastewater System Analysis	246,716	70%	172,701	74,015	Direct	0.0%	74,015	0
Sphere of Influence Area Expansion	86,061	70%	60,243	25,818	Direct	0.0%	25,818	0
Wastewater Rate Analysis	290,312	100%	290,312	0	Direct	0.0%	0	0
Wastewater Inventory & Condition Assessment	474,024	70%	331,817	142,207	Direct	0.0%	142,207	0
Wastewater Services Administration	795,863	70%	557,104	238,759	Indirect	2.1%	233,816	4,943
Laboratory and Environmental Services Admin	478,160	0%	0	478,160	Direct	2.5%	466,713	11,447
Laboratory Services	1,299,333	0%	0	1,299,333	Direct	1.3%	1,283,027	16,306
Environmental Services	1,048,028	0%	0	1,048,028	Direct	19.2%	878,990	169,038
Wastewater Collections Administration	246,816	10%	24,682	222,135	Direct	1.0%	219,977	2,157
Sewer Collections	5,725,365	10%	572,536	5,152,828	Direct	0.5%	5,128,365	24,463
Utility Cuts Repavement	29,791	0%	0	29,791	Direct	0.0%	29,791	0
Sewer Lateral Cost Sharing Program	142,823	0%	0	142,823	Direct	0.0%	142,823	0
Wastewater Operations Administration	834,954	10%	83,495	751,459	Direct	0.1%	751,025	434
Wastewater Plant Operations	3,481,775	10%	348,177	3,133,597	Direct	8.8%	2,879,142	254,455
Sutter Plant Maintenance	2,674,325	0%	0	2,674,325	Direct	2.3%	2,615,273	59,052
Jennings Plant Maintenance	3,102,418	0%	0	3,102,418	Direct	1.7%	3,049,185	53,233
Sewer Lift Stations	1,131,011	0%	0	1,131,011	Direct	0.0%	1,131,011	0
Tertiary Treatment	7,023,123	0%	0	7,023,123	Direct	0.0%	7,023,123	0
Wastewater Electrical Services	1,379,758	0%	0	1,379,758	Direct	0.0%	1,379,758	0
CCTV	101,316	0%	0	101,316	Direct	5.0%	96,250	5,066
Recycled Water Cost (O&M + repairs)	306,000	0%	0	306,000	Direct	0.0%	306,000	0
Transfer Out General Fund	68,640	70%	48,048	20,592	Indirect	2.1%	20,166	426
Total Operating Expenses	**33,629,023**		**3,849,865**	**29,779,158**			**29,162,634**	**616,524**
Debt Service								
2005 Series A Bonds	0	0%	0	0	Direct	46.4%	0	0
2005A Bond Refinancing	2,737,765	0%	0	2,737,765	Direct	46.4%	1,467,200	1,270,566
2006 Series A Bonds	674,688	0%	0	674,688	Direct	0.0%	674,688	0
SRF Loan Payments: Phase 2 - Tertiary	8,204,373	0%	0	8,204,373	Direct	0.0%	8,204,373	0
SRF Loan Payments: NVRRWP	2,518,627	0%	0	2,518,627	Direct	0.0%	2,518,627	0
New Debt - Projects FY2016	0	0%	0	0	Direct	0.0%	0	0
New Debt - Projects FY2017	2,347,148	0%	0	2,347,148	Direct	0.0%	2,347,148	0
New Debt - Projects FY2018	2,793,354	0%	0	2,793,354	Direct	0.0%	2,793,354	0
New Debt - Projects FY2019	1,584,253	0%	0	1,584,253	Direct	0.0%	1,584,253	0
New Debt - Projects FY2020	0	0%	0	0	Direct		0	0
Total Debt Service	**20,860,208**		**0**	**20,860,208**			**19,589,642**	**1,270,566**
Pay as You Go CIP	**19,250,000**	0%	0	**19,250,000**	Direct		**17,007,000**	**2,243,000**
Rate Revenue Requirement	58,268,710		3,561,313	54,707,397			51,462,473	3,244,924

City of Modesto
Wastewater Fund ProForma
FY 2020/21 Proposed Budget

30,264,012 Total O&M Considered
607,462 CanSeg Portion
2.0%

DRAFT	Proposed FY 2020/21	Accounts		Rate Rev Req	M&I Allocation	CanSeg Allocation	Sanitary	CanSeg
Non-rate Revenues								
Use of Reserves/Replenishment	5,405,128	1%	35,391	5,369,737	Direct	0.0%	3,300,737	2,069,000
Interest Revenue on Bank Accounts	361,452	6%	22,092	339,360	Direct	17.9%	278,677	60,684
Interest Trustee/Investment Earnings	165,984	6%	10,145	155,839	Direct	17.9%	127,972	27,867
Lease of Land	494,000	0%	0	494,000	Direct	37.0%	311,220	182,780
Interfund Charges - Service Credit Labor Charges	1,933,845	11%	215,575	1,718,270	Direct	0.0%	1,718,270	0
Wastewater Developmental Fees (4211-42500)	250,000	0%	0	250,000	Direct	0.0%	250,000	0
General Fund (RePayment of InterFund Loan)	378,000	0%	0	378,000	Direct	3.1%	366,429	11,571
Compost Fund (RePayment of InterFund Loan)	51,919	0%	0	51,919	Direct	0.0%	51,919	0
Recycled Water Sales (NVRRWP)	4,090,061	0%	0	4,090,061	Direct	0.0%	4,090,061	0
Total Non-rate Revenues	**13,130,389**		**247,811**	**12,847,187**			**7,194,548**	**282,901**
Operating Expenses								
Wastewater General	688,352	70%	481,847	206,506	Indirect	2.0%	202,361	4,145
Wastewater Utility Billing and Collections	667,249	100%	667,249	0	Direct	0.0%	0	0
Wastewater PCE Litigation (6210)	563,830	0%	0	563,830	Direct	0.0%	563,830	0
Capital Improvement Services	796,227	30%	238,868	557,359	Indirect	2.0%	546,171	11,187
Wastewater System Analysis	251,650	70%	176,155	75,495	Direct	0.0%	75,495	0
Sphere of Influence Area Expansion	87,782	70%	61,448	26,335	Direct	0.0%	26,335	0
Wastewater Rate Analysis	296,118	100%	296,118	0	Direct	0.0%	0	0
Wastewater Inventory & Condition Assessment	483,504	70%	338,453	145,051	Direct	0.0%	145,051	0
Wastewater Services Administration	811,780	70%	568,246	243,534	Indirect	2.0%	238,646	4,888
Laboratory and Environmental Services Admin	487,723	0%	0	487,723	Direct	2.5%	476,048	11,676
Laboratory Services	1,325,320	0%	0	1,325,320	Direct	1.3%	1,308,688	16,632
Environmental Services	1,068,989	0%	0	1,068,989	Direct	19.2%	896,570	172,419
Wastewater Collections Administration	251,753	10%	25,175	226,577	Direct	1.0%	224,377	2,200
Sewer Collections	5,839,872	10%	583,987	5,255,885	Direct	0.5%	5,230,933	24,952
Utility Cuts Repavement	30,387	0%	0	30,387	Direct	0.0%	30,387	0
Sewer Lateral Cost Sharing Program	145,679	0%	0	145,679	Direct	0.0%	145,679	0
Wastewater Operations Administration	851,653	10%	85,165	766,488	Direct	0.1%	766,045	443
Wastewater Plant Operations	3,551,410	10%	355,141	3,196,269	Direct	8.8%	2,936,725	259,544
Sutter Plant Maintenance	2,727,812	0%	0	2,727,812	Direct	2.3%	2,667,579	60,233
Jennings Plant Maintenance	4,084,166	0%	0	4,084,166	Direct	1.3%	4,029,868	54,298
Sewer Lift Stations	1,153,632	0%	0	1,153,632	Direct	0.0%	1,153,632	0
Tertiary Treatment	7,163,586	0%	0	7,163,586	Direct	0.0%	7,163,586	0
Wastewater Electrical Services	1,407,353	0%	0	1,407,353	Direct	0.0%	1,407,353	0
CCTV	101,316	0%	0	101,316	Direct	5.0%	96,250	5,066
Recycled Water Cost (O&M + repairs)	312,120	0%	0	312,120	Direct	0.0%	312,120	0
Transfer Out General Fund	68,640	70%	48,048	20,592	Indirect	2.0%	20,179	413
Total Operating Expenses	**35,217,903**		**3,925,901**	**31,292,002**			**30,663,906**	**628,096**
Debt Service								
2005 Series A Bonds	0	0%	0	0	Direct	46.4%	0	0
2005A Bond Refinancing	2,732,384	0%	0	2,732,384	Direct	46.4%	1,464,316	1,268,068
2006 Series A Bonds	674,688	0%	0	674,688	Direct	0.0%	674,688	0
SRF Loan Payments: Phase 2 - Tertiary	8,204,373	0%	0	8,204,373	Direct	0.0%	8,204,373	0
SRF Loan Payments: NVRRWP	2,518,627	0%	0	2,518,627	Direct	0.0%	2,518,627	0
New Debt - Projects FY2016	0	0%	0	0	Direct	0.0%	0	0
New Debt - Projects FY2017	2,347,148	0%	0	2,347,148	Direct	0.0%	2,347,148	0
New Debt - Projects FY2018	2,793,354	0%	0	2,793,354	Direct	0.0%	2,793,354	0
New Debt - Projects FY2019	1,584,253	0%	0	1,584,253	Direct	0.0%	1,584,253	0
New Debt - Projects FY2020	1,152,492	0%	0	1,152,492	Direct	48.2%	777,819	374,673
Total Debt Service	**22,007,319**		**0**	**22,007,319**			**20,364,578**	**1,642,741**
Pay as You Go CIP	**19,250,000**	0%	0	**19,250,000**	Direct		**15,728,000**	**3,522,000**
Base Rate Revenue Requirement	63,344,833		3,642,699	59,702,134			56,261,199	3,440,936

DRAFT	Functionalized Cost Category	M&I Flow	M&I BOD	M&I TSS		CanSeg Flow	CanSeg BOD	CanSeg TSS
Non-rate Revenues								
Use of Reserves/Replenishment less delinquency	General Composite	62%	16%	22%	100%			
Interest Revenue on Bank Accounts	General Composite	62%	16%	22%	100%	-8%	52%	56%
Interest Trustee/Investment Earnings	General Composite	62%	16%	22%	100%	-8%	52%	56%
Lease of Land	Ranch - Flow Only	100%	0%	0%	100%	100%	0%	0%
Interfund Charges - Service Credit Labor Charges	Admin & General	62%	16%	22%	100%			
Wastewater Developmental Fees (4211-42500)	CIP - 6 year average	82%	9%	10%	100%			
General Fund (RePayment of InterFund Loan)	Rates Paid 1997-1999	60%	18%	22%	100%	28%	38%	34%
Compost Fund (RePayment of InterFund Loan)	Tertiary	25%	25%	50%	100%			
Recycled Water Sales (NVRRWP)	Tertiary	25%	25%	50%	100%			
Operating Expenses								
Wastewater General	General Composite	62%	16%	22%	100%	-8%	52%	56%
Wastewater Utility Billing and Collections	Customer Service	0%	0%	0%	0%			
Wastewater PCE Litigation (6210)	Collection System & Pumping	100%	0%	0%	100%			
Capital Improvement Services	General Composite	62%	16%	22%	100%	100%	0%	0%
Wastewater System Analysis	General Composite	62%	16%	22%	100%			
Sphere of Influence Area Expansion	General Composite	62%	16%	22%	100%			
Wastewater Rate Analysis	Customer Service	0%	0%	0%	0%			
Wastewater Inventory & Condition Assessment	General Composite	62%	16%	22%	100%			
Wastewater Services Administration	General Composite	62%	16%	22%	100%	-8%	52%	56%
Laboratory and Environmental Services Admin	Lab, Enviro, Monitoring	40%	30%	30%	100%	40%	30%	30%
Laboratory Services	Lab, Enviro, Monitoring	40%	30%	30%	100%	40%	30%	30%
Environmental Services	Lab, Enviro, Monitoring	40%	30%	30%	100%	40%	30%	30%
Wastewater Collections Administration	Collection System & Pumping	100%	0%	0%	100%	100%	0%	0%
Sewer Collections	Collection System & Pumping	100%	0%	0%	100%	100%	0%	0%
Utility Cuts Repavement	Collection System & Pumping	100%	0%	0%	100%			
Sewer Lateral Cost Sharing Program	Collection System & Pumping	100%	0%	0%	100%			
Wastewater Operations Administration	General Composite	62%	16%	22%	100%	100%	0%	0%
Wastewater Plant Operations	General Composite	62%	16%	22%	100%	100%	0%	0%
Sutter Plant Maintenance	Primary	70%	10%	20%	100%	70%	10%	20%
Jennings Plant Maintenance	Secondary	40%	30%	30%	100%	40%	30%	30%
Sewer Lift Stations	Collection System & Pumping	100%	0%	0%	100%			
Tertiary Treatment	Tertiary & Recycled Water	25%	25%	50%	100%			
Wastewater Electrical Services	Electrical	80%	10%	10%	100%			
CCTV	Collection System & Pumping	100%	0%	0%	100%	100%	0%	0%
Recycled Water Cost (O&M + repairs)	Tertiary & Recycled Water	25%	25%	50%	100%			
Transfer Out General Fund	General Composite	62%	16%	22%	100%	22%	37%	40%
Debt Service								
2005 Series A Bonds	Based on Projects	77%	9%	14%	100%	100%	0%	0%
2005A Bond Refinancing	Based on Projects	77%	9%	14%	100%	100%	0%	0%
2006 Series A Bonds	Based on Projects	40%	30%	30%	100%			
SRF Loan Payments: Phase 2 - Tertiary	Tertiary & Recycled Water	25%	25%	50%	100%			
SRF Loan Payments: NVRRWP	Tertiary & Recycled Water	25%	25%	50%	100%			
New Debt - Projects FY2016	Based on Projects	82%	9%	10%	100%	100%	0%	0%
New Debt - Projects FY2017	Based on Projects	82%	9%	10%	100%	100%	0%	0%
New Debt - Projects FY2018	Based on Projects	82%	9%	10%	100%	100%	0%	0%
New Debt - Projects FY2019	Based on Projects	82%	9%	10%	100%	100%	0%	0%
New Debt - Projects FY2020	Based on Projects	82%	9%	10%	100%	100%	0%	0%
Pay as You Go CIP	Based on Projects	82%	9%	10%		100%	0%	0%
	5-year Composite	63.0%	14.6%	22.4%		97.9%	1.0%	1.1%

Septage Collection System Credit Allocation

City of Modesto
Wastewater Fund ProForma

		298,348,547	Total Considered
		79,194,657	Collection Portion
		27%	%
DRAFT – 5-year Total	**M&I**	**Collection System**	**Cost Allocation**
Non-rate Revenues			
Use of Reserves/Replenishment	41,015,690	10,887,345	Composite
Interest Revenue on Bank Accounts	1,437,584	381,597	Composite
Interest Trustee/Investment Earnings	660,159	175,235	Composite
Lease of Land	1,546,220	0	Direct
Interfund Charges - Service Credit Labor Charges	8,482,309	0	Direct
Wastewater Developmental Fees (4211-42500)	1,250,000	331,804	Composite
General Fund (RePayment of InterFund Loan)	1,583,148	420,236	Composite
Compost Fund (RePayment of InterFund Loan)	259,595	0	Direct
Recycled Water Sales (NVRRWP)	10,992,629	2,917,921	Composite
Total Non-rate Revenues	**67,227,334**	**15,114,139**	
Operating Expenses			
Wastewater General	972,313	258,094	Composite
Wastewater PCE Litigation (6210)	2,710,740	2,710,740	Direct
Capital Improvement Services	2,624,273	696,596	Composite
Wastewater System Analysis	362,960	96,345	Composite
Sphere of Influence Area Expansion	126,610	33,608	Composite
Wastewater Inventory & Condition Assessment	697,367	185,112	Composite
Wastewater Services Administration	1,146,658	304,373	Composite
Laboratory and Environmental Services Admin	2,288,708	0	Direct
Laboratory Services	6,291,816	0	Direct
Environmental Services	4,310,466	0	Direct
Wastewater Collections Administration	1,078,743	1,078,743	Direct
Sewer Collections	25,148,904	25,148,904	Direct
Utility Cuts Repavement	146,091	146,091	Direct
Sewer Lateral Cost Sharing Program	700,385	700,385	Direct
Wastewater Operations Administration	3,682,937	0	Direct
Wastewater Plant Operations	14,118,977	0	Direct
Sutter Plant Maintenance	12,824,995	0	Direct
Jennings Plant Maintenance	15,872,548	0	Direct
Sewer Lift Stations	5,546,348	0	Direct
Tertiary Treatment	34,440,577	0	Direct
Wastewater Electrical Services	6,766,174	0	Direct
CCTV	470,073	470,073	Direct
Recycled Water Cost (O&M + repairs)	918,120	0	Direct
Transfer Out General Fund	100,832	26,765	Composite
Total Operating Expenses	**143,347,617**	**31,855,829**	
Debt Service			
2005 Series A Bonds	0	0	Direct
2005A Bond Refinancing	7,330,595	0	Direct
2006 Series A Bonds	3,373,438	0	Direct
SRF Loan Payments: Phase 2 - Tertiary	41,021,866	0	Direct
SRF Loan Payments: NVRRWP	7,555,882	0	Direct
New Debt - Projects FY2016	0	0	Direct
New Debt - Projects FY2017	9,388,592	4,436,973	Based on projects
New Debt - Projects FY2018	8,380,061	3,960,349	Based on projects
New Debt - Projects FY2019	3,168,506	1,497,410	Based on projects
New Debt - Projects FY2020	777,819	367,591	Based on projects
Total Debt Service	**80,996,759**	**10,262,324**	
Pay as You Go CIP	**81,841,000**	**38,677,397**	Based capital composite
Base Rate Revenue Requirement	238,958,041	65,681,411	**27.49% - collection system credit**
Total M&I Capital Improvements	5-year		
M&I Collection	105,203,740	47%	Capital composite
M&I Treatment	117,406,360	53%	
	222,610100		

Appendix C: Billing Units

	Actuals	Projected					
	FY2014/15	FY2015/16	FY2016/17	FY2017/18	FY2018/19	FY2019/20	FY2020/21
Residential and Commercial Growth		1.30%	1.30%	1.30%	1.30%	1.30%	1.30%
Industrial Growth		2.60%	2.60%	2.60%	2.60%	2.60%	2.60%
SF Residential	54,558	55,267	55,986	56,714	57,451	58,198	58,954
Multiple Residential	4,188	4,242	4,298	4,353	4,410	4,467	4,525
Commercial	2,711	2,746	2,782	2,818	2,855	2,892	2,929
Industrial	32	33	34	35	35	36	37
CanSeg	5	5	5	5	5	5	5
Empire SD	888	900	911	923	935	947	960
Total Accounts	62,382	63,193	64,015	64,848	65,691	66,546	67,411
Rate ($/month)	$4.22	$4.34	$4.40	$4.42	$4.46	$4.50	$4.54
Revenue	$3,159,000	$3,291,000	$3,354,000	$3,413,000	$3,487,000	$3,561,000	$3,643,000
Residential Dwelling Units							
Single Family	55,958	56,685	57,422	58,169	58,925	59,691	60,467
Multiple Family	7,241	7,335	7,430	7,527	7,625	7,724	7,824
Apartments	14,413	14,600	14,790	14,982	15,177	15,375	15,574
Rate ($/dwelling unit per month)							
Single Family	$26.78	$27.58	$29.36	$31.36	$33.39	$35.67	$37.91
Multiple Family	$22.98	$23.67	$22.59	$24.03	$25.57	$27.50	$30.85
Apartments	$17.44	$17.96	$20.33	$21.50	$22.73	$24.36	$26.45
Residential Revenue [1]	$25,970,691	$27,090,026	$29,039,195	$31,169,287	$33,397,607	$35,977,447	$38,802,500
	Conservation						
Commercial Flow (hcf)	Factor	-5%					
Group 1	1,256,179	1,209,700	1,225,426	1,241,357	1,257,494	1,273,842	1,290,402
Group 2	129,398	124,610	126,230	127,871	129,534	131,217	132,923
Group 3	119,284	114,870	116,364	117,877	119,409	120,961	122,534
Group 4	275,862	265,656	269,109	272,608	276,151	279,741	283,378
Commercial Rates ($/hcf)							
Group 1	$2.27	$2.35	$2.76	$3.01	$3.29	$3.55	$3.88
Group 2	$2.79	$2.89	$3.78	$4.07	$4.40	$4.70	$5.07
Group 3	$3.33	$3.45	$4.80	$5.13	$5.50	$5.85	$6.27
Group 4	$3.95	$4.11	$6.03	$6.40	$6.83	$7.23	$7.71
Commercial Revenue [1]	$5,215,105	$4,834,091	$6,192,618	$6,754,824	$7,399,920	$8,027,782	$8,786,556

	Actuals	Projected					
	FY2014/15	FY2015/16	FY2016/17	FY2017/18	FY2018/19	FY2019/20	FY2020/21
Industrial (Major and Minor)		Conservation					

		Factor -5%					
Flow (MG)	1,403	1,369	1,405	1,441	1,479	1,517	1,557
BOD (klbs)	11,483	11,208	11,499	11,798	12,105	12,420	12,743
TSS (kbs)	3,423	3,341	3,427	3,517	3,608	3,702	3,798
Industrial Rates							
Flow ($/MG)	$2,472	$2,534	$2,604	$2,888	$3,212	$3,516	$3,901
BOD ($/klbs)	$122	$129	$213	$226	$238	$246	$263
TSS ($/kbs)	$214	$224	$441	$454	$471	$491	$504
Industrial Revenue [1]	$5,603,000	$5,665,535	$7,617,163	$8,426,363	$9,335,711	$10,215,983	$11,340,544
CanSeg Line							
Flow (MG)	957	996	996	996	996	996	996
BOD (klbs)	16,583	19,358	19,358	19,358	19,358	19,358	19,358
TSS (kbs)	6,872	7,225	7,225	7,225	7,225	7,225	7,225
Canning Rates							
Flow ($/MG)	$2,472	$2,534	$2,680	$2,841	$3,012	$3,191	$3,384
BOD ($/klbs)	$122	$129	$1.39	$1.48	$1.57	$1.66	$1.76
TSS ($/kbs)	$214	$224	$4.04	$4.29	$4.54	$4.81	$5.11
Canning Revenue [1]	$5,858,000	$6,639,294	$2,725,359	$2,888,644	$3,062,303	$3,245,194	$3,441,208
Empire Sanitary District Residential Dwelling Units							
Single Family	854	865	876	888	899	911	923
Multiple Family	134	136	138	139	141	143	145
Apartments	473	479	485	492	498	505	511
Empire Revenue	$455,351	$474,985	$512,593	$550,120	$589,487	$635,746	$687,851
Septic							
Units (1,000 gallons)	8,348	8,456	8,566	8,677	8,790	8,905	9,020
Rate	$64.00	$67.00	$61.39	$63.76	$66.63	$69.51	$72.18
Discount			$0.72	$0.79	$0.88	$0.97	$1.07
Revenue [1]	$534,251	$566,565	$519,755	$546,424	$577,950	$610,368	$641,392
Septic Discount			6,132	6,889	7,760	8,607	9,673

1 – Includes accounts revenue; does not include delinquency factor

	Projected FY2020/21
Cannery Secondary Scalping	
Flow (MG)	964

BOD (klbs)	15,794
TSS (kbs)	4,555
Canning Secondary Rates	
Flow ($/MG)	$891.84
BOD ($/klbs)	$98.25
TSS ($/kbs)	$305.65
Canning Secondary Scalping Operating Revenue	$3,803,791
Canning Secondary Scalping Annual Capacity Fee	
Flow (mgd)	5
BOD (klbs/day)	109,400
TSS (kbs/day)	38,900
Flow ($/mgd)	$117,837.54
BOD ($klbs/day)	$11.43
TSS ($kbs/day)	$27.29
Canning Secondary Scalping Capacity Fee Revenue	$2,900,760

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MODESTO CITY COUNCIL
RESOLUTION NO. 2016-28

RESOLUTION AUTHORIZING STAFF TO INITIATE A PROPOSITION 218 PROCESS TO ADJUST THE CITY'S SEWER RATES BEGINNING IN FISCAL YEAR 2016-17 THROUGH FISCAL YEAR 2020-21

WHEREAS, On July 24, 2007, by Resolution No. 2007-463, the City Council adopted the current wastewater rates, and the resolution required an annual review of the proposed maximum annual rate be conducted each year, and the rate increase be approved by Council prior to implementation, and

WHEREAS, in a 2014 litigation tolling agreement (tolling agreement) with Stanislaus Food Products, the City agreed to revisit its rate methodology and revise the wastewater rate and fee structure, recognizing the City employs different methods for treating and disposing of its wastewater; specifically, the direct land application of Cannery Segregation (Can-Seg) process water, and

WHEREAS, On September 23, 2014, by Resolution No. 2014-379, the City Council authorized staff to begin the Sewer Rate and Fee Study process, and

WHEREAS, on March 10, 2015, by Resolution No. 2015-79, the City Council approved an agreement with Bartle Wells Associates (BWA) to prepare a new wastewater rate and fee structure for the City's wastewater customers, based on actual costs of service, compliant with all legal requirements of Proposition 218, and

WHEREAS, BWA began preparing the Sewer Rate and Fee Study and analyzed the City's information and developed a revised rate and fee methodology as required by the tolling agreement, and

WHEREAS, BWA's effort has been reviewed by Baker Tilly International, an independent auditing firm hired by Stanislaus Food Products, and

WHEREAS, as a result of its review, analysis, and stakeholder input at multiple meetings, BWA presented its findings at a City Council workshop on December 8, 2015, and

WHEREAS, key rate and fee impacts were discussed including:

- Although Can-Seg flow charges will slightly increase, due to the lack of treatment, strength charges will decrease with a new Can-Seg rate customer class
- Because tertiary treatment "frees" capacity in existing facilities, installing secondary treatment plant upgrades will allow canneries to increase production using new secondary scalping rates by Fiscal Year 2020-21
- Municipal (domestic) customers will see moderate increases to flow charges and higher increases to pollutant loading charges with residential sewer charges to increase annually
- Based on the revised sewer rate methodology, there will be decreases to the sewer connection fees

WHEREAS, the Sewer Rate and Fee Study is now complete, and

WHEREAS, in order to comply with the tolling agreement, the City will need to adopt new sewer rates by May 1, 2016, and staff will need to initiate a Proposition 218 protest process for sewer rates in January 2016, with an anticipated sewer rate hearing in March 2016,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes staff to initiate a Proposition 218 process to adjust the City's sewer rates beginning in Fiscal Year 2016-17 through Fiscal Year 2020-21.

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

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

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MODESTO CITY COUNCIL
RESOLUTION NO. 2016-29

RESOLUTION APPROVING AN AGREEMENT WITH BARTLE WELLS ASSOCIATES TO CONDUCT A PROPOSITION 218 PROCESS FOR SEWER AND WATER RATES IN AN AMOUNT NOT TO EXCEED $81,350, PLUS $8, 135 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF $89,485, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, On July 24, 2007, by Resolution No. 2007-463, the City Council adopted the current wastewater rates, and the resolution required an annual review of the proposed maximum annual rate be conducted each year, and the rate increase be approved by Council prior to implementation, and

WHEREAS, in a 2014 litigation tolling agreement (tolling agreement) with Stanislaus Food Products, the City agreed to revisit its rate methodology and revise the wastewater rate and fee structure, recognizing the City employs different methods for treating and disposing of its wastewater; specifically, the direct land application of Cannery Segregation (Can-Seg) process water, and

WHEREAS, On September 23, 2014, by Resolution No. 2014-379, the City Council authorized staff to begin the Sewer Rate and Fee Study process, and

WHEREAS, on March 10, 2015, by Resolution No. 2015-79, the City Council approved an agreement with Bartle Wells Associates (BWA) to prepare a new wastewater rate and fee structure for the City's wastewater customers, based on actual costs of service, compliant with all legal requirements of Proposition 218, and

WHEREAS, the Sewer Rate and Fee Study is now complete, and

WHEREAS, in order to comply with the tolling agreement, the City will need to adopt new sewer rates by May 1, 2016 which will require a Proposition 218 protest process, and

WHEREAS, on July 14, 2015, by Resolution No. 2015-256, the City Council approved an agreement with BWA to conduct a new water rate and fee study, and

WHEREAS, the Water Rate and Fee Study is nearing completion, and a new Proposition 218 vote is also needed before any additional water rate adjustments can be implemented, and

WHEREAS, BWA has provided "start to finish" Proposition 218 assistance to other entities, and staff has received a proposal from them to provide this same service for the City of Modesto for both sewer and water rates,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with Bartle Wells Associates to conduct a Proposition 218 process for sewer and water rates in an amount not to exceed $81,350, plus $8,135 for additional services (if needed), for a maximum total amount of $89,485.

BET IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute the agreement.

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

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

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MODESTO CITY COUNCIL
RESOLUTION NO. 2016-30

RESOLUTION APPROVING AMENDMENT NO. 1 TO CITY OF MODESTO FISCAL YEAR 2015-2016 ANNUAL ACTION PLAN TO ALLOCATE UP TO $300,000 IN COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM CARRYOVER FUNDS FOR THE BOYS AND GIRLS CLUB OF STANISLAUS COUNTY, A CALIFORNIA NON-PROFIT PUBLIC BENEFIT CORPORATION, FOR THE PURCHASE AND INSTALLATION OF A MODULAR BUILDING

WHEREAS, the City of Modesto receives Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME) and Emergency Solutions Grant (ESG) funds from the U.S. Department of Housing and Urban Development each year; and

WHEREAS, these funds are allocated through an Annual Action Plan which is reviewed by the Citizens' Housing and Community Development Committee (CH&CDC) and approved by the City Council; and

WHEREAS, on August 5, 2015, the City Council, by Resolution No. 2015-281, adopted the City's 2015-2016 Annual Action Plan (AAP); and

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

WHEREAS, this assures that CDBG, HOME, and ESG funds are spent in a timely fashion and consistent with the City's citizen participation guidelines; and

WHEREAS, in compliance with the City's Citizen Participation Plan and the Consolidated Plan Regulation 24 CFR 91.105, amendments are subject to a 30-day public review and comment period and a public hearing; and

WHEREAS, this amendment was originally made available for public review and comment beginning November 8, 2015, and was re-noticed on January 8, 2016, and will close with the City Council public hearing on January 26, 2016; and

WHEREAS, the Boys & Girls Clubs of Stanislaus County, a California Non-Profit Public Benefit Corporation (CLUB) is a youth development agency serving children ages 6 to 18; and

WHEREAS, the West Modesto area has approximately 22,000 residents within 1.5 mile radius of the King Kennedy Memorial Center and is one of the most economically disadvantaged areas in Stanislaus County; and

WHEREAS, in March 2014, the CLUB was invited by the Stanislaus Multi-Cultural Community Health Coalition West Modesto/King Kennedy Neighborhood Coalition to partner and establish a West Modesto Boys & Girls Club; and

WHEREAS, due to the CLUB's success, the CLUB has already outgrown the King Kennedy Memorial Building; and

WHEREAS, the CLUB is requesting $300,000 in CDBG carryover funds to purchase a 3,600 sq. ft. custom modular building to temporarily house the West Modesto Boys & Girls Club in Mellis Park, adjacent to the King-Kennedy Memorial Building; and

WHEREAS, this project is eligible under the CDBG Neighborhoods Facilities activity designed to serve a neighborhood and meets the national objective of low and moderate income area benefit; and

Boys & Girls Club Modular Unit at Mellis Park

Estimated Expenses and Revenues

Updated: 12.04.2015

		Estimated Amount
EXPENSES		
Building Permit Fees	$	(6,041.00)
Water Connection Fees	$	(7,085.00)
Pavement fee	$	(300.00) [1]
Waste Water Capacity Charge	$	(12,137.23)
Capital Facilities Fee	$	(20,991.60)
EDA/CON (Staff Time)	$	(5,000.00)
Simile Construction	$	(94,913.00)
2.3 Tree Trimming	$	- [2]
2.6 Site Restoration	$	- [2]
Construction Contingency *(15% of Simile estimate)*	$	(14,236.95)
Modular Unit	$	(279,293.96)
Subtotal - Expenses	**$**	**(439,998.74)**
REVENUES		
City - CDBG Funds	$	300,000.00
West Modesto King-Kennedy Collaborative (via Kaiser)	$	40,000.00
Stanislaus County	$	30,000.00
Boys & Girls Clubs of Stanislaus County	$	69,998.74
Subtotal - Revenues	**$**	**439,998.74**
Excess/(Shortfall)	$	-

[1] *Billed by Water Division upon completion*

[2] *City will provide service as in-kind contribution*

WHEREAS, on December 9, 2015, the CH&CDC considered and unanimously recommended that the City Council approve $300,000 in CDBG carryover funds for the CLUB to purchase a modular building; and

WHEREAS, a summary of the expenses and revenues for this project are provided as **Attachment** 1.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that is hereby approves Amendment No. 1 to City of Modesto Fiscal Year 2015-2016 Annual Action Plan to allocate up to $300,000 in CDBG program carryover funds for the Boys and Girls Club of Stanislaus County, a California Non-Profit Public Benefit Corporation, for the purchase and installation of a modular building.

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

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
ADAM U. LINDGREN, City Attorney

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MODESTO CITY COUNCIL
RESOLUTION NO. 2016-31

RESOLUTION AMENDING THE FISCAL YEAR 2015-2016 ANNUAL OPERATING BUDGET TO AUTHORIZE EXPENDITURES OF UP TO $300,000 TO THE BOYS & GIRLS CLUB OF STANISLAUS COUNTY, A CALIFORNIA NON-PROFIT PUBLIC BENEFIT CORPORATION, FOR THE PURCHASE AND INSTALLATION OF A MODULAR BUILDING, AND AUTHORIZING THE FINANCE DIRECTOR, OR HER DESIGNEE, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THIS RESOLUTION

WHEREAS, the City of Modesto receives Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME) and Emergency Solutions Grant (ESG) funds from the U.S. Department of Housing and Urban Development each year; and

WHEREAS, these funds are allocated through an Annual Action Plan which is reviewed by the Citizens' Housing and Community Development Committee (CH&CDC) and approved by the City Council; and

WHEREAS, on August 5, 2015, the City Council, by Resolution No. 2015-281, adopted the City's 2015-2016 Annual Action Plan (AAP); and

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

WHEREAS, in compliance with the City's Citizen Participation Plan and the Consolidated Plan Regulation 24 CFR 91.105, amendments are subject to a 30-day public review and comment period and a public hearing; and

WHEREAS, this amendment was made originally available for public review and comment beginning November 8, 2015, and was re-noticed on January 8,2016, and will close with the City Council public hearing on January 26, 2016; and

WHEREAS, the Boys & Girls Clubs of Stanislaus County, a California Non-Profit Public Benefit Corporation (CLUB), is a youth development agency serving children ages 6 to 18; and

WHEREAS, the CLUB is requesting $300,000 in CDBG carryover funds to purchase a 3,600 sq. ft. custom modular building to temporarily house the West Modesto Boys & Girls Club in Mellis Park, adjacent to the King-Kennedy Memorial Building; and

WHEREAS, this project is eligible under the CDBG Neighborhoods Facilities activity designed to serve a neighborhood and meets the national objective of low and moderate income area benefit; and

WHEREAS, the total cost of the Project is estimated at $440,000; and

WHEREAS, the CLUB has secured $40,000 from the Stanislaus Multi-Cultural Community Health Coalition West Modesto/King Kennedy Neighborhood Collaborative and $30,000 from the County of Stanislaus for this project; and

WHEREAS, on December 9, 2015, the CH&CDC considered and unanimously recommended that the City Council approve $300,000 in CDBG carryover funds for the CLUB to purchase a modular building; and

WHEREAS, on January 26, 2016, the City Council authorized up to $300,000 in CDBG carryover funds be allocated to CLUB for the purchase and installation of a modular building; and

WHEREAS, the CLUB will pay the balance of the project, currently estimated at $70,000; and

WHEREAS, a summary of the expenses and revenues for this project are provided as **Attachment** 1.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that is hereby approves amending the Fiscal Year 2015-2016 Annual Operating Budget to authorize expenditures up to $300,000 to the Boys & Girls Club of Stanislaus County, a California Non-Profit Public Benefit Corporation, for the purchase and installation of a modular building, and authorizing the Finance Director, or her designee, to take the necessary steps to implement this resolution.

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

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Boys & Girls Club Modular Unit at Mellis Park

Estimated Expenses and Revenues

Updated: 12.04.2015

		Estimated Amount
EXPENSES		
Building Permit Fees	$	(6,041.00)
Water Connection Fees	$	(7,085.00)
Pavement fee	$	(300.00) [1]
Waste Water Capacity Charge	$	(12,137.23)
Capital Facilities Fee	$	(20,991.60)
EDA/CON (Staff Time)	$	(5,000.00)
Simile Construction	$	(94,913.00)
2.3 Tree Trimming	$	- [2]
2.6 Site Restoration	$	- [2]
Construction Contingency *(15% of Simile estimate)*	$	(14,236.95)
Modular Unit	$	(279,293.96)
Subtotal - Expenses	**$**	**(439,998.74)**
REVENUES		
City - CDBG Funds	$	300,000.00
West Modesto King-Kennedy Collaborative (via Kaiser)	$	40,000.00
Stanislaus County	$	30,000.00
Boys & Girls Clubs of Stanislaus County	$	69,998.74
Subtotal - Revenues	**$**	**439,998.74**
Excess/(Shortfall)	$	-

[1] *Billed by Water Division upon completion*

[2] *City will provide service as in-kind contribution*

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-32

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND ENTER INTO AGREEMENT SUBSTANTIALLY IN THE FORM ATTACHED HERETO AND AS APPROVED BY THE CITY ATTORNEY WITH BOYS & GIRLS CLUB OF STANISLAUS COUNTY, A CALIFORNIA NON-PROFIT PUBLIC BENEFIT CORPORATION, FOR THE PURCHASE AND INSTALLATION OF A MODULAR BUILDING ON CITY PROPERTY, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN ALL RELATED DOCUMENTS

WHEREAS, the Boys & Girls Clubs of Stanislaus County, a California Non-Profit Public Benefit Corporation (CLUB) , is a youth development agency serving children ages 6 to 18; and

WHEREAS, in March 2014, the CLUB was invited by the Stanislaus Multi-Cultural Community Health Coalition West Modesto/King Kennedy Neighborhood Coalition to partner and establish a West Modesto Boys & Girls Club; and

WHERAS, due to the CLUB's success, the CLUB has already outgrown the King Kennedy Memorial Building; and

WHEREAS, the CLUB is requesting $300,000 in Community Development Block Grant (CDBG) carryover funds to purchase a 3,600 sq. ft. custom modular building to temporarily house the West Modesto Boys & Girls Club in Mellis Park, adjacent to the King-Kennedy Memorial Building; and

WHEREAS, the modular building could also be available to the Stanislaus Multi-Cultural Community Health Coalition West Modesto/King Kennedy Neighborhood Coalition to augment its services to community residents including adults and seniors citizens; and

WHEREAS, this project is eligible under the CDBG Neighborhoods Facilities activity designed to serve a neighborhood and meets the national objective of low and moderate income area benefit; and

WHEREAS, bids for the modular unit were solicited by the Boys & Girls Club of Stanislaus County from four companies; two companies responded; and

WHEREAS, the bid submitted by Performance Modular Inc. in the amount of $279,193.36 was the lowest bid; and

WHEREAS, a summary of the expenses and revenues for this project are provided as **Attachment** 1; and

WHEREAS, on December 9, 2015, the CH&CDC considered and unanimously recommended that the City Council approve $300,000 in CDBG carryover funds for the CLUB to purchase a modular building; and

WHEREAS, on January 26, 2016, the City Council authorized up to $300,000 in CDBG carryover funds be allocated to CLUB for the purchase and installation of a modular building;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that is hereby authorizes the City Manager to enter into an agreement substantially in the form **attached** hereto and as approved by the City Attorney with Boys & Girls Club of Stanislaus County, a California Non-Profit Public Benefit Corporation, for the purchase and installation of a modular building, and authorizing the City Manager, or his designee, to sign all related documents.

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

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Boys & Girls Club Modular Unit at Mellis Park

Estimated Expenses and Revenues

Updated: 12.04.2015

		Estimated Amount
EXPENSES		
Building Permit Fees	$	(6,041.00)
Water Connection Fees	$	(7,085.00)
Pavement fee	$	(300.00) [1]
Waste Water Capacity Charge	$	(12,137.23)
Capital Facilities Fee	$	(20,991.60)
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Simile Construction	$	(94,913.00)
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Construction Contingency *(15% of Simile estimate)*	$	(14,236.95)
Modular Unit	$	(279,293.96)
Subtotal - Expenses	**$**	**(439,998.74)**
REVENUES		
City - CDBG Funds	$	300,000.00
West Modesto King-Kennedy Collaborative (via Kaiser)	$	40,000.00
Stanislaus County	$	30,000.00
Boys & Girls Clubs of Stanislaus County	$	69,998.74
Subtotal - Revenues	**$**	**439,998.74**
Excess/(Shortfall)	$	-

[1] *Billed by Water Division upon completion*

[2] *City will provide service as in-kind contribution*

GRANT AGREEMENT BETWEEN THE CITY OF MODESTO
AND THE BOYS AND GIRLS CLUBS OF STANISLAUS COUNTY FOR THE PROVISION OF
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

This Agreement dated **January___, 2016**, is between the CITY OF MODESTO, a municipal corporation, hereinafter referred to as "CITY" and the BOYS AND GIRLS CLUBS OF STANISLAUS COUNTY, a California nonprofit corporation, hereinafter referred to as "BOYS AND GIRLS CLUB." CITY and BOYS AND GIRLS CLUB are hereinafter collectively referred to as (the "Parties").

RECITALS

A. BOYS AND GIRLS CLUB have entered into a Lease agreement with CITY which lease will allow BOYS AND GIRLS CLUB to use the leased portion of Mellis Park for up to five years. BOYS AND GIRLS CLUB has requested grant funds to purchase a 3,600 sq.ft. custom modular building ("Modular Building" herein) to temporarily house the West Modesto Boys & Girls Club in Mellis Park, adjacent to the King-Kennedy Memorial Building as described in the BOYS AND GIRLS CLUB's Project Narrative and budget, attached and incorporated as Exhibit A ("Project Narrative").

B. BOYS AND GIRLS CLUB provides after school curriculum for low and moderate income children in the CITY.

C. CITY has received federal Community Development Block Grant ("CDBG") funds specifically for commercial rehabilitation activities and community public facilities.

D. CITY has approved and authorized the provision of three hundred thousand dollars ($300,000) drawn from said CDBG funds, to BOYS AND GIRLS CLUB for the purposes and under the terms contained herein.

NOW, THEREFORE, in consideration of the recitals and the mutual obligations of the parties as herein expressed, CITY and BOYS AND GIRLS CLUB agree as follows:

1. PROVISION OF CDBG FUNDS

a. CDBG Funds. CITY agrees to provide grant funds in the amount of Three Hundred Thousand Dollars -($300,000) in Federal Community Development Block Grant ("CDBG") funds to BOYS AND GIRLS CLUB to purchase the 3,600 sq. ft. custom Modular Building to house the West Modesto Boys & Girls Club in Mellis Park, adjacent to the King-Kennedy Memorial Building for a temporary period. The Modular Building would also be available to the Stanislaus Multi-Cultural Community Health Coalition West Modesto/King Kennedy Neighborhood Coalition to augment its services to community residents including adults and seniors citizens all as more specifically described in the Project Narrative, attached hereto as Exhibit A.

b. Grant Payment Terms. Payment of CDBG funds by CITY shall be made to BOYS AND GIRLS CLUB in one lump sum payment to reimburse BOYS AND GIRLS CLUB for the purchase of the Modular Building -after evidence of payment for the Modular Building -has been provided to the CITY.

CITY shall review requests for provision of funds made pursuant to this section 1 and provide BOYS AND GIRLS CLUB with CDBG funds then due within fifteen (15) business days of receipt of an approved request for payment.

BOYS AND GIRLS CLUB acknowledges that payment shall be made to BOYS AND GIRLS CLUB only for costs incurred on or after the effective date of this Agreement.

2. BOYS AND GIRLS CLUB EXECUTION OF WORK

a. Following execution of this AGREEMENT, BOYS AND GIRLS CLUB shall enter into a contract or contracts with one or more properly licensed contractors to perform the Work contained in the Scope of Work attached as Exhibit B to this Agreement. The construction contract or contracts will be solely between BOYS AND GIRLS CLUB and the Contractor or Contractors, CITY will not be a party to the contracts.

b. Prior to performing any work under this Agreement, BOYS AND GIRLS CLUB or its contractor shall prepare, submit and obtain all necessary government approvals that may be required for the work described in the Scope of Work.

c. BOYS AND GIRLS CLUB will be required to obtain a minimum of three informal construction bids. BOYS AND GIRLS CLUB shall have the right to select the its contractor, provided that the CITY finds that the bid covers the required work and is within the budget for the Scope of Work as more fully itemized in the Project Narrative.

3. TIME OF PERFORMANCE

The term of this Agreement shall commence on _____ and end on _____, unless sooner terminated as hereinafter provided. Any grant funds, which remain unexpended after payment of BOYS AND GIRLS CLUB for the period ending _____, shall become available to the CITY for reprogramming to other CDBG activities as the CITY shall determine. In the event that all improvements listed in Exhibit A are not completed, and all reasonable efforts to secure their completion are unsuccessful, any unexpended grant funds contributed by CITY will be refunded to CITY in full.

4. COMPLIANCE WITH FEDERAL REQUIREMENTS

The BOYS AND GIRLS CLUB agrees to comply with the requirements of Title 24 of the Code of Federal Regulations, Part 570 (the U.S. Housing and Urban Development regulations concerning Community Development Block Grants (CDBG)) including subpart K of these regulations, except that (1) the BOYS AND GIRLS CLUB does not assume the recipient's

environmental responsibilities described in 24 CFR 570.604 and (2) the BOYS AND GIRLS CLUB does not assume the recipient's responsibility for initiating the review process under the provisions of 24 CFR Part 52. The BOYS AND GIRLS CLUB also agrees to comply with all other applicable Federal, state and local laws, regulations, and policies governing the funds provided under this contract. The BOYS AND GIRLS CLUB further agrees to utilize funds available under this Agreement to supplement rather than supplant funds otherwise available.

BOYS AND GIRLS CLUB agrees to comply with the following Federal laws, regulations, and procedures:

a. Uniform Administrative Requirements for Nonprofit Organizations (OMB Circular A-110):

   (1) Attachment A, "Cash Depositories," except for paragraph 4 concerning deposit insurance;

   (2) Attachment B, "Bonding and Insurance";

   (3) Attachment C, "Retention and Custodial Requirements for Records," except that in lieu of the provisions in paragraph 4, the retention period for records pertaining to individual CDBG activities starts from the date of the City's submission to HUD of the annual performance and evaluation report, as prescribed in 24 CFR 570.507, in which the specific activity is reported on for the final time;

   (4) Attachment F, "Standards for Financial Management Systems";

   (5) Attachment H, "Monitoring and Reporting Program Performance," paragraph 2;

   (6) Attachment N, "Property Management Standards," except for paragraph 3 concerning the standards for real property, and except that paragraphs 6 and 7 are modified so that: (i) in all cases in which personal property is sold, the proceeds shall be program income, and (ii) personal property not needed by the BOYS AND GIRLS CLUB for CDBG activities shall be transferred to the recipient for the CDBG program or shall be retained after compensating the recipient; and

   (7) Attachment O, "Procurement Standards."

b. Cost Principles for Nonprofit Organizations (OMB Circular A-122).

c. Title VI of the Civil Rights Act of 1964 (Public Law 88-352), which states that no person in the United States shall on the ground of race, color or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

d. Title VIII of the Civil Rights Act of 1968 (Public Law 90-284), which prohibits

discrimination in the sale or rental of housing, because of race, color, religion, sex, or national origin, and requires that HUD-assisted activities be carried out in a manner to affirmatively further fair housing.

e. Section 109 of the Housing and Community Development Act of 1974, which states that no person in the United States shall on the ground of race, color, national origin or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part under this Act.

f. Section 504 of the Rehabilitation Act of 1973, as amended, which states that no otherwise qualified handicapped individual in the United States shall solely by reason of his/her handicap be excluded from participation in, be denied the benefits of, or be discriminated against under any program or activity receiving Federal financial assistance.

g. Age Discrimination Act of 1975, as amended, which states that no persons in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

h. Section 3 of the Housing and Urban Development Act of 1968, which requires that to the greatest extent feasible, opportunities for training and employment be given to lower-income persons within the unit of local government or the metropolitan area in which the project is located, and that contracts for work in connection with the project be awarded to eligible business concerns which are located in, or owned in substantial part by, persons residing in the same metropolitan area as the project. BOYS AND GIRLS CLUB shall comply with CITY'S procedures for implementation of Section 4.

i. Conflict of interest regulations as contained in 24 CFR 570.611, which require, among other things, that except for salaries and other related administrative or personnel costs, no person who is an employee, agent, consultant or officer of the BOYS AND GIRLS CLUB may obtain a personal or financial interest or benefit from the activity funded under this Agreement, or have an interest in any contract, subcontract, or agreement with respect thereto, or the proceeds there under, either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter. Upon written request of the BOYS AND GIRLS CLUB, the CITY may request the U.S. Department of Housing and Urban Development to grant an exception to the foregoing requirement on a case-by-case basis when it can be determined, on the basis of information provided in accordance with 24 CFR 570.611 (d), that such an exception will serve to further the purposes of Title I of the Housing and Community Development Act of 1974, as amended.

j. In accordance with 24 CFR 570.303 of the Community Development Block Grant regulations, BOYS AND GIRLS CLUB certifies that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant loan, or cooperative agreement;

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, Grant, loan, or cooperative agreement, it will complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.

k. Labor Standards. If the work contemplated by this Agreement exceeds work in excess of two thousand dollars ($2,000), BOYS AND GIRLS CLUB and any contractors and subcontractors employed by or under contract to BOYS AND GIRLS CLUB for the purpose of completing the improvements described in Exhibit A, shall comply with all applicable federal labor provisions, including, but not limited to the reporting requirements of the Davis-Bacon Act (40 USC 276a, 276A-7) regarding labor standards for federally assisted construction. When applicable, federally-determined prevailing wages shall be paid to all construction contractor or subcontractor employees.

Additionally, where applicable, the Boys and Girls Club must comply with state prevailing wage requirements for work to be performed under this Agreement as determined by the Director of Industrial Relations pursuant to the Director's authority under Labor Code Section 1770 et seq.

l. Equal Employment Opportunity. If the construction contract will exceed $10,000, BOYS AND GIRLS CLUB 'S contractor, contractors and subcontractors shall be subject to Federal equal employment opportunity requirements under the provision of Executive Order 11246.

m. Historic Preservation. The Facility is subject to Federal Historic Preservation requirements and BOYS AND GIRLS CLUB certifies that it will comply with all applicable Federal Historical Preservation regulations.

n. Environmental Assessment. The BOYS AND GIRLS CLUB shall comply with requirements regarding Environmental Assessments. Accordingly, the BOYS AND GIRLS CLUB must schedule for the CITY to conduct an Environmental Assessment prior to any abatement, demolition or construction.

5. <u>Program Income</u>

No program income is expected to be directly generated from the use of CDBG funds under this Agreement. In the event that program income is so generated, BOYS AND GIRLS CLUB shall notify CITY immediately for instructions regarding disposition of program income in accordance with the provisions of 24 CFR 570.504 (c).

6. No Partnership

The terms of this Agreement shall in no way be construed to create a partnership, joint venture or any other joint relationship between CITY and BOYS AND GIRLS CLUB .

7. Independent Contractor

BOYS AND GIRLS CLUB and its employees are not employees of CITY but rather are and shall always be considered independent contractors.

8. Indemnity and Hold Harmless

BOYS AND GIRLS CLUB agrees to indemnify, defend, and hold harmless CITY and its officers, agents and employees, from any liabilities, claims, suits or actions, losses or expenses, including attorney fees, caused by, arising out of, or in connection with, either directly or indirectly, BOYS AND GIRLS CLUB 'S performance under this Agreement. Nothing herein shall be construed to require Boys and Girls Club to indemnify the City, its officers, agents and employees against any responsibility or liability in contravention of Section 2782 of the California Civil Code.

9. Insurance

BOYS AND GIRLS CLUB shall not commence work under this Agreement until all required insurance has been obtained and such insurance has been approved by the City Attorney, with certificates of insurance evidencing the required coverage, signed by a broker or other individual capable of binding the insurance company. These certificates shall specify or be endorsed to provide that thirty (30) days' notice must be given, in writing, to the CITY of any pending change in the limits of liability or of any cancellation or modification of the policy.

a. Worker's Compensation and Employer's Liability Insurance:

BOYS AND GIRLS CLUB shall have in effect during the entire life of this Agreement Worker's Compensation and Employer's Liability Insurance providing full statutory coverage. In signing this Agreement, Boys and Girls Club makes the following certification, required by Section 18161 of the California Labor Code: I am aware of the provisions of Section 3700 of the California Labor Code which require every employer to be insured against liability for Worker's Compensation or to undertake self-insurance in accordance with the provisions of the Code, and I will comply with such provisions before commencing the performance of the work of this Agreement.

b. Liability Insurance:

BOYS AND GIRLS CLUB shall take out and maintain during the life of this Agreement such Bodily Injury Liability and Property Damage Liability Insurance as shall protect it while performing work covered by this Agreement from any and all claims for damages for bodily injury, including accidental death, as well as any and all claims for property damage which may arise from BOYS AND GIRLS CLUB'S operations under this Agreement, whether such operations be by BOYS AND GIRLS CLUB or by any sub-contractor or by anyone directly or indirectly employed by either of them. The amounts of such insurance shall be Two Million Dollars ($2,000,000) combined single limit bodily injury and property damage for each occurrence. CITY and its officers, agents and employees shall be named as additional insureds on any such policies of insurance but only with respect to their interest as to funding source for named insured operations.

c. Worker's Compensation Insurance:

BOYS AND GIRLS CLUB shall require all contractors to maintain Worker's Compensation and General Liability Insurance in amounts sufficient to satisfy California law and protect BOYS AND GIRLS CLUB 'S interest. CITY will require Contractor to submit an original Certificate of Insurance naming the City of Modesto as certificate holder.

10. Changes to Work Scope

No changes in the Scope of Work as set forth in this Agreement shall be made without written approval of the CITY.

11. Assignability

The BOYS AND GIRLS CLUB shall not assign in this Agreement, and shall not transfer any interest in the same (whether by assignment or novation), without the prior written consent of the CITY, provided, however, that claims for money due or to become due to BOYS AND GIRLS CLUB from the CITY under this Agreement may be assigned to a bank, trust company, or other financial institution without such approval. Notice of such assignment or transfer shall be furnished promptly to the CITY.

12. Inspection of Work

It is understood that periodic review of BOYS AND GIRLS CLUB's work may be necessary and the right to so review is reserved by the CITY. The CITY shall have access to any books, documents, papers and records of BOYS AND GIRLS CLUB which are directly pertinent to the program being funded. Records shall be retained for three years, subject to the qualifications stated in OMB Circular A-110, Attachment C.

a. CITY shall not assume liability or responsibility for any conditions that may be in violation of local and/or state health and building codes. CITY shall not assume responsibility for correcting said conditions, either existing or discovered during the course of construction. Failure to correct said conditions during the course of construction shall not imply the CITY has accepted said conditions; nor forfeit CITY'S right to have said conditions corrected in the future.

13. Project Representation and Notices

The CITY and BOYS AND GIRLS CLUB hereby designate the following agents to act as project representatives in the matters dealing with the performance of work under this Agreement and for receipt of all notices:

CITY:

Tina Rocha
City of Modesto Community & Economic Development Department
1010 Tenth Street Suite 3300
Modesto, CA 95354

BOYS AND GIRLS CLUB:

Boys and Girls Clubs of Stanislaus County
422 McHenry Ave
Modesto, CA 95354

14. Suspension, Termination or Withholding of Payments

In accordance with 24 CFR 85.43, CITY may, at any time in its absolute discretion, elect to suspend or terminate payment to BOYS AND GIRLS CLUB, in whole or in part, under this Agreement, or not to make any particular payments on this Agreement in the event of any of the following occurrences:

a. If BOYS AND GIRLS CLUB (with or without knowledge) shall have made any material misrepresentation of any nature with respect to any information or data furnished to CITY in connection with the project.

b. If there is pending litigation with respect to the Performance by BOYS AND GIRLS CLUB of any of its duties or obligations under this Agreement which may materially jeopardize or adversely affect the undertaking of or the carrying out of the project.

c. If BOYS AND GIRLS CLUB shall have taken any action pertaining to the project which requires CITY approval without having obtained such approval.

d. If BOYS AND GIRLS CLUB is in default under any provision of this Agreement.

e. If BOYS AND GIRLS CLUB makes improper use of grant funds.

f. If BOYS AND GIRLS CLUB fails to comply with any of the terms and conditions of this Agreement in such a manner as to constitute material breach thereof.

g. If BOYS AND GIRLS CLUB submits to CITY any reports which are incorrect or incomplete in any material respect.

CITY shall give BOYS AND GIRLS CLUB fourteen (14) days' written notice of its intention to withhold, suspend or terminate payment under this paragraph. Such notice shall specify the actions, if any, which must be taken by BOYS AND GIRLS CLUB before payments will be resumed.

15. Termination of Agreement

a. CITY may terminate this Agreement immediately (by giving written notice to BOYS AND GIRLS CLUB of the effective termination date stated in the notice) if BOYS AND GIRLS CLUB abandons its work under the Agreement; if for any reason the timely completion
of such project is rendered improbable, infeasible, or illegal; or if CITY otherwise deems such termination to be in the public interest.

b. This Agreement may be terminated for convenience by either CITY or BOYS AND GIRLS CLUB, in accordance with the provisions of 24 CFR 85.44.

16. Reversion of Assets

Upon expiration of this Agreement, BOYS AND GIRLS CLUB shall transfer to CITY any CDBG funds on hand at the time of expiration and any accounts receivable attributable to the use of CDBG funds.

Real property is to be either acquired or improved with CDBG funds under this Agreement. Therefore, Federal regulations governing the reversion of real property assets are applicable to this Agreement.

BOYS AND GIRLS CLUB have entered into a Lease agreement with CITY which lease will allow BOYS AND GIRLS CLUB to use the leased portion of Mellis Park for up to five years. Upon the termination of that lease, the Modular Building -will be removed from Mellis Park by the BOYS AND GIRLS CLUB, and the Mellis Park leased premises shall be returned to their original condition, all at the BOYS AND GIRLS CLUB's sole expense. The BOYS AND GIRLS CLUB -will then relocate the Modular Building to another low-income area (perhaps the Airport Neighborhood or the Shackleford Neighborhood) and start or enhance a program in that area.

IN WITNESS WHEREOF, this Agreement is executed by the parties.

CITY OF MODESTO, a municipal corporation

By:_____
James N. Holgersson, City Manager

ATTEST:

BY:_____
Stephanie Lopez, City Clerk

(seal)

APPROVED AS TO FORM:

Adam Lindgren, City Attorney

BY: _____
Jose Sanchez
Assistant City Attorney

_____

BOYS AND GIRLS CLUB OF STANISLAUS COUNTY, a California nonprofit corporation

By:_____

DRAFT

2562421.2

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MODESTO CITY COUNCIL
RESOLUTION NO. 2016-33

RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE STANISLAUS LOCAL AGENCY FORMATION COMMISSION TO ANNEX APPROXIMATELY 0.97 ACRES OF PROPERTY LOCATED AT 110-112 ELLEN AVENUE AND ADJACENT RIGHT-OF-WAY ON ELLEN AVENUE AND PARADISE ROAD, TO THE CITY OF MODESTO AND MODESTO MUNICIPAL SEWER DISTRICT NO. 1 (OWNER INITIATED – UNINHABITED) (DIANA AND KIMBERLY SORANNO)

WHEREAS, Diana and Kimberly Soranno ("Applicants") are the owners of three parcels of real property equaling 0.71 acres located at 110-112 Ellen Avenue, at the north corner of Ellen Avenue and Paradise Road, ("Property"), and

WHEREAS, the City has received a request from the Applicants to initiate annexation of the Property and adjacent right-of-way of Ellen Avenue and Paradise Road, 0.97 acres total, to the City of Modesto and simultaneously detach the Properties from the Burbank-Paradise Fire District under the Cortese-Knox-Hertzberg Local Reorganization Act of 2000, California Government Code Section 56000, et seq, and

WHEREAS, the Resolution of Application is proposed pursuant to California Government Code Sections 56654 and 56700, and

WHEREAS, the Property proposed for annexation is uninhabited as defined by Government Code Section 56046 (fewer than twelve registered voters), and a description of the boundaries of the subject Property is set forth in Exhibit "A", **attached** hereto and by this reference incorporated herein, and

WHEREAS, the subject Property proposed for annexation is within Stanislaus County, contiguous to the existing City limits and within the current Sphere of Influence of the City of Modesto, as adopted by Stanislaus Local Agency Formation Commission, and

WHEREAS, the proposed Property is not subject to a Williamson Act contract, pursuant to Government Code Section 51200, which enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space use, and

WHEREAS, the proposed Property is covered by the Master Property Tax Agreement entered into between the County of Stanislaus and City of Modesto which was approved by Council Resolution No. 96-170 on April 9, 1996, and

WHEREAS, the proposed Property has been prezoned P-P-D(478) as a portion of Planned Development Zone P-D(478) by City of Modesto Ordinance 2742-C.S., adopted on December 11, 1990, and

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

(a) The annexation of said property, as set forth on Exhibits "A" **attached** hereto, to the City of Modesto.
(b) The annexation of said property, as set forth on Exhibits "A" **attached** hereto, to the Modesto Sewer District No. 1.
(c) The detachment of said property from the Burbank-Paradise Fire District, and

WHEREAS, the reasons for this proposed reorganization are as follows:

1. Staff received an application for the proposed reorganization from the Property owners, Diana and Kimberly Soranno, on August 10, 2015;
2. The proposed reorganization is consistent with the Urban Area General Plan and can be serviced by City services;
3. The proposed reorganization will result in planned, orderly and efficient development of the area and provision for services; and

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

WHEREAS, said matter was set for public hearing of the City Council to be held on January 26, 2016, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held for the purpose of receiving public comment on the proposed annexation, and

WHEREAS, an Initial Study Environmental Checklist (Environmental Assessment No. EA/C&ED 2015-23) has been prepared by the City of Modesto that analyzed whether the proposed project may cause any significant effect on the environment that was not examined in the General Plan Master Environmental Impact Report and indicated the degree of impact on public services resulting from reorganization, which information is used to prepare a plan for providing services pursuant to Government Code Section 56653, and,

NOW, THEREFORE, the Council of the City of Modesto hereby finds and determines as follows:

1. That future development of the site shall be consistent with the Modesto Urban Area General Plan adopted by the Modesto City Council by Resolution No. 95-409 on August 15, 1995, and all subsequent amendments.

2. The requested reorganization will result in an orderly planned use of land because it would extend the boundary of the City south to allow for future development at the site to occur entirely within the City's jurisdiction.

3. The requested reorganization is in accordance with the community's objectives as set forth in the General Plan and any applicable specific plan(s) because it is consistent with General Plan Urban Growth Policy II.C.1.b., which states, "Urban development should be kept as contiguous

as possible in order to avoid premature urbanization of valuable farm land, foster resident convenience, and provide for economy in City services," and because the development resulting from the proposed annexation is consistent with the General Plan.

4. The project is within the scope of the City of Modesto Urban Area General Plan Master EIR and no new environmental document or Public Resources Code Section 21081 findings are required. All of the following findings can be made:

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

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

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

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

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

5. The Property proposed for reorganization to be annexed to the City of Modesto is uninhabited as defined by Government Code Section 56046 (fewer than twelve registered voters) and a description of the boundaries of the subject Property is set forth in Exhibits "A", **attached** hereto and by this reference incorporated herein.

6. In accordance with Government Code Section 56663(c), the City hereby consents to a waiver of conducting authority proceedings.

7. The Property is located within Stanislaus County, within the City's adopted Sphere of Influence, is contiguous to the existing City limits and can be most efficiently served with City services.

8. An agreement for the sharing of property taxes for the Property was entered into between the County of Stanislaus and City of Modesto which was approved by Council Resolution No. 96-170 on April 9, 1996.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the filing of an Application with the Stanislaus Local Agency Formation Commission to annex approximately 0.97 acres of property located at 110-112 Ellen Avenue, and adjacent right of way on Ellen Avenue and Paradise Road, to the City of Modesto and Modesto Municipal Sewer District No. 1.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that in accordance with Government Code Section 56663(c), the City hereby consents to a waiver of conducting authority proceedings.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that pursuant to Government Code Section 56653, the City Council submit the plan for providing services as set forth in Exhibit "B", **attached** hereto and by this reference incorporated herein.

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

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

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT A
LEGAL DESCRIPTION

EXHIBIT
LEGAL DESCRIPTION
OF CITY OF MODESTO ANNEXATION OF THREE SORANNO PARCELS AT ELLEN AVENUE AND PARADISE ROAD

All that real property situate in the Southeast Quarter of Section 31, Township 3 South, Range 9 East, Mount Diablo Meridian, County of Stanislaus, State of California, described as follows:

BEGINNING at the Southeast corner of the Briggs No. 1 Annexation to the City of Modesto by Instrument No. 78-28121, Stanislaus County Records, being the Northeast corner of the Parcel labeled "DOC-1999-0034033-00 (REF H)" as shown on the Survey filed in Book 32 of Surveys at Page 94, Stanislaus County Records, being also a point on the West line of the Gant Addition Annexation to the City of Modesto by Instrument No. 62-39842, Stanislaus County Records; thence South 00°26'03" East, along said West line, 242.45 feet to the centerline of Paradise Road as shown on the Ellen Tract filed in Volume 11 of Maps at Page 60, Stanislaus County Records, being also the North corner of the Paradise - Rouse Addition Annexation to the City of Modesto by Instrument No. 77-42198, Stanislaus County Records; thence South 50°06'48" West, along said centerline being the Northwesterly line of said Paradise -Rouse Addition, 72.84 feet to a point being at right angles to said centerline from the intersection of the Northwesterly line of said Paradise Road and the Westerly line of Ellen Avenue as shown on said Survey and said Ellen Tract; thence North 39°53'12" West 33.00 feet to said intersection being the beginning of a non-tangent curve to which a radial line bears North 81°34'03" East from the center; thence 165.36 feet, Northwesterly along said non-tangent curve, being the Westerly, Southwesterly, and Southerly line of said Ellen Avenue, concave to the Southwest, having a radius of 117.00 feet and a central angle of 80°58'44", to the Southerly extension of the West line of Lot 7 of said Ellen Tract as shown on said Survey; thence North 00°09'04" East, along said extension and said West line, 164.58 feet to the Northwest corner of said Lot 7 being a point on the South line of said Briggs No. 1 Annexation; thence South 89°50'56" East, along the North lines of said Lot 7 and said Parcel, and also along said South line of said Briggs No. 1 Annexation, 189.31 feet to the point of beginning.

Containing: 42,098 square feet, 0.966 acres, more or less.

END OF DESCRIPTION

LICENSED LAND SURVEYOR
SCOTT THOMAS DELAMARE
No. 8078
STATE OF CALIFORNIA

DF ENGINEERING, INC.
CIVIL ENGINEERING AND SURVEYING
3421 TULLY ROAD · SUITE J · MODESTO, CA 95350
TELEPHONE (209) 529-7450 · FAX (209) 529-0457

SIGNED: Scott Thomas DeLamare August 10, 2015
SCOTT THOMAS DELAMARE LS 8078 DATE

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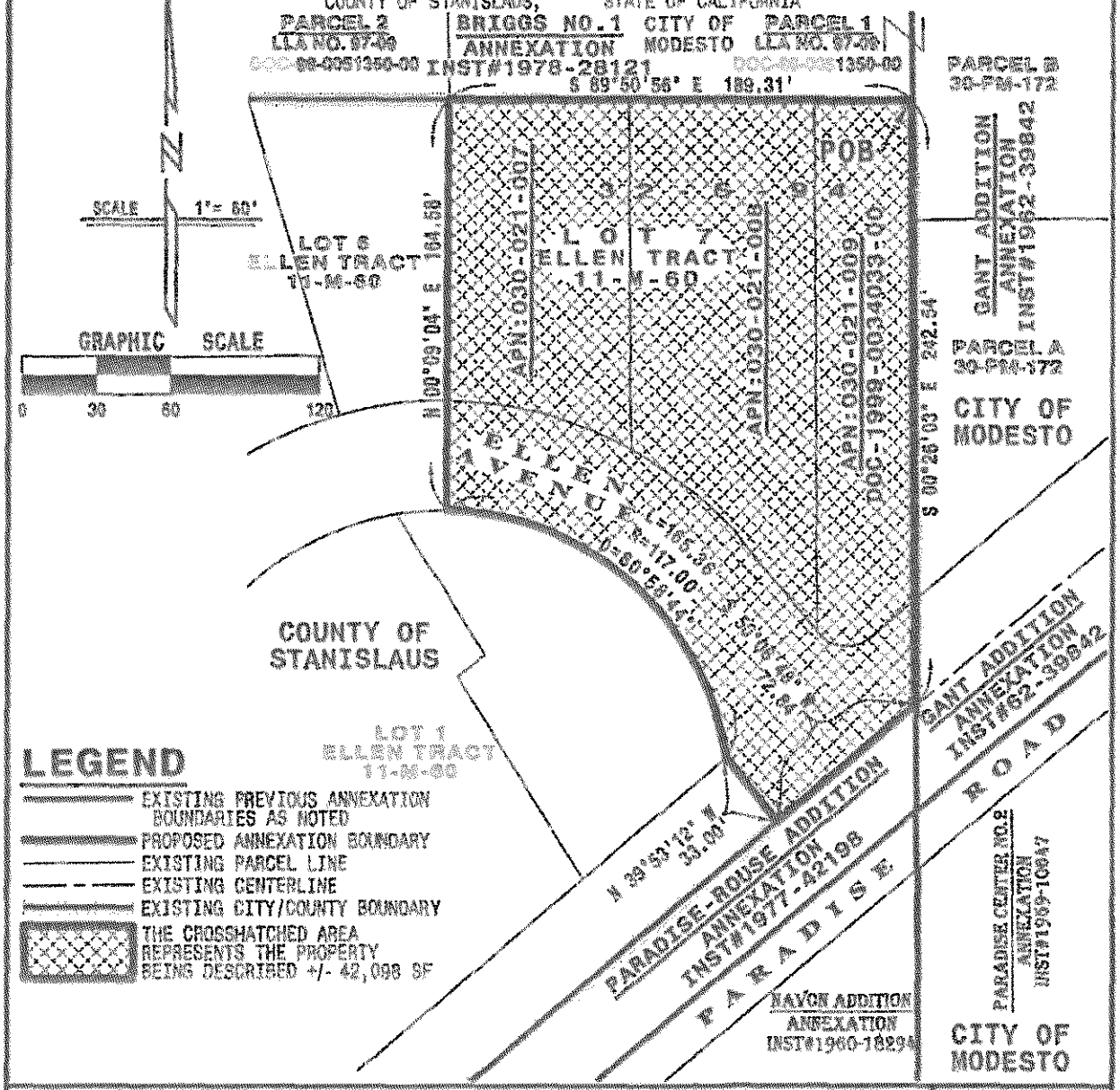
PAGE	1 OF 3
JOB	1432
AUTHOR	STD
CK. BY	CMH
SCALE	N/A
DATE	Aug, 2015

EXHIBIT

PLAT TO ACCOMPANY LEGAL DESCRIPTION OF CITY OF MODESTO ANNEXATION OF THREE SORANNO PARCELS AT ELLEN AVENUE AND PARADISE ROAD

LYING IN THE SOUTHEAST QUARTER OF SECTION 31, T.3 S., R.9 E., M.D.M.
COUNTY OF STANISLAUS, STATE OF CALIFORNIA



LEGEND

- EXISTING PREVIOUS ANNEXATION BOUNDARIES AS NOTED
- PROPOSED ANNEXATION BOUNDARY
- EXISTING PARCEL LINE
- EXISTING CENTERLINE
- EXISTING CITY/COUNTY BOUNDARY
- THE CROSSHATCHED AREA REPRESENTS THE PROPERTY BEING DESCRIBED +/- 42,098 SF

LICENSED LAND SURVEYOR
SCOTT THOMAS DELAMARE
No. 8078
STATE OF CALIFORNIA

DF ENGINEERING, INC.
CIVIL ENGINEERING AND SURVEYING
3421 TULLY ROAD · SUITE J · MODESTO, CA 95350
TELEPHONE (209) 529-7450 · FAX (209) 529-0457

SIGNED: Scott Thomas DeLamare August 10, 2015
SCOTT THOMAS DELAMARE LS 8078 DATE

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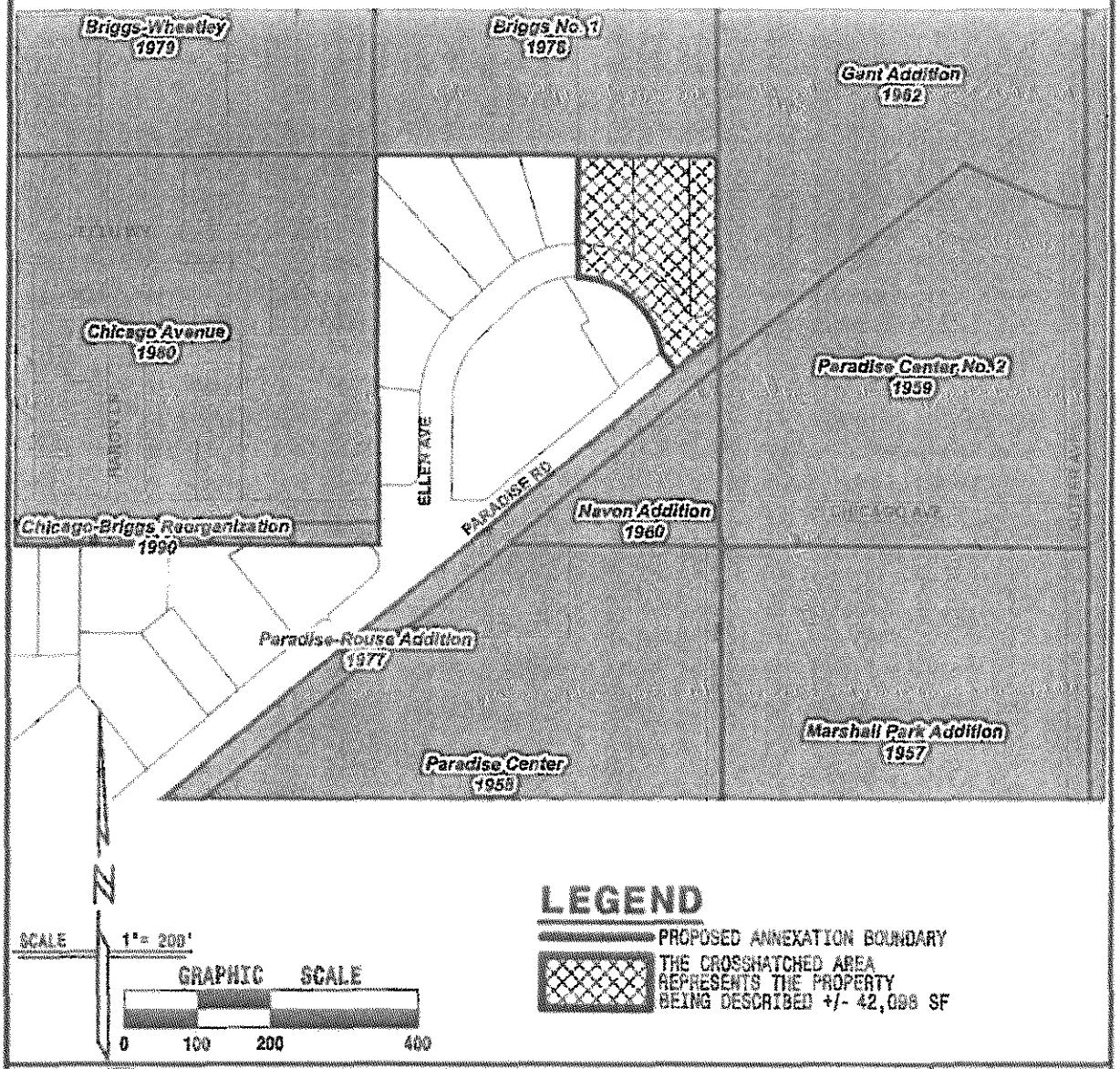
PAGE	2 OF 3
JOB	1432
AUTHOR	STD
CK. BY	CMH
SCALE	1"= 60'
DATE	Aug, 2015

EXHIBIT

VICINITY PLAT TO ACCOMPANY LEGAL DESCRIPTION OF CITY OF MODESTO ANNEXATION OF THREE SORANNO PARCELS AT ELLEN AVENUE AND PARADISE ROAD

LYING IN THE SOUTHEAST QUARTER OF SECTION 31, T.3 S., R.9 E., M.D.M.
COUNTY OF STANISLAUS, STATE OF CALIFORNIA



LEGEND

PROPOSED ANNEXATION BOUNDARY

THE CROSSHATCHED AREA REPRESENTS THE PROPERTY BEING DESCRIBED +/- 42,098 SF

LICENSED LAND SURVEYOR
SCOTT THOMAS DELAMARE
No. 8078
STATE OF CALIFORNIA

DF ENGINEERING, INC.
CIVIL ENGINEERING AND SURVEYING
3421 TULLY ROAD · SUITE J · MODESTO, CA 95350
TELEPHONE (209) 529-7450 · FAX (209) 529-0457

SIGNED: Scott Thomas DeLamare August 10, 2015
SCOTT THOMAS DELAMARE LS 8078 DATE

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PAGE	3 OF 3
JOB	1432
AUTHOR	STD
CK. BY	CMH
SCALE	1"= 200'
DATE	Aug, 2015

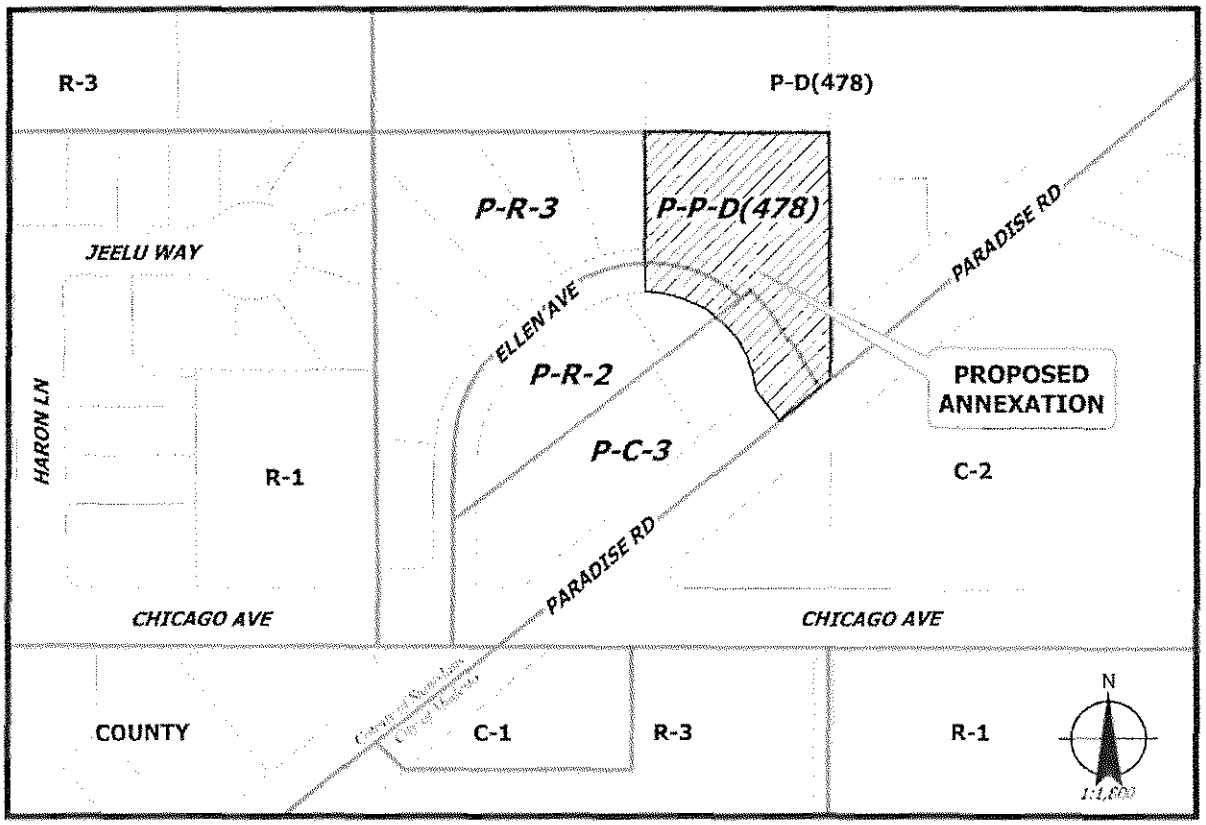
EXHIBIT B
PLAN FOR SERVICES

ANNEXATION OF THREE SORANNO PPARCELS AT ELLEN AVENUE AND PARADISE ROAD TO THE CITY OF MODESTO PLAN FOR SERVICES

Background:

The Three Soranno Parcels at Ellen Avenue and Paradise Road is within an unincorporated "island" area located northeast of the intersection of Chicago Avenue and Paradise Road, as shown on the map below. The three parcels comprise 0.71 acres and are vacant with no structures. Including adjacent street right-of-way, the annexation area is 0.97 acres total. The proposed annexation area was prezoned as Planned Development P-P-D(478) for commercial uses as a portion of Planned Development Zone P-D(478), an adjacent neighborhood shopping center. The prezoning was adopted by the Modesto City Council on December 11, 1990 by Ordinance No. 2742-C.S.

The parcels are improved with curb, gutter and sidewalk along the Ellen Avenue and Paradise Road frontages. The purpose of the annexation is to facilitate the future commercial development of the site as part of the adjacent shopping center.



Pursuant to Government Code Section 56653, the following Plan for Services to be extended to the affected territory has been prepared for the Annexation of Three Parcels at Ellen Avenue and Paradise Road to the City of Modesto:

A. Project Area and Service Agreements

1. Traffic and Circulation: The annexation area is bounded by City of Modesto jurisdiction to the north, east and southeast. The annexation area will also include the adjacent right-of-way of Ellen Avenue and Paradise Road. No roadway dedication or improvements are required as a part of the annexation. Transit services are provided by the Modesto Area Express (MAX), which has a bus stop located at the corner of Ellen Avenue and Paradise Road, adjacent to the site.

2. Waste Water Collection: As the annexation area is prezoned as a portion of the adjacent existing shopping center and would develop as such, sewer service to the site would be provided via the 15-inch sewer lines that serve the shopping center, located under Briggs Avenue to the north. There is also a six-inch line under Paradise Road that extends to within 90-feet of the site. Any additional connections required upon development within the annexation area shall be constructed by the project developer with all applicable connection fees paid to the City.

3. Water Delivery: Water service to the annexation area has been provided by the Del Este system which is owned by City of Modesto, with water delivery to the area and existing commercial uses via an existing 6-inch line under Ellen Avenue and Paradise Road. Any additional domestic service required upon development within the annexation area shall be constructed by the City with the project developer paying fair share of localized system improvements through payment of water fees.

4. Storm Water Drainage: Currently, the area is served by storm catch basins and rock wells, the nearest of which is located on Paradise Road 375-feet to the northeast, and Paradise Road at Chicago Avenue 400-feet to the southwest. Any development within the annexation area shall submit drainage calculations to ensure adequate capacity to the City's facilities, implement current City storm drainage standard specifications for grading and drainage to connect to the system, or retain all storm water on site to the satisfaction of the City Engineer.

5. Solid Waste Disposal: The annexation area and the shopping center adjacent to it are currently serviced by the Bertolotti Disposal Company. No change to the level of service already provided is anticipated.

6. Fire Protection: The annexation area will detach from the Burbank-Paradise Fire District and annex to the City of Modesto Fire Department. The area is located adjacent to Modesto Fire Department's Fire Management Area No. 2, which is served by Fire Station No. 2, located at 420 Chicago Avenue, approximately 0.2 miles distant. No adverse impacts to staffing or response times would be anticipated with the annexation.

7. Police Protection: Upon annexation, the area will be served by the City of Modesto Police Department. The Police Department has not expressed any concerns with impacts to staffing or response times upon annexation.

B. Level and Range of Services

The City of Modesto is a full service provider of municipal services. The City will continue to provide services already extended to the annexation area, and will provide those services to the area upon annexation.

C. When Can Services Be Provided?

Excepting where services are already provided, the services described above will be provided upon the effective date of annexation.

D. Improvements Required as a Condition of Annexation

No improvements are required as a condition of annexation.

E. How Will Services be Financed?

Services will be financed through applicable utility and service fees and permit fees provided by project developers, as well as by property tax revenues and general fund resources.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-34

RESOLUTION APPROVING AN AMENDMENT TO THE CIRCULATION ELEMENT OF THE MODESTO URBAN AREA GENERAL PLAN TO REMOVE THE MINOR COLLECTOR STREET DESIGNATION FROM MARIPOSA ROAD NORTH OF YOSEMITE BOULEVARD/CA-132, AND CLOGSTON WAY WEST OF HUBERT DRIVE. (ELCAN & ASSOCIATES, INC.)

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

WHEREAS, a new General Plan for the City of Modesto entitled "City of Modesto Urban Area General Plan", as recommended by the Modesto City Planning Commission, was adopted by the Council of the City of Modesto by Resolution No. 95-409 on August 15, 1995, and

WHEREAS, said General Plan has been amended by Modesto City Council Resolution Nos. 95-584, 96-20, 96-338, 96-639, 97-3, 97-137, 97-158, 98-293, 99-162, 99-564, 2000-303, 2000-633, 2001-47, 2001-476, 2002-154, 2002-526, 2003-101, 2003-122, 2004-233, 2005-70, 2007-066, 2007-599, 2008-142, 2008-583, 2009-419, 2011-253, 2011-254, 2011-435, 2012-430, 2014-17, 2014-422 and 2015-262, copies of which are on file in the office of the City Clerk, and

WHEREAS, on October 14, 2008, the City Council of the City of Modesto certified the Final Master Environmental Impact Report ("Master EIR") (SCH No. 2007072023) for the Modesto Urban Area General Plan that was amended by Modesto City Council Resolution No. 2008-583, and

WHEREAS, Government Code Section 65358 permits the amendment of General Plans by the legislative body, and

WHEREAS, Elcan & Associates, Inc. has applied for an amendment to the General Plan to remove the Minor Collector Street designation from Mariposa Road north of Yosemite Boulevard, and Clogston Way west of Hubert Drive from the Circulation Element, and

WHEREAS, the Community & Economic Development Department has analyzed the proposed amendment compared to the adopted General Plan, and

WHEREAS, the City of Modesto prepared an Initial Study (Environmental Assessment C&ED/EA 2015-20) that evaluated the environmental impacts of the project, and based on the Initial Study conclusion that there would not be any significant impacts on the environment, a Negative Declaration has been prepared for the project, and

WHEREAS, on December 21, 2015, the Planning Commission held a duly noticed public hearing in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, relating to this proposed amendment to the Modesto Urban Area General Plan to remove the Minor Collector Street designation from Mariposa Road north of Yosemite Boulevard, and Clogston Way west of Hubert Drive from the Circulation Element, and

WHEREAS, after said public hearing, the Planning Commission adopted Resolution No. 2015-28, recommending to the City Council an amendment to the Modesto Urban Area General Plan to remove the Minor Collector Street designation from Mariposa Road north of Yosemite Boulevard, and Clogston Way west of Hubert Drive from the Circulation Element, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on January 26, 2016, in the Tenth Street Place Chambers located at 1010 Tenth

Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held for the purpose of receiving public comment on the proposed amendment to the Modesto Urban Area General Plan to remove the Minor Collector Street designation from Mariposa Road north of Yosemite Boulevard, and Clogston Way west of Hubert Drive from the Circulation Element.

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

1. The proposed amendment to the Circulation Element of the General Plan is necessary to facilitate future commercial development of property at 3225 Yosemite Boulevard by allowing a single centrally-located driveway entrance to the site from the intersection of Yosemite Boulevard and S. Mariposa Road, instead of multiple new driveways from Yosemite Boulevard or an extension of Mariposa Road.

2. The proposed General Plan Amendment would reflect that the existing segment of Mariposa Road from its terminus 100 feet south of Beavercreek Court and Heatherwood Court, together with Clogston Way west of Hubert Drive, are no longer needed as collector streets as they have functioned as local residential streets since development of the surrounding neighborhood.

3. The proposed General Plan Amendment would also reflect that the undeveloped segment of Mariposa Road between Yosemite Boulevard and the terminus of existing Mariposa Road 100 feet south of Beavercreek Court and Heatherwood Court is no longer needed, as the existing streets adjacent to this undeveloped segment are in close proximity to Minor Collector street N. McClure Road and Minor Arterial street Lincoln Avenue.

4. An Initial Study, Environmental Assessment No. EA/C&ED 2015-20, was prepared by the City of Modesto that analyzed the proposed project and determined that, on the basis of the whole record before it there is no substantial evidence that the project will have a significant effect on the environment, and that a Negative Declaration be adopted.

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

BE IT FURTHER RESOLVED that the project applicant shall indemnify, defend, and hold harmless the City of Modesto, its agents, officers, and employees from any and all claims, actions, or proceedings against the City of Modesto, its agents, officers, and employees to attack, set aside, void, or annul, any approval by the City of Modesto and its advisory agency, appeal board, or a legislative body concerning a general plan amendment for the Project and related files (File No.GPA-14-003, TPM-15-005 and DPR-15-004). The City of Modesto shall promptly notify the applicant of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the applicant shall not thereafter be responsible to defend, indemnify, or hold City harmless.

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

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

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

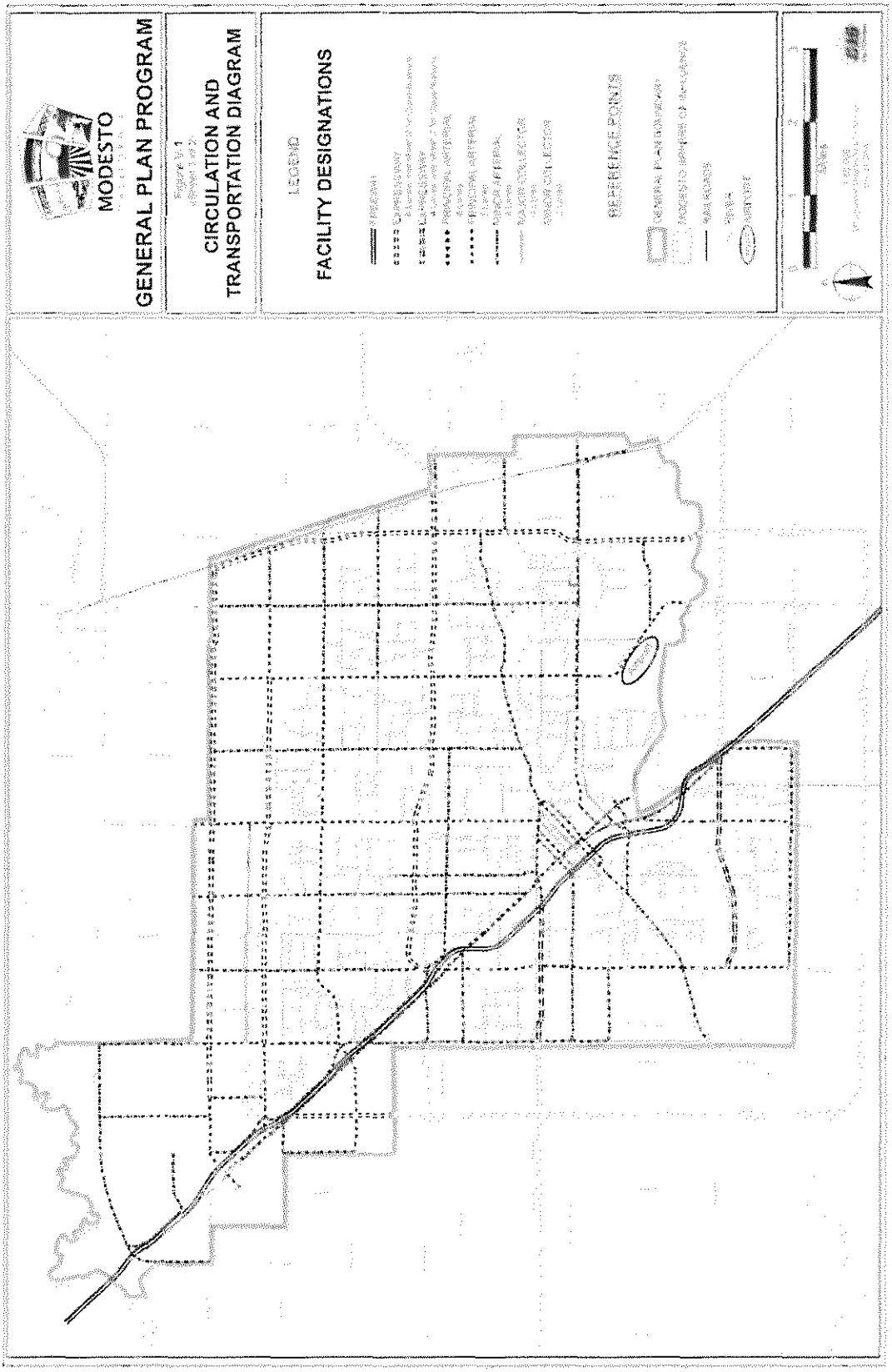
ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT A


MODESTO
GENERAL PLAN PROGRAM
CIRCULATION AND
TRANSPORTATION DIAGRAM
LEGEND
FACILITY DESIGNATIONS
REFERENCE POINTS

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-35

RESOLUTION ADOPTING A NEGATIVE DECLARATION FOR A GENERAL PLAN AMENDMENT TO REMOVE THE MINOR COLLECTOR STREET DESIGNATION OF MARIPOSA ROAD NORTH OF YOSEMITE BOULEVARD/CA-132, AND CLOGSTON WAY WEST OF HUBERT DRIVE FROM THE CIRCULATION ELEMENT (ELCAN & ASSOCIATES, INC)

WHEREAS, Elcan & Associates Inc. has applied for a General Plan Amendment to remove the Minor Collector Street designation from Mariposa Road north of Yosemite Boulevard/CA-132, and Clogston Way west of Hubert Drive from the Circulation Element, and

WHEREAS, Section 15070 of the CEQA Guidelines relating to Initial Study/ Negative Declaration provides for a lead agency to prepare an Initial Study on any proposed project to analyze whether the project may cause any significant effect on the environment, and

WHEREAS, the City of Modesto Department of Community and Economic Development has prepared an Initial Study/ Negative Declaration (EA/C&ED No. 2015-20) as provided for by CEQA, and

WHEREAS, a 30-day public review period for the proposed Initial Study/ Negative Declaration began on November 12, 2015, and ended on December 14, 2015, and

WHEREAS, the City received a public comment on the draft Initial Study/Negative Declaration that did not warrant any amendments to the document and did not effect the Initial Study's conclusion that there would not be any significant impacts on the environment, and

WHEREAS, said matter was considered by the Planning Commission at a duly noticed public hearing which was held on December 21, 2015, whereupon the Planning Commission considered the Initial Study/Negative Declaration and recommended that the City Council adopt the Negative Declaration, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on January 26, 2016, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study, Environmental Assessment No. EA/C&ED 2015-20, a copy of which is on file with the Community and Economic Development Department, Third Floor, 1010 Tenth Street, Modesto, California, and **attached** hereto as **Exhibit** "A", and incorporated herein by reference, and based on the substantial evidence included in said Initial Study makes the following findings:

1. The Initial Study/Negative Declaration prepared for the proposed project shows there is no substantial evidence, in light of the whole record before the City, that the project may have significant environmental effects;
2. The Initial Study/Negative Declaration reflects the independent judgment of the lead agency;
3. The Initial Study, Environmental Assessment No. EA/C&ED 2015-20, provides the substantial evidence to support findings 1-2, noted above.

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

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

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT A

Initial Study

EA/C&ED No. 2015-20

Negative Declaration
C&ED/EA No. 2015-20

General Plan Amendment to Remove the "Minor Collector Street" Designation of portions of Mariposa Road and Clogston Way from the Circulation Element

To Facilitate a Vesting Tentative Parcel Map and Development Plan Review for Development of a new 9,977 Sq. Ft. Retail Commercial Building on 1.7 acres (GPA-15-001/TPM-15-005/DPR-15-004)

Prepared for:

City of Modesto
P.O. Box 642
Modesto, CA 95353

Contact: Katharine Martin, Associate Planner
209/577-5267

Prepared by:

City of Modesto
Community & Economic Development Department
209/577-5267

October 26, 2015

CEQA Environmental Checklist

PROJECT DESCRIPTION AND BACKGROUND

Project Title: GPA-15-001/TPM-15-005/DPR-15-004
General Plan Amendment to Remove the "Minor Collector Street" designation of portions of Mariposa Road and Clogston Way from the Circulation Element, to facilitate a Vesting Tentative Parcel Map and administrative Development Plan Review for development of a new 9,977 sq. ft. retail commercial building.

Lead agency name and address:
City of Modesto
1010 Tenth Street, Suite 3300
Modesto, CA 95354

Contact person and phone number:
Katharine Martin, Associate Planner
209-577-5465

Project Location:
3225 Yosemite Blvd/CA-132; Modesto, Stanislaus County, CA.

Project applicant's name and address:
Elcan and Associates, Inc. 3601 Spring Hill Business Park, Suite 201; Mobile, AL 36608

General plan description:
Commercial (C) and Residential (R)

Zoning:
Low-Density Residential (R-1) Zone, Planned Development P-D(446) for R-1 Residential uses, and Highway Commercial (C-3) Zone.

Description of project:
Amendment of the Circulation Element of the City of Modesto Urban Area General Plan to remove the designation of Minor Collector Street from a portion of Clogston Way and a portion of Mariposa Road, north of Yosemite Boulevard, as shown on the map below.

The subject section of Mariposa Road is located between Yosemite Boulevard and Clogston Way in the City of Modesto and the County of Stanislaus. Mariposa Road currently exists as a two-lane 60-foot wide street between Clogston Way and Beavercreek Court, terminating approximately 100-feet south of Beavercreek Court at the northerly property line of a vacant 3.61-acre parcel located at 3225 Yosemite Boulevard. Single-family residential uses exist along the above portion of Mariposa Road. The portion of Mariposa Road between the terminus of the existing roadway and Yosemite Boulevard as shown on the Circulation Element has not been developed. The subject section of Clogston Way is a two-lane 60-foot wide street located west of Hubert Drive in a single-family residential neighborhood in the City of Modesto and the County of Stanislaus.

The amendment would reclassify the two streets where they exist to "Local Street" status, and remove entirely the undeveloped portion of Mariposa Road between the point where Mariposa Road terminates at the northerly property line of the vacant parcel and Yosemite Boulevard. The Minor Collector status of South Mariposa Road, which exists as a 70-foot wide two-lane street with a center turn-lane south of Yosemite Boulevard, will remain intact.

The proposed amendment is to remove the Circulation Element designation of Minor Collector Street from both segments in order to facilitate commercial development of the 3.61-acre vacant parcel, currently zoned for Highway Commercial (C-3) uses within the City of Modesto, by way of a Vesting Tentative Parcel Map to divide the parcel into one 1.7 acre parcel plus a 1.9-acre remainder, and an administrative Development Plan Review for a new 9,977 sq. ft. retail commercial building on the 1.7-acre parcel. The development proposes a pedestrian and bicycle-only access at the terminus of Mariposa Road south of Beavercreek Court, and a new driveway entrance at the northerly end of the intersection of Yosemite Boulevard and South Mariposa Road, currently an existing signalized "T" intersection.

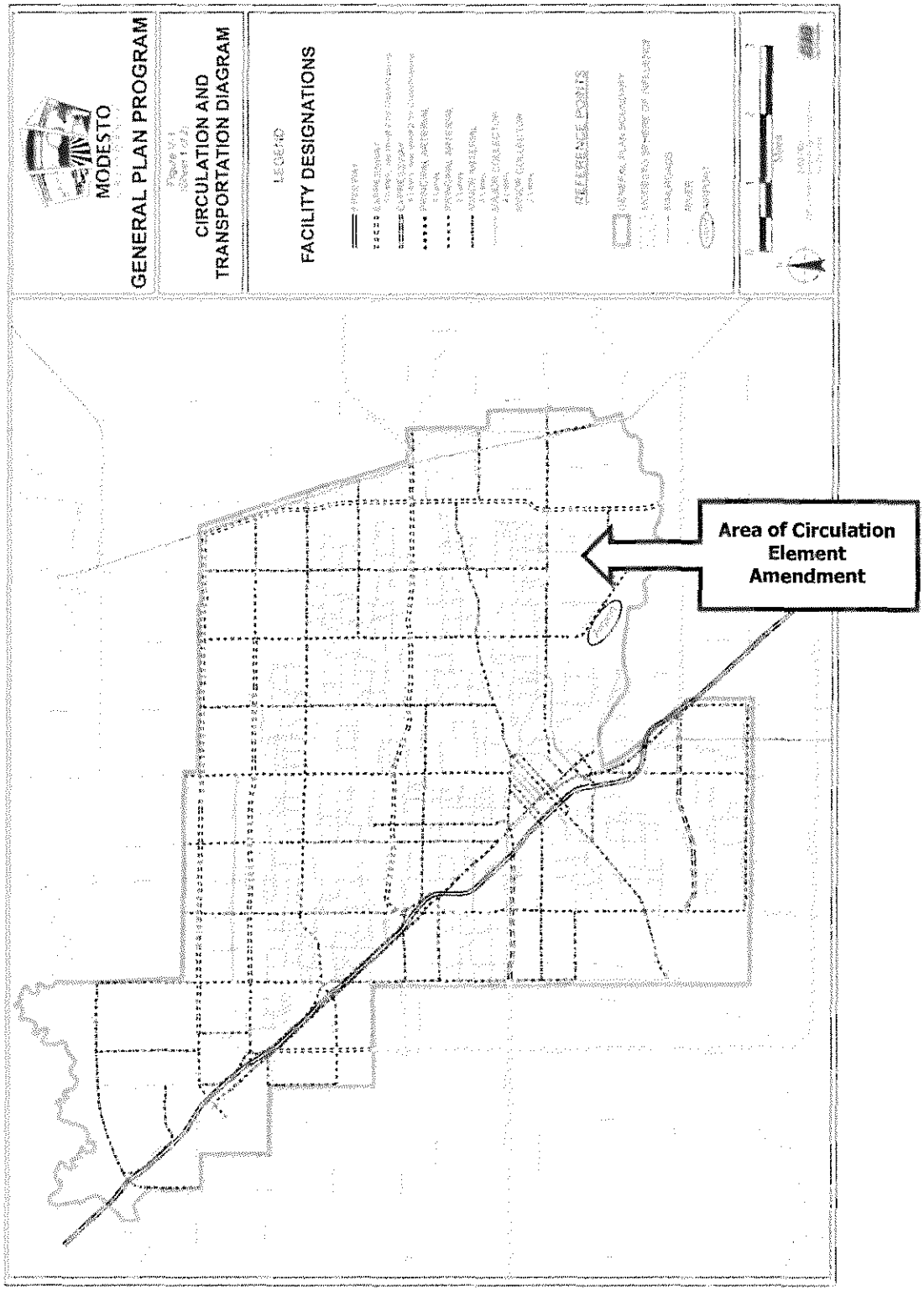
The proposed project is located within the Baseline Developed Area as described in the 2008 Urban Area General Plan. This Negative Declaration references and uses information from the 2008 Urban Area General Plan MEIR (SCH#2007072023).

Surrounding land uses and setting:

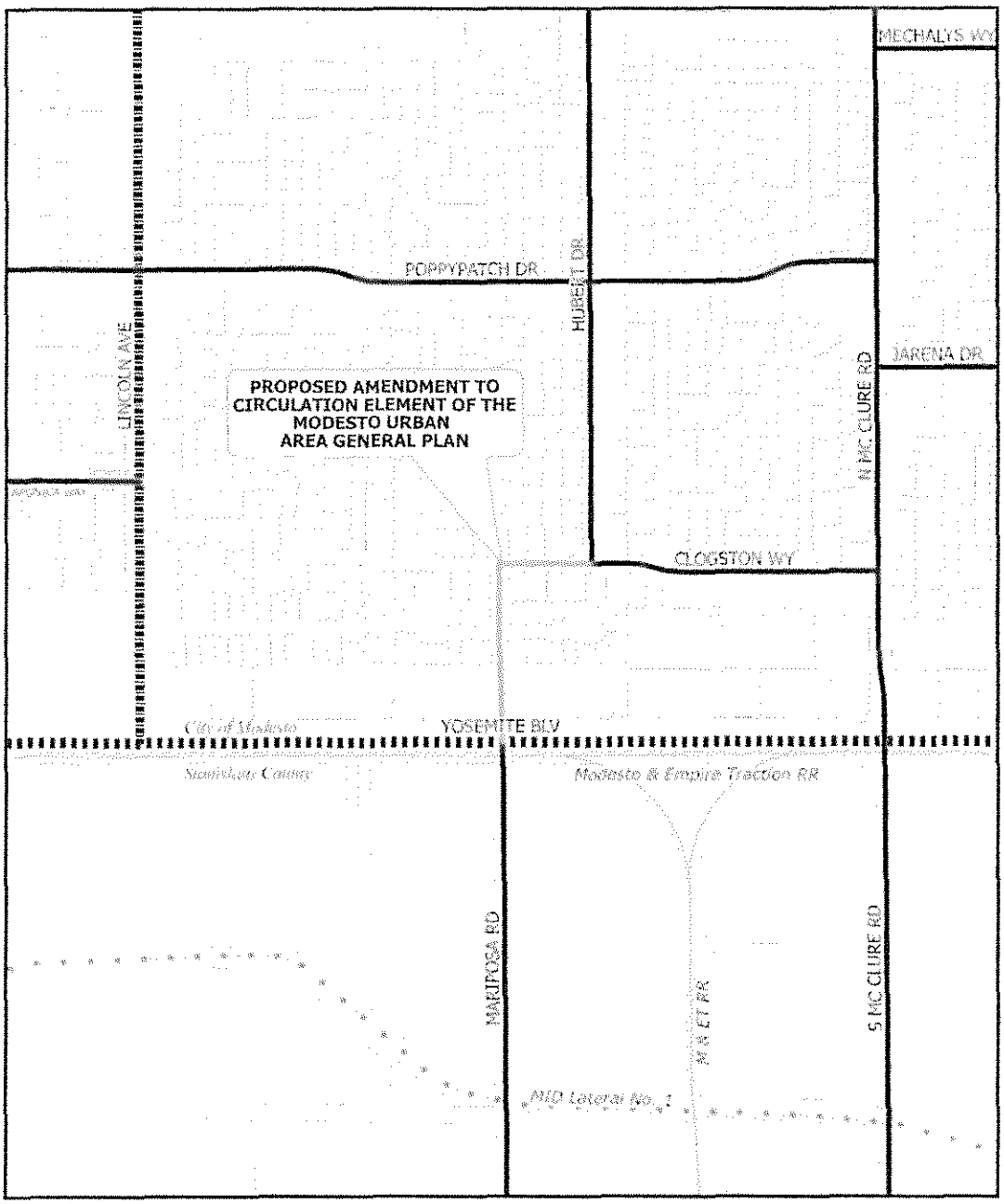
Mariposa Road and Clogston Way are 60-foot wide two-lane streets through a residential neighborhood. Mariposa Road begins at 60-foot wide Clogston Way and terminates 100 feet south of Beavercreek Court, at the northerly property line of the subject 3.61-acre site. South Mariposa Road is 70-feet wide and extends from Yosemite Boulevard southward into the Beard Industrial Tract from an existing signalized "T" intersection. Mariposa Road, as shown on the Circulation Element between Yosemite Boulevard and the northerly property line of the subject site, has not been developed. The surrounding area is substantially developed with single-family residential uses to the north, commercial uses to the west, vacant commercially-zoned land and existing commercial uses to the east, and industrial uses to the south.

Other public agencies whose approval is required (e.g. permits, financial approval, or participation agreements)**:** Improvements to the traffic signal at the new driveway entrance for the site would require encroachment permits from Caltrans.

Map A


MODESTO
GENERAL PLAN PROGRAM
CIRCULATION AND
TRANSPORTATION DIAGRAM
LEGEND
FACILITY DESIGNATIONS
REFERENCE POINTS
Area of Circulation
Element
Amendment

Map B

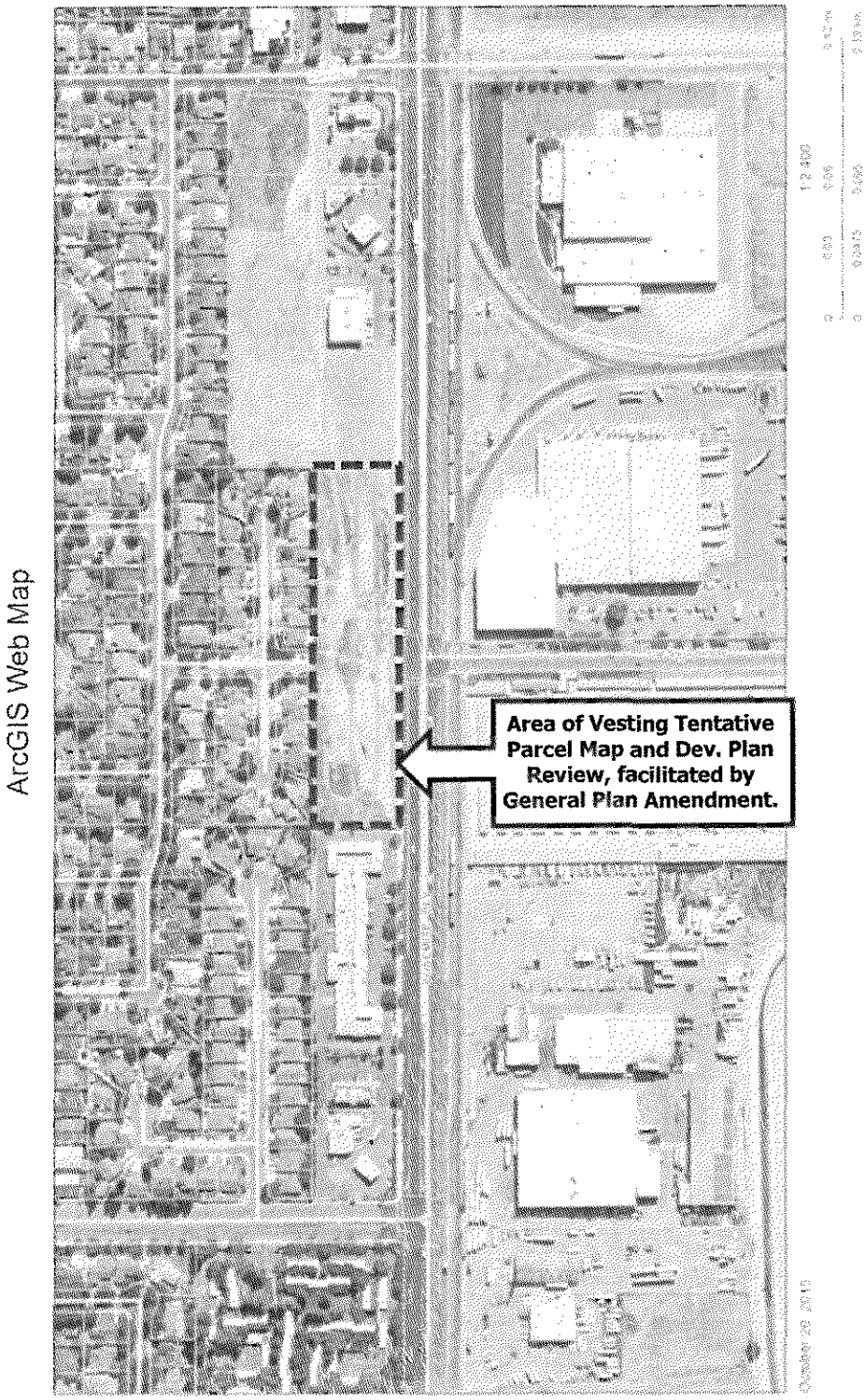


CITY OF MODESTO GENERAL PLAN CIRCULATION ELEMENT DIAGRAM

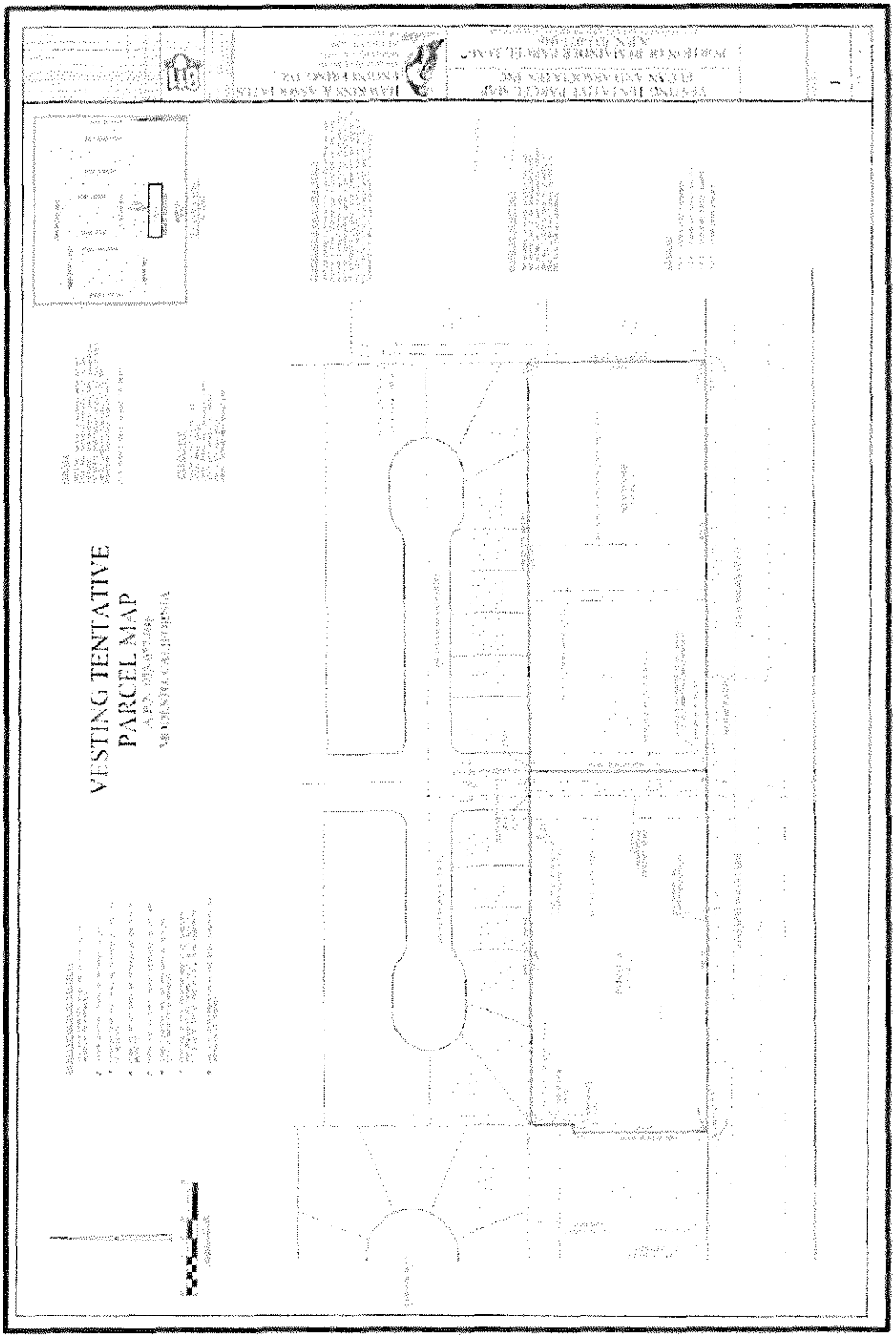
GPA-15-001

MINOR COLLECTOR
MINOR ARTERIAL
PRINCIPAL ARTERIAL

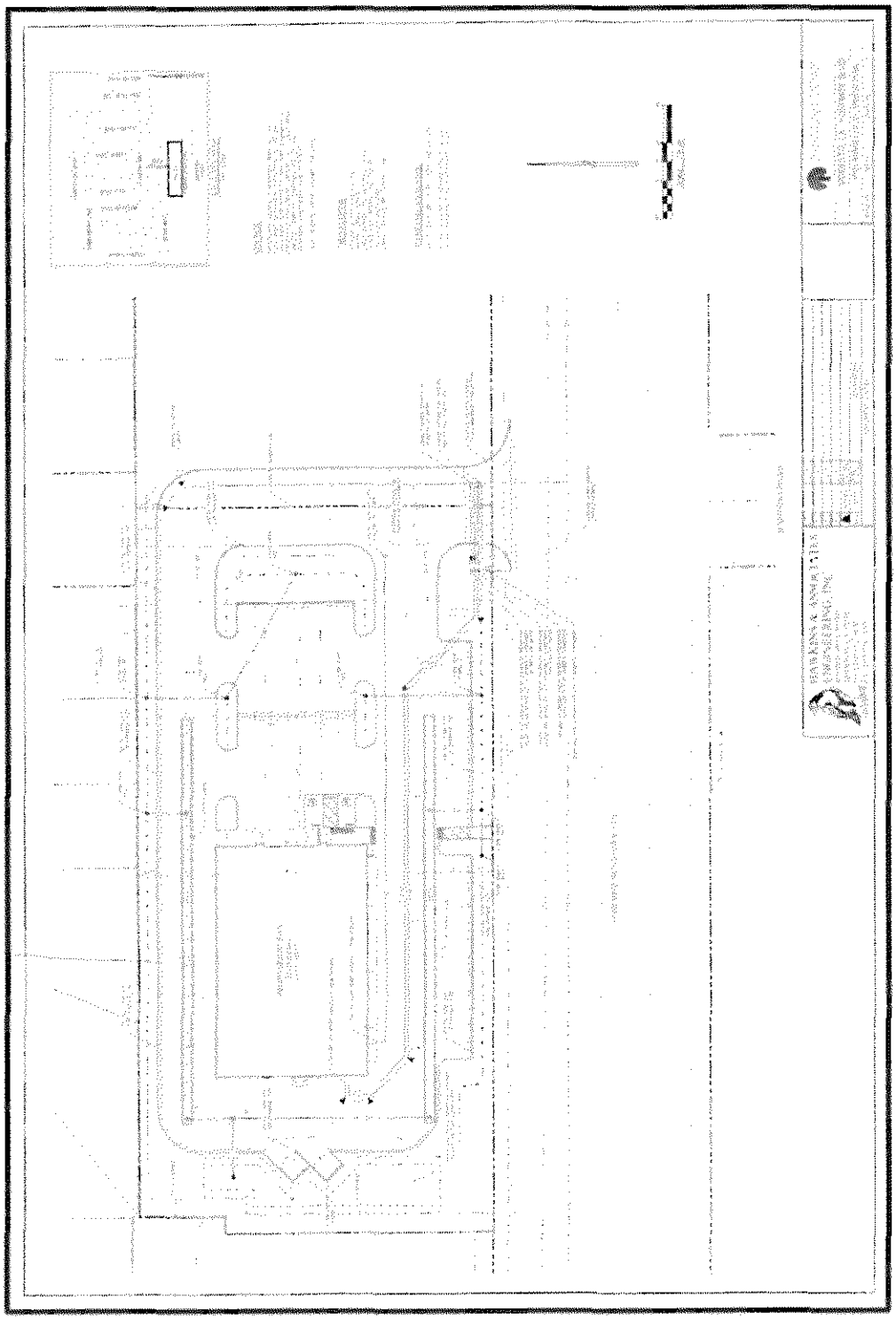
Site Aerial


ArcGIS Web Map
Area of Vesting Tentative Parcel Map and Dev. Plan Review, facilitated by General Plan Amendment.

Proposed Vesting Tentative Parcel Map



Proposed Development Plan Review



ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project. Please see the checklist beginning on page 3 for additional information.

☐	Aesthetics	☐	Agriculture and Forestry	☒	Air Quality
☐	Biological Resources	☐	Cultural Resources	☐	Geology/Soils
☐	Greenhouse Gas Emissions	☐	Hazards and Hazardous Materials	☐	Hydrology/Water Quality
☒	Land Use/Planning	☐	Mineral Resources	☒	Noise
☐	Population/Housing	☐	Public Services	☐	Recreation
☐	Transportation/Traffic	☐	Utilities/Service Systems	☐	Mandatory Findings of Significance

DETERMINATION:

On the basis of this initial evaluation:

☒	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
☐	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
☐	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
☐	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
☐	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature: _____ **Date:** _____

Printed Name: _____

This checklist identifies physical, biological, social and economic factors that might be affected by the proposed project. In many cases, background studies performed in connection with the projects indicate no impacts. A NO IMPACT answer in the last column reflects this determination. Where there is a need for clarifying discussion, the discussion is included either following the applicable section of the checklist or is within the body of the environmental document itself. The words "significant" and "significance" used throughout the following checklist are related to CEQA, not NEPA, impacts. The questions in this form are intended to encourage the thoughtful assessment of impacts and do not represent thresholds of significance.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
I. AESTHETICS: Would the project:				
a) Have a substantial adverse effect on a scenic vista	☐	☐	☐	☒
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway	☐	☐	☐	☒
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	☒
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

Discussion

a) The project would have no effect on any scenic vistas, or restrict access to any scenic vistas, as the project site is not near an existing park or vista area.

b-c) The project would not damage scenic resources, or degrade the existing visual character or quality of the site.

d) The surrounding area is developed with urban uses resulting in existing sources of light and glare. As a result, impacts related to substantial new sources of light and glare are considered less than significant.

Resource

See pages V-19-1 to V-19-9 in the 2008 Modesto Urban Area General Plan Master EIR (MEIR).

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
II. AGRICULTURE AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

Discussion

a) As of data available from the California Department of Conservation in September of 2015, project area is categorized by the FMMP as Urban and Built-up Land, and therefore would not threaten to convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance.

b) The area is not zoned for agricultural use, and no property adjacent to the site carries a Williamson Act contract.

c) The existing zoning of the area is Low-Density Residential (R-1), Planned Development P-D(446) and Highway Commercial (C-3). No timberland or forest zoning has been applied to the area and therefore would not be affected by the proposed amendment to the Circulation Element.

d) The area is urbanized and therefore would not result in the loss or conversion of forest land.

e) The area surrounding the site is urbanized, and the project would not cause changes to the environment that would lead to the loss or conversion of farmland and/or forest land.

Resource

See pages V-4-1 to V-4-13 in the MIER.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
III. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☒	☐
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non- attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☒	☐
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☒	☐

Discussion

a) The proposed amendment to the Circulation Element would not conflict with or obstruct implementation of an applicable air quality plan.

b) The San Joaquin Valley Air Pollution District determined the development plan (DPR-15-004) would be subject to the Air Pollution District rules and requirements of District Rule 9510 (Indirect Source Review), and best management practices for new construction established by the SJVAPCD for CO, ROG, NO_x, PM_{10}, and $PM_{2.5}$ will be applied to the project. Therefore, the project specific criteria pollutant emissions would have less than significant impact on air quality.

c) See Item b above.

d) The project site is adjacent to residential uses to the north, commercial uses to the west, vacant commercial land to the east and industrial uses to the south. The project is not in itself a significant contributor to air pollution levels. The primary source of air pollution associated with the project would be construction related, and would not result in a significant impact. The PM10 emissions created through construction activity will be mitigated as called for by the MEIR with the measures in Item (b) above.

e) The proposed amendment to the Circulation Element of the General Plan would not create an impact on air quality or generate odors. Future construction activities associated with the development plan could potentially include the application of architectural coatings and asphalt paving materials that could generate localized temporary odors. The use of diesel-powered construction equipment could also generate localized temporary odors. Construction activities will be mitigated with measures in Item (b) above.

Resource

See pages V-2-1 to V-2-29 in the MEIR.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
IV. BIOLOGICAL RESOURCES: Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	☐	☐	☐	☒
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

Discussion

a) The project site is not a biologically sensitive site as defined by Figures V-7-1 of the MEIR. The California Department of Fish and Game and the U.S. Fish and Wildlife Service were consulted in the production of the City of Modesto General Plan Master EIR.

b-c) The project would not effect on any riparian areas, wetland, marsh, or vernal pool.

d) The project would not interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

e) The project would not conflict with local biological preservation regulations or ordinances.

f) The project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Resource

See pages V-7-1 to V-7-31 in the MEIR.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact

V. CULTURAL RESOURCES: Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	☐	☒
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒

Discussion

a) The project is consistent with the historical resource policies in the General Plan. The site is a vacant commercially-zoned property with no structures that is surrounded by urban uses.

b) The project is consistent with the archeological resource policies in the General Plan. The project was referred to the Native American Tribes for consultation and no concern was provided.

c) The project would not impact unique paleontological resource or site or unique geologic feature.

d) The project would not disturb any human remains.

Resource

See pages V-8-1 to V-8-25 in the MEIR.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
VI. GEOLOGY AND SOILS: Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	☐	☐	☐	☒
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?	☐	☐	☐	☒
ii) Strong seismic ground shaking?	☐	☐	☐	☒
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
iv) Landslides?	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☒
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☐	☒
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒

Discussion

a) The project would not cause adverse effects on the area geology and soils, nor expose people or structures to seismic hazards, ground hazards such as landslides or liquefaction. No faults known to be active zone zoned as active by the State of California are within the City of Modesto's planning area. The risk of fault rupture in Modesto is considered to be low and related impacts are identified as less than significant.

b-e) The proposed Circulation Element amendment is to facilitate the future development of a new retail commercial building. The project would not be located on unstable or expansive soils, nor would cause erosion or soil loss. The project does not propose development that would require septic systems or other wastewater disposal systems.

Resource

See pages V-17-1 to V-17-16 in the MEIR

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
VII. GREENHOUSE GAS EMISSIONS: Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☐	☒
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	☒

Discussion

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

b) The project would not conflict with a plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gasses.

Resource

See pages V-21-1 to V-21-17 in the MEIR.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
VIII. HAZARDS AND HAZARDOUS MATERIALS: Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☒
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒

Discussion

a) The project would not cause a hazard to the public with regards to the transport, use or disposal of hazardous materials.

b) The project would not create a hazard to the public through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

c) The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

d) The project site is not located on a list of hazardous materials sites.

e-f) The proposal would not result in an aviation safety hazard for people residing or working in the project area.

g) The project would not interfere with emergency services. The project was referred to the City of Modesto Police and Fire Departments, who indicated no concerns.

h) No wildland is within the vicinity of the project area.

Resource

See pages V-21-1 to V-21-19 in the MEIR

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
IX. HYDROLOGY AND WATER QUALITY: Would the project:				
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☒
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☒	☐
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☐	☐	☒
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☐	☐	☐	☒
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☒	☐
f) Otherwise substantially degrade water quality?	☐	☐	☒	☐
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☒
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒
j) Inundation by seiche, tsunami, or mudflow	☐	☐	☐	☒

Discussion

a) The project would not violate any water quality standards or waste discharge requirements, deplete groundwater reserves, alter the drainage pattern of the area, nor otherwise degrade water quality.

b) The project would not demand significant water needs. New development within the City is required to comply with applicable water quality standards, waste discharge requirements, and current state regulations related to landscape irrigation. Additionally, the development plan for the retail building will handle all Stormwater runoff on-site with the use of infiltration basin and landscaped bio-swales. Therefore, the project would not significantly affect groundwater supplies or recharge, or water quality.

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

d-e) The project's on-site drainage plan would be required to meet drainage standards and requirements and would not result in significant surface runoff that would result in on-site flooding, nor would result in substantial polluted runoff.

f) See Item (b) above.

g-i) The project does not involve development of new housing, nor places development within a 100-year flood plain.

j) The City of Modesto is located approximately 80 miles inland from the Pacific Ocean and is not subject to risks related to seiche or tsunami. The site and surrounding area is relatively flat and is not subject to mudslides.

Resource

See pages V-9-1 to V-9-13 and V-10-1 to V-10-15 in the MEIR

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
X. LAND USE AND PLANNING: Would the project:				
a) Physically divide an established community?	☐	☐	☒	☐
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒

Discussion

a) The proposal is to amend the Circulation Element of the City's General Plan to facilitate development of a new retail commercial building on a vacant parcel where Mariposa Road, designated as a Minor Collector Street, is planned to be extended from where the street currently exists. The proposed amendment would remove the segment from the Circulation Element, and change the designation of the existing segment of Mariposa Road to Local Street status. The development plan for the retail project will incorporate a pedestrian-bicycle only access to the development from the terminus of the existing portion of Mariposa Road, 100-feet south of Beavercreek Court, to provide for pedestrian and bicycle access to and from the neighborhoods to the north. The retail project would also provide a new driveway entrance leading northward from the intersection of Yosemite Boulevard and South Mariposa Road into the site and adjacent future commercial development.

d) The project would not conflict with the land use plans, policies and regulations of the City of Modesto designed to mitigate environmental impacts.

e) The project does not conflict with applicable habitat conservation plans or natural community conservation plans.

Resource

See pages V-20-1 to V-20-21 in the MEIR

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
XI. MINERAL RESOURCES: Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

Discussion

a-b) The project would not result in the loss of a mineral resource of value to the state or local area. The site is within the Baseline Urbanized Area of the City and is surrounded by urban uses with no known mineral resources.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
XII. NOISE: Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐	☒
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

Discussion

a) The project would not generate a significant amount of noise. Future construction activities for development of the retail building could potentially cause a temporary increase in noise levels; however, Mitigation Measure N-3 of the City's General Plan MEIR will be applied to the development plan, which would reduce noise impact to a less than significant level. Additionally, an existing eight-foot high concrete masonry wall exists at the northern perimeter of the site, which would provide noise attenuation.
b) See Item a) above.
c) See Item a) above.
d) See Item a) above.
e) The Modesto City-County Airport would not expose the project site to excessive noise levels.
f) The project is not within the vicinity of a private airstrip.

Resource

See pages V-3-1 to V-3-23 in the MEIR

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
XIII. POPULATION AND HOUSING: Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Discussion

a-c) The project would not induce substantial population growth in the area, or displace substantial numbers of housing or people.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
XIV. PUBLIC SERVICES:				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	☐	☐	☐	☒
Fire protection?	☐	☐	☐	☒
Police protection?	☐	☐	☐	☒
Schools?	☐	☐	☐	☒
Parks?	☐	☐	☐	☒
Other public facilities?	☐	☐	☐	☒

Discussion

a) The project would not cause an impact to the response times of police or fire services, impact school services, or impact access to parks. The project was referred to Modesto City Police and Fire Departments, and the Modesto City School District, who indicated no concerns.

Resource

See pages V-11-1 to V-11-12, V-12-1 to V-12-11, V-13-1 to V-13-8, and V-14-1 to V-14-11 in the MEIR

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
XV. RECREATION:				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒

Discussion

a-b) The project would not impact recreational facilities.

Resource

See pages V-11-1 to V-11-12 in the MEIR

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
XVI. TRANSPORTATION/TRAFFIC: Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	☐	☒

b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☒
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
e) Result in inadequate emergency access?	☐	☐	☒	☐
f) Conflict with adopted policies, plans or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☒	☐

Discussion

a) The proposal to amend the Circulation Element of the General Plan would not conflict with a transportation plan or a transportation performance policy. The proposed amendment is to remove a planned street that has not been constructed from the Circulation Element, in order to facilitate the development of a new retail building with a new driveway entrance instead of the street connection. The new driveway entrance would be extended from the intersection of Yosemite Boulevard and South Mariposa Road, currently a signalized "T" intersection. The project would upgrade the traffic signals to allow for traffic leaving the retail development site. The project would not generate more than 100 peak hour trips, which is the General Plan's threshold for a traffic study.

b) The proposed amendment to the Circulation Element would not cause a conflict with a traffic congestion program. The project was referred to the City's Traffic Engineering Division as well as Transportation Engineering and Design, and no concerns were indicated.

c) The project would not result in a change in air traffic patterns. The proposal was referred to the City-County Airport, who indicated no concerns.

d) The project would not create a hazard due to a design feature.

e) The Fire Department reviewed the proposed amendment to the Circulation Element and did not identify any problems with emergency access.

f) The project would not conflict with any alternative transportation plan. The development plan for the retail building will provide a pedestrian and bicycle-only access from the terminus of Mariposa Road south of Beavercreek Court for access to and from the adjacent neighborhoods to the north. The proposal would not conflict with any adopted policies or plans regarding public transit. The proposal was referred to the City's Transit Department, who indicated no concerns.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
XVII. UTILITIES AND SERVICE SYSTEMS: Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☒

Discussion

a) The project would not impact wastewater treatment requirements, nor result in the need for new water or wastewater facilities. Wastewater is treated at the City's primary and secondary wastewater treatment plants and discharged into the San Joaquin River. The existing wastewater plants have adequate capacity to serve the retail development the amendment to the Circulation Element is proposed to facilitate.
b) The project would not require the expansion of any wastewater or water facility.
c) All storm water runoff generated from the proposal would be required to kept on the site according to City standards. There is no impact to any public storm drainage facility.
d) The project would not need expanded water entitlements, or require additional wastewater capacity. The proposal was referred to the City's Land Development Engineering Division, who indicated no concerns.
e) The project would have no effect on landfill capacity and would comply with statues related to solid waste.
f) There is sufficient landfill capacity to serve the project.
g) All regulations related to solid waste would apply to the project.

Resource

See pages V-5-1 to V-5-16, V-6-1 to V-6-12, V-9-1 to V-9-12, and V-15-1 to V-15-10 in the MEIR

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☐	☒
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☒	☐

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

Discussion

a) As discussed in Section IV Biological Resources, the project would not impact any wildlife habitat.
b) The project would not result in any significant cumulative impact beyond those identified in the City of Modesto General Plan MEIR.
c) This document identifies that the project would have some environmental impact, but because the project to amend the Circulation Element is to facilitate development of an infill site within the Baseline Developed Area of the City, in an urban setting that has been evaluated in the MEIR, the impacts are less than significant.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-36

RESOLUTION APPROVING DEDICATING THE MODESTO POLICE DEPARTMENT TACTICAL TRAINING FACILITYAS THE "SERGEANT BURL G. CONDIT MODESTO POLICE TRAINING CENTER"

WHEREAS Burl G. Condit served the City of Modesto as a sworn member of the Police Department for 30 years, and

WHEREAS, Sergeant Condit was hired on July 27, 1971 as a Police Officer and was promoted to Police Detective in 1977, and

WHEREAS, in 1979, Burl achieved the rank of Police Sergeant and served in that capacity at the time of his retirement, and

WHEREAS, Sergeant Condit worked on the Police Department's Tactical Training Facility from its inception, and has been responsible for planning, developing background information, ensuring that environmental impact reports were completed, as well as obtaining approvals from all necessary agencies, and

WHEREAS, Sergeant Condit supervised construction of the large tactical training site, including the operation, maintenance and utilization of heavy construction equipment, and

WHEREAS, he adjusted his hours as necessary in order to meet the needs of the construction and the weather, and

WHEREAS, Sergeant Condit worked vigorously, and with minimal funding, to improve the training center to the best of his ability, and

WHEREAS, Sergeant Condit's hard work and dedication to improving this training facility for almost 17 years inspired the respect and admiration from all who worked with him at the Modesto Police Department, and

WHEREAS, the Modesto Police Tactical Training Center is a facility the Modesto Police Department, City of Modesto, and its regional law enforcement partners can be proud of, and

WHEREAS, it is a lasting tribute to retired Sergeant Condit for his long-time commitment to improving the quality of the training facility for current and future generations of law enforcement officers in the region, and

WHEREAS, in appreciation for all of Sergeant Condit's years of hard work, dedication, and passion to constructing and improving the Modesto Police Department Tactical Training Center, the Modesto Police Department is recommending the facility be officially named the "Sergeant Burl G. Condit Modesto Police Training Center".

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes approving dedicating the Modesto Police Department Tactical Training Facility as the "Sergeant Burl G. Condit Modesto Police Training Center."

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

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-37

A RESOLUTION APPROVING AN AGREEMENT WITH AEG CYCLING, LLC FOR THE CITY OF MODESTO TO BE A PARTNER CITY FOR THE STAGE 5 START THE 2016 AMGEN TOUR OF CALIFORNIA, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, between 2008 and 2011, the City of Modesto had the distinct honor of being a Host City for the Amgen Tour of California, and

WHEREAS, the City of Modesto has developed a strong partnership with AEG Cycling, LLC (AEG) and the team that produces the Tour of California, and

WHEREAS, AEG expressed interest in Modesto becoming a Partner City for the Stage 5 Start of the 2016 Amgen Tour of California to be held on May 19, 2016, and

WHEREAS, as a Partner City, Modesto will gain worldwide exposure, create economic impact, and provide priceless experiences for local residents, supporters, and dignitaries, and

WHEREAS, the maximum cost to be a Partner City is estimated to be $75,000, and

WHEREAS, the costs will be offset by a fundraising strategy for corporate, non-profit, and individual sponsorships and contributions, and

WHEREAS, an agreement between the City of Modesto and AEG is required.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with AEG Cycling, LLC for Modesto to be a Partner City for the Stage 5 Start of the 2016 Amgen Tour of California, to be held on May 19, 2016.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of February, 2016, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-38

A RESOLUTION AMENDING THE FISCAL YEAR 2015-2016 OPERATING BUDGET TO ALLOCATE $75,000 TO FUND THE PARTNER CITY COMMITMENTS FOR THE STAGE 5 START OF THE 2016 AMGEN TOUR OF CALIFORNIA

WHEREAS, certain budgetary transactions are necessary in the amount of $75,000, in order to fund the Partner City commitments for the Stage 5 Start of the 2016 Amgen Tour of California, and

WHEREAS, the Fiscal Year 2015-2016 Operating Budget must be amended to allocate $75,000 from General Fund Reserves to 0100-14110-53300 (Community & Economic Development).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2015-2016 Operating Budget to allocate $75,000 from General Fund Reserves to 0100-14110-53300 for the Partner City commitments associated with the Stage 5 start of the 2016 Amgen Tour of California.

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of February, 2016, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-39

RESOLUTION APPROVING A LETTER OF AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO POLICE OFFICERS' ASSOCIATON (MPOA) AMENDING THE MEMORANDUM OF UNDERSTANDING FOR THE PERIOD OF JULY 1, 2014 TO JUNE 30, 2016 TO CHANGE LANGUAGE IN SECTION 5, SPECIAL COMPENSATION; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO TAKE THE NECESSARY ADMINISTRATIVE ACTION TO IMPLEMENT THE AGREEMENT

WHEREAS, the current Memorandum of Understanding (MOU) between the City of Modesto (CITY) and the Modesto Police Officers' Association (MPOA) expires on June 30, 2016, and

WHEREAS, representatives of the CITY and the MPOA have met and conferred in good faith concerning special pays, and

WHEREAS, the CITY and MPOA have reached agreement on language changes for a Letter of Agreement (LOA) which, upon execution, shall be **attached** hereto and made a part hereof, and

WHEREAS, the LOA provides as follows:

SECTION 5. SPECIAL COMPENSATION – On-Call Duty

Defined: On-Call Duty will be mandatory for all Detective I and Detective II employees assigned to Investigative Services Division (ISD). Detectives shall perform On-Call Duty in addition to regular duty, by being available during holidays, nights and weekends.

Assignment: On-Call Duty will be assigned on a rotational basis and scheduling shall be arranged as much as possible to provide for equitable rotation of the duty. There will be four (4) detectives assigned each week to On-Call Duty.

Generally, the Department will assign:

1. Two (2) Homicide Unit detectives.
2. Two detectives from the combined pool of Property Crimes Unit and Special Victims Unit.

Exception: The ISD Division Commander will have the discretion to designate which ISD specialty unit, as well as the number of detectives from the units, will be placed on On-Call Duty based on the business operational and staffing needs.

Time Period: Assignments to On-Call Duty shall normally be for seven (7) consecutive days. On-Call Duty assignment will begin on Tuesday at 0700 hours and run continuously until the following Tuesday at 0700 hours.

Trading Assignment: Employees will be allowed to trade their assigned On-Call Duty assignment, only with prior supervisor approval. Generally detectives will be required to trade only with other detectives from their specialty unit (i.e.: Homicide, Property, SVU), unless an exception is made by the ISD Division Commander.

Response Time: On-Call Duty requires that employees assigned shall:

1. Provide a telephone number where they can be reached.
2. Respond to calls from the department.
3. Be able to respond to the location of assignment within a reasonable period of time, not to exceed sixty (60) minutes. Exceptions to the sixty-minute (60) restriction may be made by the ISD Division Commander.

Compensation: An employee performing On-Call Duty for seven consecutive days shall be compensated twelve (12) hours at the employee's straight time rate, whether or not calls for service are received. This is in addition to On-Call pay provisions contained within the MPOA Memorandum of Understanding. This Special Compensation On-Call pay will become effective upon implementation of this Amendment to Section 5 of this Letter of Agreement. This will not be retroactive.

Vehicles: Personnel assigned to On-Call Duty will follow the Modesto Police Department Policy regarding Vehicle Use (Policy Number 706).

WHEREAS, this contract amendment shall become effective upon ratification by the MPOA and adoption by the City Council,

WHEREAS, the Council considered this matter at its meeting February 2, 2016.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the Letter of Agreement between the City of Modesto and the Modesto Police Officers' Association (MPOA), amending Section 5 of the Memorandum of Understanding which covers a term from July 1, 2014 through June 30, 2016, and upon execution of same, a copy of the LOA will be on file in the office of the City Clerk.

BE IT FUTHER RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to execute the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of February2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-40

RESOLUTION AUTHORIZING THE SUBMITTAL OF AN ALLOCATION REQUEST TO THE CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) FOR $354,065 IN FISCAL YEAR 2015-2016 LOCAL AND REGIONAL FUNDING UNDER THE LOW CARBON TRANSIT OPERATIONS PROGRAM (LCTOP) FOR THE NEW ROUTE 23, EFFECTIVE JULY 2016, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL GRANT APPLICATION AND GRANT AGREEMENT DOCUMENTS

WHEREAS, Senate Bill 862 (2014), created the Low Carbon Transit Operations Program (LCTOP) and identified the California Department of Transportation (Caltrans) as the administering agency for LCTOP, and

WHEREAS, in Fiscal Year 2015-2016, LCTOP appropriated $515,595 to the Stanislaus Council of Governments (StanCOG) for regional distribution to local transit agencies, and

WHEREAS, at the January 20, 2016 StanCOG Policy Board meeting, the City of Modesto was allocated $322,786 of the regional funds, and

WHEREAS, in Fiscal Year 2015-2016, LCTOP appropriated $31,279 to the City of Modesto, and

WHEREAS, the City of Modesto is eligible to apply for a total of $354,065 in LCTOP funds, and

WHEREAS, the statutes related to state-funded transit projects require Modesto to abide by various regulations, and

WHEREAS, Caltrans has developed guidelines for the purpose of administering and distributing LCTOP funds to local agencies, and

WHEREAS, the City of Modesto is an eligible project sponsor and may receive state funding from LCTOP, and

WHEREAS, the City of Modesto that Modesto agrees to comply with all conditions and requirements set forth by LCTOP for the funds.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City desires and approves the submittal of an allocation request to Caltrans for $354,065 in Fiscal Year 2015-2016 local and regional funding under the LCTOP for the new Route 23, effective July, 2016.

BE IT FURTHER RESOLVED that the City Manager is authorized to execute all necessary grant documents with Caltrans on behalf of the City of Modesto.

BE IT FURTHER RESOLVED that the City Manager is authorized to designate the Director of Public Works to execute all grant application and grant agreement documents.

BE IT FURTHER RESOLVED that the City Manager is authorized to designate the Transit Manager to execute all grant application and grant agreement documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of February, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-41

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE – TUOLUMNE RIVER REGIONAL PARK (TRRP) GATEWAY PARCEL – PHASE 2 PROJECT, ACCEPTING THE BID, AND APPROVING A CONTRACT WITH EMPIRE LANDSCAPING, INC. OF DAVIS, CALIFORNIA IN THE AMOUNT OF $2,067,738.00, AND AUTHORIZING THE CITY MANAGER , OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, plans and specifications have been prepared for the Tuolumne River Regional Park (TRRP) Gateway Parcel – Phase 2 Project, and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Tuolumne River Regional Park (TRRP) Gateway Parcel – Phase 2 Project were opened at 11:00 a.m. on December 17, 2015 for the consideration of the Council, and

WHEREAS, the Director of Utilities has recommended that the bid of $2,067,738.00 received from Empire Landscaping, Inc. of Davis, California, be accepted as the lowest responsible and responsive bid and the contract be awarded to Empire Landscaping, Inc.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Tuolumne River Regional Park (TRRP) Gateway Parcel – Phase 2 Project, accepts the bid of Empire Landscaping, Inc. of Davis, California in the amount of $2,067,738.00, and awards Empire Landscaping, Inc. the contract for the Tuolumne River Regional Park (TRRP) Gateway Parcel – Phase 2 Project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of February, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-42

RESOLUTION AMENDING THE FISCAL YEAR 2015/2016 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $397,095.00 IN ORDER TO FULLY FUND THE TUOLUMNE RIVER REGIONAL PARK (TRRP) GATEWAY PARCEL – PHASE 2 PROJECT, AND AUTHORIZING THE FINANCE DIRECTOR, OR HER DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, certain budgetary transactions are necessary in the amount of $397,095.00, in order to fully fund the construction for the TRRP Gateway Parcel – Phase 2 project ; and

WHEREAS, a budget adjustment is necessary in order to adjust the expense and revenue budgets in the Parks CIP Account 100599.PRN.Park Planning and Development (TRRP Gateway – Phase 2) to use an additional $168,095.00 from the LTF – Non Motorized – Fund 1520 and $229,000.00 of the TRRP Special Revenue Fund Balance – CIP in order to fully fund construction; and

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

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

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of February, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

EXHBIT A – BUDGET ADJUSTMENT

A budget adjustment was anticipated to be needed to fully fund the construction of TRRP Gateway Parcel – Phase 2 project. Line item increases are necessary for CIP Account #100599 "TRRP Gateway – Phase 2", and the total project costs need to be increased by $397,095.00. This would be accomplished by adjusting the Construction Administration by $61,774, Construction by $156,678, Contingency – CIP by $61,744.00 and Engineering/Design/Administration by $116,869.

To fund the above account, $168,095.00 will be transferred from the LTF – Non Motorized Fund 1520 Reserves into the CIP Project #100599 for the TRRP Gateway Parcel – Phase 2 project. The remainder of the additional expenses of $229,000 will be funded by the TRRP Special Revenue Fund 6710 Balance – CIP of which this project is housed in.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-43

A RESOLUTION SUPPORTING THE NATIONAL REVENUE-NEUTRAL CARBON FEE AND DIVIDEND PROGRAM

WHEREAS, having determined that the Carbon Fee and Dividend legislative principles proposed by the non-partisan Citizens Climate Lobby, **attached** hereto as Appendix A, would provide an efficient approach to shifting the incentives that keep the United States reliant on fossil fuel energy and would, thereby, help support the rapid deployment of cleaner energy alternatives; and

WHEREAS, having determined that this approach would be fair to everyone and would protect middle and low income households by providing them with a dividend (also known as a rebate) that, on average, would be higher than the increased costs for energy for two-thirds of all households (specifically the lowest income two-thirds) during the transition to cleaner energy; and

WHEREAS, per the non-partisan study by Regional Economic Models, Inc. (REMI), this approach would ensure a substantial increase in private investment in cleaner energy options because they will become significantly less expensive relative to fossil fuels within a known time frame; and

WHEREAS, the City continues to experience high unemployment and struggles with economic development of businesses within the City limits, and

WHEREAS, this approach would encourage consumers and businesses to keep their carbon footprint smaller while still ensuring that all households would be able afford the energy they need during the transition to cleaner energy; and

WHEREAS, the City wishes to respond to these challenges with a business minded focus, and

WHEREAS, having determined that early adoption of the National Revenue Neutral Carbon Fee and Dividend Legislation in the United States would grow our economy, add nearly two million jobs, help make us a world leader in cleaner-energy technology, and help establish the United States as a leader in future global climate negotiations; and

WHEREAS, the national revenue-neutral carbon fee and dividend has already garnered widespread support from Republicans as well as Democrats as evidenced by recent op-eds and public statements in 2015 by prominent Republicans.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Council requests that the United States Congress immediately enact legislation and the United States President sign into law a national revenue-neutral carbon fee and dividend program, as provided for in Appendix A, in order to protect the economy and the climate for future generations; and

BE IT FURTHER RESOLVED that the City of Modesto directs the Mayor to send a letter no later than 30 days after passage of this Resolution by the Modesto City Council to all Mayors and City Councils, County Boards of Supervisors, School Boards, and State and Federal legislators in San Joaquin, Stanislaus, and Merced Counties, the Governor of California, and the Stanislaus Council of Governments urging support for a National Revenue Neutral Fee and Dividend Act and urging them to adopt a resolution in Favor of National Revenue-Neutral National Carbon Fee and Dividend Legislation.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of February, 2016, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

APPENDIX A
To the Resolution in Favor of the
National Revenue-Neutral Carbon Fee and Dividend Legislation

Findings:

1. Causation: there is a consensus[1, 2] among climate scientists, domestic and international science bodies such as the National Academy of Sciences and the International Panel on Climate Change and the World Meteorological Organization (IPCC, WMO), that greenhouse gas emissions from human activities such as the burning of fossil fuels are driving the current rise in global temperatures and climate change,[3]

2. Mitigation (Return to 350 ppm or below): the weight of scientific evidence also indicates that a return from the current concentration of more than 400 parts per million ("ppm") of carbon dioxide ("CO2") in the atmosphere to 350 ppm CO2 or less is necessary to slow or stop the rise in global temperatures,[4]

3. Endangerment: further increases in global temperatures pose imminent and substantial dangers to human health[5], the natural environment[6], the economy[7], national security[8], and an unacceptable risk of medium and long-term future harm[9],

    a. Climate change caused by global warming-related greenhouse gas emissions including CO2 already is leading to large-scale problems including increasing acidity of oceans and rising sea levels; more frequent, extreme, and damaging weather events such as heat waves, storms, heavy rainfall and flooding, and droughts; more frequent and intense wildfires; disrupted ecosystems affecting biodiversity and food production; and an increase in heat-related deaths[10]; and

    b. We are approaching a dangerous threshold whereby, if it is crossed, humans will no longer be able to influence the course of future global warming, as tropical forests, peat bogs, permafrost and the oceans[11] switch from absorbing carbon to releasing it; and

4. Local effects on agriculture: the following effects of climate change are likely to occur if we do not reduce our CO2 emissions to 350 ppm by 2050:

    a. It's predicted that by 2100 in the Modesto region the summer maximum average will likely rise to 99°F from the current 91°F[12] if we do not decrease current emissions.

    b. Given increased heat waves, droughts and higher temperatures[13,14], California farmers will face an increasingly uncertain future, where current crops may fail and water may be even more scarce,[15, 16, 17]

    c. If heat-trapping emissions continue to rise at today's levels the snowpack in the Sierra Nevada is likely to decline as much as 40% from historical levels by 2050 and as much as 90% by 2100, thus severely reducing the availability of water in summer. However if we make significant emissions reductions the decline by 2050 could be as little as 12%.[18]

d. Two thirds of California's 2,400 endemic plants could lose more than 80% of their current ranges if climate change worsens,[19]

e. The number of chilling hours at the end of this century is expected to be half or less than during the 20th century such that many currently lucrative crops will no longer be commercially viable in large areas of California,[20, 21, 22]

f. We can expect a range expansion and rapid increase in populations of insects already present and the arrival of new insect pests to newly warmer regions amid ecosystem changes thus negatively affecting agriculture and health,[23, 24]

5. Local effects on health: the following effects of climate change are likely to occur if we do not reduce our CO2 emissions to 350 ppm by 2050 especially given that the San Joaquin Valley air basin is one of the two most polluted air basins in the United States that consistently violates the National Ambient Air Quality Standards (NAAQS)[25]:

   a. Higher temperatures will likely lead to a doubling of peak ozone pollution concentrations and an increase in small particle pollution at lower elevations such as the San Joaquin Valley thus increasing asthma rates in children as well as increases in chronic obstructive pulmonary disease, allergies, and pulmonary disease.[26, 27, 28, 29]

   b. By the end of the century, under both the IPCC's medium (B1) and medium-high (A2) scenarios, the number of extreme heat days during the summer months is projected to at least double and in some areas increase by 500 percent. Impacts will be largest in the inland parts of California[30] including Modesto.

6. The present costs of fossil fuels are externalized: Presently the environmental, health, and social costs of CO2 emissions are not included in prices paid for fossil fuels, but rather these externalized costs are borne directly and indirectly by all Americans and global citizens; and

7. Co-Benefits: the measures proposed in this legislation will benefit the economy, human health, the environment, and national security, even without consideration of global temperatures, by correcting market distortions, reducing in non-greenhouse-gas pollutants, reducing the outflow of dollars to oil-producing countries and improving in the energy security of the United States,[31]

8. Benefits of Carbon Fees: phased-in carbon fees on greenhouse gas emissions (1) are the most efficient, transparent, and enforceable mechanism to drive an effective and fair transition to a domestic-energy economy, (2) will stimulate investment in alternative-energy technologies, and (3) give all businesses powerful incentives to increase their energy-efficiency and reduce their carbon footprints in order to remain competitive,[32]

9. Equal Monthly Per-Person Dividends: monthly dividends (or "rebates") from carbon fees paid equally to every American household will stimulate the American economy and help ensure that families and individuals can afford greenhouse gas-free energy,

Therefore the National Revenue Fee and Dividend Act[33] contain the following elements:

1. Collection of Carbon Fees/Carbon Fee Trust Fund: The Act would impose a carbon fee on all fossil fuels and other greenhouse gases at the point where they first enter the economy. The fee shall be collected by the Treasury Department. The fee on that date shall be $15 per ton of CO2 equivalent emissions and result in equal charges for each ton of CO2 equivalent emissions potential in each type of fuel or greenhouse gas. The Department of Energy shall propose and promulgate regulations setting forth CO2 equivalent fees for other greenhouse gases including at a minimum methane[34], nitrous oxide, sulfur hexafluoride, hydrofluorocarbons (HFCs), perfluorocarbons, and nitrogen trifluoride. The Treasury shall also collect the fees imposed upon the other greenhouse gases. All fees are to be placed in the Carbon Fees Trust Fund and be rebated 100% to American households as outlined below.

2. Emissions Reduction Targets: To align US emissions with the physical constraints identified by the Intergovernmental Panel on Climate Change (IPCC) to avoid irreversible climate change, the yearly increase in carbon fees including other greenhouse gases, shall be at least $10 per ton of CO2 equivalent each year. Annually, the Department of Energy shall determine whether an increase larger than $10 per ton per year is needed to achieve program goals. Yearly price increases of at least $10 per year shall continue until total U.S. CO2-equivalent emissions have been reduced to 10% of U.S. CO2-equivalent emissions in 1990.

3. Equal Per-Person Monthly Dividend Payments: Equal monthly per-person dividend payments shall be made to all American households (½ payment per child under 18 years old, with a limit of 2 children per family) each month. The total value of all monthly dividend payments shall represent 100% of the total carbon fees collected per month.

4. Border Adjustments: In order to ensure that U.S.-made goods can remain competitive at home and abroad and to provide an additional incentive for international adoptions of carbon fees, Carbon-Fee Equivalent Tariffs shall be charged for goods entering the U.S. from countries without comparable Carbon Fees/Carbon Pricing. Carbon-Fee-Equivalent Rebates shall be used to reduce the price of exports to such countries and to ensure that U.S. goods can remain competitive in those countries. The Department of Commerce will determine rebate amounts and exemptions if any.

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the fee has been assessed on methane under the assumption that it will be burned to yield the less potent CO2. To ensure the integrity of the program and that markets receive accurate information with regard to the climate forcings caused by various fossil fuels, the carbon fee shall be assessed on such leaked methane at a rate commensurate with the global warming potential ("GWP") of methane including both its direct and indirect effects. Given the importance of tipping points in the climate system, the 20-year GWP of methane shall be used to assess the fee, and not the 100-year GWP. As proper accounting for such leakage is necessary for honest assessment of progress towards program goals, reasonable steps to assess the rate of methane leakage shall be implemented, and leaked methane shall be priced accordingly. The entity responsible for the leaked methane shall be responsible for paying the fee.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-44

A RESOLUTION REAPPOINTING PHILIP ANSELMO AND RICHARD GAYTAN TO THE EQUAL OPPORTUNITY/DISABILITY COMMISSION AND HUMAN RELATIONS COMMISSION WITH A TERM EXPIRATION OF JANUARY 1, 2018

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

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

SECTION I. PHILIP ANSELMO is hereby appointed to serve jointly on the Equal Opportunity/Disability Commission and Human Relations Commission with a term expiration of January 1, 2018.

SECTION 2. RICHARD GAYTAN is hereby appointed to serve jointly on the Equal Opportunity/Disability Commission and Human Relations Commission with a term expiration of January 1, 2018.

SECTION 3. The City Clerk is hereby directed to transmit a copy of this resolution to the reappointed members of the Commissions and the Secretary thereof.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 9th day of February, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-45

RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE PURCHASE OF ONE TRUCK WITH AERIAL BUCKET TO TEREX UTILITIES, WATERTOWN, SD, FOR AN ESTIMATED TOTAL COST OF $172,043 AND AUTHORIZING THE PURCHASING MANAGER OR HIS DESIGNEE TO ISSUE THE PURCHASING ORDER

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

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for new vehicles and heavy equipment, through various competitive processes, with the Purchasing Division coming back to Council for award authorization, and

WHEREAS, the Purchasing Division issued RFB 1516-16 for the purchase of a non- brand specific truck with aerial bucket on the City's website under the commodity codes for trucks one-ton or less and specialized bodies. Prospective bidders were noticed online of the bid opportunity. Nine (9) companies chose to download the RFB document, and

WHEREAS, bids were formally opened in the City Clerk's office. Three (3) companies chose to respond. There are no local vendors capable of providing this type of equipment. All three (3) companies provided responsive and responsible bids, and

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

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of bid for the purchase of one truck with aerial bucket to Terex Utilities, Watertown, SD, conforms to the Modesto Municipal Code, 8-3.203, and

WHEREAS, sufficient funds are budgeted in Fiscal Year 2015-16, in appropriation unit 5409-53246-57003.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid for the purchase of one truck with aerial bucket to Terex Utilities, Watertown, SD, for an estimated total cost of $172,043;

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of February, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-46

RESOLUTION AUTHORIZING THE AWARD OF PROPOSAL AND CONTRACT FOR THE PURCHASE AND INSTALLATION AN NEC COMMUNICATION EQUIPMENT UPGRADE FOR THE MODESTO POLICE DEPARTMENT TO DIGITAL TELECOMMUNICATIONS CORP., VAN NUYS, CA, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT FOR AN ESTIMATED TOTAL COST OF $168,994

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Proposals (RFP) for the purchase and installation of an NEC communication equipment upgrade for the Police Department, including equipment training and five (5) years of software support, and

WHEREAS, the Purchasing Division issued RFP 1415-29 for the purchase and installation of an NEC communication equipment upgrade on the City's website under the commodity code for communication systems/telephone installation, and

WHEREAS, prospective proposers were noticed online of the proposal opportunity, one of which was a local company, and

WHEREAS, nine (9) companies chose to download the RFP document, and

WHEREAS, proposals were formally opened in the City Clerk's office. Two (2) companies chose to respond, one of which was a local company, and

WHEREAS, one company provided a responsive and responsible proposal. One company submitted a non-responsive proposal, and

WHEREAS, the company submitting a non-responsive proposal is not a licensed contractor, which was a requirement in the RFP specifications and confirmed by the California State Contractors License Board, and

WHEREAS, the company's proposal was disqualified and received no further consideration, and

WHEREAS, based on providing a responsive and responsible proposal and within the proposed budget, City staff recommends the award of proposal and contract for the purchase and installation of an NEC communication equipment upgrade for the Modesto Police Department to Digital Telecommunications Corp., Van Nuys, CA, for an estimated total cost of $168,994, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of proposal and contract for the purchase and installation of an NEC communication equipment upgrade to Digital Telecommunications Corp., Van Nuys, CA, conforms to the Modesto Municipal Code, 8-3.203, and

WHEREAS, funds are budgeted in Fiscal Year 2015-16, in Appropriation Unit: 0100-19320-57005 (General Fund).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of proposal and contract for the purchase and installation of an NEC Communication equipment upgrade to Digital Telecommunications Corp., Van Nuys, CA.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the contract for an estimated total cost of $168,994.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of February, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-47

RESOLUTION AUTHORIZING THE AWARD OF PROPOSAL FOR THE FURNISHING OF ORTHO-RECTIFIED AERIAL PHOTOGRAPHY SERVICES FOR THE INFORMATION TECHNOLOGY DEPARTMENT TO DIGITAL MAPPING, INC., HUNTINGTON BEACH, CA, AND AUTHORIZING THE PURCHASING MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE ORDER FOR AN ESTIMATED TOTAL COST OF $99,938

WHEREAS, The City Manager authorized the Purchasing Manager to issue formal Request for Proposals (RFP) for the furnishing of ortho-rectified aerial photography services, and

WHEREAS, the Purchasing Division issued RFP 1516-14 Ortho-Rectified Aerial Photography Services on the City's website under the commodity code for aerial photography services, and

WHEREAS, prospective proposers were noticed online of the proposal opportunity, none of which were local companies, and

WHEREAS, no local companies perform this service, and

WHEREAS, twenty-one (21) companies chose to download the RFP document, and

WHEREAS, proposals were formally opened in the City Clerk's office. Eight (8) companies chose to respond, and

WHEREAS, all eight (8) companies responding provided a responsive and responsible proposal, and

WHEREAS, an evaluation committee comprised of four (4) City staff members evaluated and graded the proposals, and

WHEREAS, based on being ranked highest in total evaluation criteria the evaluation committee recommends the award of proposal for the furnishing of ortho-rectified aerial photography services to Digital Mapping, Inc., Huntington Beach, CA, for an estimated total cost of $99,938, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of proposal for the furnishing of ortho-rectified aerial photography services to Digital Mapping, Inc., Huntington Beach, CA, conforms to the Modesto Municipal Code, 8-3.203, and

WHEREAS, funds are budgeted in Fiscal Year 2015-16, in the following Appropriation Units: 5230-17810-57005, 0100-14110-52015, 0100-14210-52015, 0100-14310-52170, 0100-14410-53030, 3200-14165-52015.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of proposal for the furnishing of ortho-rectified aerial photography services for the Information Technology Department to Digital Mapping, Inc., Huntington Beach, CA.

BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost of $99,938.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of February, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Stephanie Lopez
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Adam Lindgren
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-48

RESOLUTION APPROVING A PURCHASE AND SALE AGREEMENT WITH DAVID W. HOSMER, KELLY MARTIN, AND DOUGLAS P. ROBINSON FOR ACQUISITION OF A 2,900 SQUARE FEET PUBLIC UTILITY EASEMENT, LOCATED AT 736 BYSTRUM ROAD (APN 038-016-029), IN THE AMOUNT OF $600 FOR THE STRENGTHEN AND REPLACE WATER SYSTEM—SOUTH 9TH STREET INDUSTRIAL AREA PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ALL RELATED DOCUMENTS REQUIRED TO CLOSE ESCROW

WHEREAS, the City of Modesto is continuing to make improvements to the efficiency of its water distribution system, and

WHEREAS, the existing system has certain deficiencies that require improvements, and

WHEREAS, the improvements in this project include installing new water lines, upgrading existing water lines, and replacing old water lines, in addition to also installing new fire hydrants for added fire protection, and

WHEREAS, these improvements will allow for an increase of water pressure delivery for fire flows, and

WHEREAS, City staff is recommending acquisition of Public Utilities Easements for installation of the water improvements, and

WHEREAS, an agreement is needed for the acquisition of the easements and City staff recommends approving the Purchase and Sale Agreement for acquisition of a Public Utility Easement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Purchase and Sale Agreement with David W. Hosmer, Kelly Martin, and Douglas P. Robinson for the acquisition a 2,360 square foot Public Utility

Easement, located at 736 Bystrum Road (APN 038-016-029), in the amount of $600 for the Strengthen and Replace Water System—South 9th Street Industrial Area Project.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of February, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-49

RESOLUTION APPROVING A PURCHASE AND SALE AGREEMENT WITH CARLOS TORRES FOR ACQUISITION OF A 2,360 SQUARE FEET PUBLIC UTILITY EASEMENT, LOCATED AT 722 BYSTROM ROAD (APN 038-016-030), IN THE AMOUNT OF $750, FOR THE STRENGTHEN AND REPLACE WATER SYSTEM – SOUTH 9TH STREET INDUSTRIAL AREA PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ALL RELATED DOCUMENTS REQUIRED TO CLOSE ESCROW

WHEREAS, the City of Modesto is continuing to make improvements to the efficiency of its water distribution system, and

WHEREAS, the existing system has certain deficiencies that require improvements, and

WHEREAS, the improvements in this project include installing new water lines, upgrading existing water lines, and replacing old water lines, in addition to also installing new fire hydrants for added fire protection, and

WHEREAS, these improvements will allow for an increase of water pressure delivery for fire flows, and

WHEREAS, City staff is recommending acquisition of Public Utilities Easements for installation of the water improvements, and

WHEREAS, an agreement is needed for the acquisition of the easements and City staff recommends approving the Purchase and Sale Agreement for acquisition of a Public Utility Easement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Purchase and Sale Agreement with Carlos Torres for the acquisition a 2,360 square foot Public Utility Easement, located at 722 Bystrum Road

(APN 038-016-030), in the amount of $750 for the Strengthen and Replace Water System—South 9th Street Industrial Area Project.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of February, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-50

RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE CERTIFICATE OF ACCEPTANCE FOR A PUBLIC UTILITY EASEMENT LOCATED AT 736 BYSTRUM ROAD (APN 038-016-029), OWNED BY DAVID W. HOSMER, KELLY MARTIN, AND DOUGLAS P. ROBINSON, TO BE PURCHASED BY THE CITY OF MODESTO FOR THE STRENGTHEN AND REPLACE WATER SYSTEM—SOUTH 9TH STREET INDUSTRIAL AREA PROJECT

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

WHEREAS, the City of Modesto desires to accept a 2,900 square foot Public Utility Easement, for the acquisition of property interests located at 736 Bystrum Road (APN 038-016-029), owned by David W. Hosmer, Kelly Martin, and Douglas P. Robinson, to be purchased by the City of Modesto for the Strengthen and Replace Water System—South 9th Street Industrial Area Project, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to sign the Certificate of Acceptance for the Public Utility Easement for the acquisition of property interests located at 736 Bystrum Road (APN 038-016-029), owned by David W. Hosmer, Kelly Martin, and Douglas P. Robinson, to be purchased by the City of Modesto for the Strengthen and Replace Water System—South 9th Street Industrial Area Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of February, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-51

RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE CERTIFICATE OF ACCEPTANCE FOR THE ACQUISITION OF A PUBLIC UTILITY EASEMENT LOCATED AT 722 BYSTRUM ROAD (APN 038-016-030), OWNED BY CARLOS TORRES, TO BE PURCHASED BY THE CITY OF MODESTO FOR THE STRENGTHEN AND REPLACE WATER SYSTEM—SOUTH 9TH STREET INDUSTRIAL AREA PROJECT

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

WHEREAS, the City of Modesto desires to accept a 2,360 square foot Public Utility Easement, for the acquisition of property interests located at 736 Bystrum Road (APN 038-016-030), owned by Carlos Torres, to be purchased by the City of Modesto for the Strengthen and Replace Water System—South 9th Street Industrial Area Project, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to sign the Certificate of Acceptance for the Public Utility Easement for the acquisition of property interests located at 722 Bystrum Road (APN 038-016-030), owned by Carlos Torres, to be purchased by the City of Modesto for the Strengthen and Replace Water System—South 9th Street Industrial Area Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of February, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-52

RESOLUTION APPROVING A PROPOSED AGREEMENT INCLUDING LANGUAGE CHANGES FOR A SUCCESSOR MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MODESTO AND MODESTO POLICE MANAGEMENT ASSOCIATION (MPMA) FOR A TERM OF DECEMBER 31, 2015 TO DECEMBER 31, 2016; AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO TAKE THE NECESSARY ADMINISTRATIVE ACTION TO IMPLEMENT THE AGREEMENT

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

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

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

WHEREAS, the MOU provides as follows:

ARTICLE 1. TERM. The term of the MOU shall be from December 31, 2015 to December 31, 2016.

ARTICLE 4. SALARY.

a. First Full Pay Period in February – Increase base salary ranges for all classes by 2.0% as shown in **attached Exhibit** "B".

b. POST Pay – First Full Pay Period in February – Increase Supervisory POST by 1% (to 6.7%) for term of the agreement (additional 1% expires 12/31/16)

c. Lump Sums

i. $1,500 upon Council Adoption (i.e., first full pay period in February)

ii. $1,000 July 1, 2016

ARTICLE 5. OVERTIME AND SPECIALTY PAY.

a. Add new provision that Sergeants assigned to ISD, MNET, and Traffic shall receive an additional 5% special assignment pay

b. Add new provision that Sergeants assigned to Internal Affairs, CRT, SDEA, and SGU shall receive an additional 2% special assignment pay

c. Add new provision that Sergeants assigned to FTO shall receive an additional 1% special assignment pay

d. Add new provision that Lieutenants assigned as Area Commanders, Assistant Division Commanders, and the Lieutenant assigned to SDEA shall receive an additional 2.5% special assignment pay

e. Special Assignment pay is in recognition of additional duties assigned, including availability for call outs

f. Existing TA on Equestrian Pay

ARTICLE 12. RETIREE HEALTH INSURANCE. 12.I.C.4 – clarify that eligibility criteria is set forth in paragraph 12.I.C.1

ARTICLE 13. HEALTH, DENTAL, VISION INSURANCE.

a. 13.D.1 – Eliminate $25 Health Savings Account (HSA) contribution.

b. 13.D.4 – Change opt out amount to a flat contribution amount of $450/month.

c. 13.1 – Eliminate old language on annual physical (ACA now provides)

ARTICLE 20. SICK LEAVE.

a. 20.G – Kin Care. Eliminate definition of family members and replace with direct reference to Labor Code Section 233.

b. 20.L – Extend Pilot Wellness Program through Fiscal Year 16-17 with reopener in the event the City establishes a city-wide wellness program.

ARTICLE 22. WORK SCHEDULES.

a. Agreement in principle on 4/10 Schedule

b. Agreement in principle on shift bid

MISCELLANEOUS.

a. Clarify that leave payouts are paid based on employee's base pay, excluding POST and other incentive pays

b. 32 hours of "Special Leave" accrues upon adoption of MOU; any remaining leave cashes out upon expiration of MOU

c. 24 hours of additional holiday leave for Sergeants; accrues upon adoption of the MOU; no cash value; expires upon expiration of MOU

d. LOU on Uniform Allowance

WHEREAS, the Council considered this matter at its meeting of February 9, 2016,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the language changes for a successor Memorandum of Understanding between the City of Modesto and the Modesto Police Management Association, which covers a term from December 31, 2015 through December 31, 2016, and upon execution of same, a copy of the MOU will be on file in the office of the City Clerk.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of February, 2016, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

City of Modesto and The Modesto Police Management Association

Conceptual Term Sheet

January 13, 2016

I. Article 1 – Term

a. One year through December 31, 2016

b. Me Too based on 2010-13 MOU language

If during the term of this Memorandum, the CITY and the Modesto Police Officers' Association (MPOA) agree to any additional benefits or concessions which go into effect during the period between July 1, 2016 and December 31, 2016, the MPMA agrees to accept equivalent enhancements and/or concessions.

In the event the CITY and MPMA fail to reach agreement over the implementation details of the equivalent enhancements and/or concessions within ten (10) working days of the City Council's approval of an agreement between the CITY and MPOA, the CITY shall secure a neutral selected from a list provided by California State Mediation and Conciliation Services (CSMCS). The neutral shall schedule a conference call with the parties within seven (7) days of selection and issue a final summary letter decision awarding the equivalent enhancements and/or concessions within ten (10) days of the conference call. No formal hearing shall be conducted. The parties may submit written materials prior to the issuance of the award. The cost of the neutral shall be borne equally by the CITY and the MPMA. Matters covered by this provision shall not be subject to interest arbitration pursuant to the City Charter.

II. Article 4 – Salary

a. First Full Pay Period in February – Increase base salary ranges for all classes by 2.0%

b. POST Pay – First Full Pay Period in February - Increase supervisory POST by 1% (to 6.7%) for term of the agreement (additional 1% expires 12/31/16)

c. Lump Sums

i. $1500 upon Council Adoption (i.e., first full pay period in February)

ii. $1,000 July 1, 2016

TPT 1/20/2016

III. Article 5 – Overtime and Specialty Pay

a. Add new provision that Sergeants assigned to ISD, MNET, and Traffic shall receive an additional 5% special assignment pay

b. Add new provision that Sergeants assigned to Internal Affairs, CRT, SDEA, and SGU shall receive an additional 2% special assignment pay

c. Add new provision that Sergeants assigned to FTO shall receive an additional 1% special assignment pay

d. Add new provision that Lieutenants assigned as Area Commanders, Assistant Division Commanders, and the Lieutenant assigned to SDEA shall receive an additional 2.5% special assignment pay

e. Special Assignment pay is in recognition of additional duties assigned, including availability for call outs

f. Existing TA on Equestrian Pay

IV. Article 12 – Retiree Health Insurance

a. 12.I.C.4 – clarify that eligibility criteria is set forth in paragraph 12.I.C.1

TFT 1/29/2016

V. Article 13 – Health, Dental, and Vision Insurance

a. 13.D.1 - Eliminate $25 Health Savings Account (HSA) contribution.

b. 13.D.4 – Change opt out amount to a flat contribution amount of $450/month.

c. 13.I – Eliminate old language on annual physical (ACA now provides)

VI. Article 20 – Sick Leave

a. 20.G – Kin Care. Eliminate definition of family members and replace with direct reference to Labor Code Section 233.

b. 20.L – Extend Pilot Wellness Program through fiscal year 16-17 with reopener in the event the City establishes a city-wide wellness program

VII. Article 22 – Work Schedules

a. Agreement in principle on 4/10 Schedule

b. Agreement in principle on shift bid

VIII. Miscellaneous

a. Clarify that leave payouts are paid based on employee's base pay, excluding POST and other incentive pays.

b. 32 hours of "Special Leave" accrues upon adoption of MOU; any remaining leave cashes out upon expiration of MOU

c. 24 hours of additional holiday leave for sergeants; accrues upon adoption of the MOU; no cash value; expires upon expiration of MOU

d. LOU on Uniform Allowance

Date: 1/20/2016	Date: 1/21/16
For the MPMA:	For the City:

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 15/16
EFFECTIVE: February 09, 2016

MANAGEMENT POLICE - REPRESENTED (MPMA)

	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
0601	30.45	31.98	33.58	35.25	37.02	2,436.00	2,558.40	2,686.40	2,820.00	2,961.60	5,295.86	5,561.96	5,840.23	6,130.68	6,438.52
0602	31.22	32.78	34.42	36.14	37.94	2,497.60	2,622.40	2,753.60	2,891.20	3,035.20	5,429.78	5,701.10	5,986.33	6,285.47	6,598.52
0603	32.00	33.60	35.28	37.04	38.89	2,560.00	2,688.00	2,822.40	2,963.20	3,111.20	5,565.44	5,843.71	6,135.90	6,442.00	6,763.75
0604	32.80	34.44	36.16	37.97	39.86	2,624.00	2,755.20	2,892.80	3,037.60	3,188.80	5,704.58	5,989.80	6,288.95	6,603.74	6,932.45
0605	33.62	35.30	37.06	38.91	40.86	2,689.60	2,824.00	2,964.80	3,112.80	3,268.80	5,847.19	6,139.38	6,445.48	6,767.23	7,106.37
0606	34.46	36.18	37.99	39.89	41.88	2,756.80	2,894.40	3,039.20	3,191.20	3,350.40	5,993.28	6,292.43	6,607.22	6,937.67	7,283.77
0607	35.32	37.08	38.94	40.88	42.93	2,825.60	2,966.40	3,115.20	3,270.40	3,434.40	6,142.85	6,448.95	6,772.44	7,109.85	7,466.39
0608	36.20	38.01	39.91	41.91	44.00	2,896.00	3,040.80	3,192.80	3,352.80	3,520.00	6,295.90	6,610.70	6,941.15	7,288.99	7,652.48
0609	37.11	38.96	40.91	42.95	45.10	2,968.80	3,116.80	3,272.80	3,436.00	3,608.00	6,454.17	6,775.92	7,115.07	7,469.86	7,843.79
0610	38.03	39.93	41.93	44.03	46.23	3,042.40	3,194.40	3,354.40	3,522.40	3,698.40	6,614.18	6,944.63	7,292.47	7,657.70	8,040.32
0611	38.98	40.93	42.98	45.13	47.38	3,118.40	3,274.40	3,438.40	3,610.40	3,790.40	6,779.40	7,118.55	7,475.08	7,849.01	8,240.33
0612	39.96	41.96	44.05	46.26	48.57	3,196.80	3,356.80	3,524.00	3,700.80	3,885.60	6,949.84	7,297.68	7,661.18	8,045.54	8,447.29
0613	40.96	43.00	45.15	47.41	49.78	3,276.80	3,440.00	3,612.00	3,792.80	3,982.40	7,123.76	7,478.56	7,852.49	8,245.55	8,657.74
0614	41.98	44.08	46.28	48.60	51.03	3,358.40	3,526.40	3,702.40	3,888.00	4,082.40	7,301.16	7,666.39	8,049.02	8,452.51	8,875.14
0615	43.03	45.18	47.44	49.81	52.30	3,442.40	3,614.40	3,795.20	3,984.80	4,184.00	7,483.78	7,857.71	8,250.76	8,662.96	9,096.02
0616	44.11	46.31	48.63	51.06	53.61	3,528.80	3,704.80	3,890.40	4,084.80	4,288.80	7,671.61	8,054.24	8,457.73	8,880.36	9,323.85
0617	45.21	47.47	49.84	52.33	54.95	3,616.80	3,797.60	3,987.20	4,186.40	4,396.00	7,862.92	8,255.98	8,668.17	9,101.23	9,556.90
0618	46.34	48.65	51.09	53.64	56.32	3,707.20	3,892.00	4,087.20	4,291.20	4,505.60	8,059.45	8,461.21	8,885.57	9,329.07	9,795.17
0619	47.50	49.87	52.36	54.98	57.73	3,800.00	3,989.60	4,188.80	4,398.40	4,618.40	8,261.20	8,673.39	9,106.45	9,562.12	10,040.40
0620	48.68	51.12	53.67	56.36	59.17	3,894.40	4,089.60	4,293.60	4,508.80	4,733.60	8,466.43	8,890.79	9,334.29	9,802.13	10,290.85
0621	49.90	52.40	55.02	57.77	60.65	3,992.00	4,192.00	4,401.60	4,621.60	4,852.00	8,678.61	9,113.41	9,569.08	10,047.36	10,548.25
0622	51.15	53.71	56.39	59.21	62.17	4,092.00	4,296.80	4,511.20	4,736.80	4,973.60	8,896.01	9,341.24	9,807.35	10,297.80	10,812.61
0623	52.43	55.05	57.80	60.69	63.72	4,194.40	4,404.00	4,624.00	4,855.20	5,097.60	9,118.63	9,574.30	10,052.58	10,555.20	11,082.18
0624	53.74	56.42	59.24	62.21	65.32	4,299.20	4,513.60	4,739.20	4,976.80	5,225.60	9,346.46	9,812.57	10,303.02	10,819.56	11,360.45
0625	55.08	57.83	60.73	63.76	66.95	4,406.40	4,626.40	4,858.40	5,100.80	5,356.00	9,579.51	10,057.79	10,562.16	11,089.14	11,643.94
0626	56.46	59.28	62.24	65.36	68.62	4,516.80	4,742.40	4,979.20	5,228.80	5,489.60	9,819.52	10,309.98	10,824.78	11,367.41	11,934.39
0627	57.87	60.76	63.80	66.99	70.34	4,629.60	4,860.80	5,104.00	5,359.20	5,627.20	10,064.75	10,567.38	11,096.10	11,650.90	12,233.53
0628	59.32	62.28	65.39	68.66	72.10	4,745.60	4,982.40	5,231.20	5,492.80	5,768.00	10,316.93	10,831.74	11,372.63	11,941.35	12,539.63
0629	60.80	63.84	67.03	70.38	73.90	4,864.00	5,107.20	5,362.40	5,630.40	5,912.00	10,574.34	11,103.05	11,657.86	12,240.49	12,852.69
0630	62.32	65.43	68.71	72.14	75.75	4,985.60	5,234.40	5,496.80	5,771.20	6,060.00	10,838.69	11,379.59	11,950.04	12,546.59	13,174.44
0631	63.88	67.07	70.42	73.94	77.64	5,110.40	5,365.60	5,633.60	5,915.20	6,211.20	11,110.01	11,664.81	12,247.45	12,859.64	13,503.15
0632	65.47	68.75	72.18	75.79	79.58	5,237.60	5,500.00	5,774.40	6,063.20	6,366.40	11,386.54	11,957.00	12,553.55	13,181.40	13,840.55
0633	67.11	70.46	73.99	77.69	81.57	5,368.80	5,636.80	5,919.20	6,215.20	6,525.60	11,671.77	12,254.40	12,868.34	13,511.84	14,186.65
0634	68.79	72.23	75.84	79.63	83.61	5,503.20	5,778.40	6,067.20	6,370.40	6,688.80	11,963.96	12,562.24	13,190.09	13,849.25	14,541.45
0635	70.51	74.03	77.73	81.62	85.70	5,640.80	5,922.40	6,218.40	6,529.60	6,856.00	12,263.10	12,875.30	13,518.80	14,195.35	14,904.94

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 15/16
EFFECTIVE: February 09, 2016

MANAGEMENT POLICE - REPRESENTED (MPMA)

	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
0636	72.27	75.88	79.68	83.66	87.84	5,781.60	6,070.40	6,374.40	6,692.80	7,027.20	12,569.20	13,197.05	13,857.95	14,550.15	15,277.13
0637	74.08	77.78	81.67	85.75	90.04	5,926.40	6,222.40	6,533.60	6,860.00	7,203.20	12,883.99	13,527.50	14,204.05	14,913.64	15,659.76
0638	75.93	79.72	83.71	87.89	92.29	6,074.40	6,377.60	6,696.80	7,031.20	7,383.20	13,205.75	13,864.90	14,558.84	15,285.83	16,051.08
0639	77.83	81.72	85.80	90.09	94.60	6,226.40	6,537.60	6,864.00	7,207.20	7,568.00	13,536.19	14,212.74	14,922.34	15,668.45	16,452.83
0640	79.77	83.76	87.95	92.34	96.96	6,381.60	6,700.80	7,036.00	7,387.20	7,756.80	13,873.60	14,567.54	15,296.26	16,059.77	16,863.28

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-53

RESOLUTION AMENDING EXHIBIT "M" OF RESOLUTION NO. 2015-446 TO REVISE THE CLASS RANGE TABLE FOR POLICE MANAGEMENT CLASSES (UNREPRESENTED) TO AMEND THE POLICE CAPTAIN FROM SALARY RANGE 1623 TO 1624

WHEREAS, the City Council desires to amend **Exhibit** "M" of Resolution No. 2015-446, which approved the Class Range Table for Police Management Classes (Unrepresented),

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

SECTION I. AMENDMENT TO RESOLUTION NO. 2015-446. **Exhibit** "M" entitled, "City of Modesto Class Range Table Police Management Classes (Unrepresented)," **attached** to Resolution No. 2015-446, is hereby amended as shown on the amended **Exhibit** "M" entitled "City of Modesto Class Range Table Police Management Classes (Unrepresented) Effective February 9, 2016," which is **attached** hereto and made a part hereof as though set forth in full herein. Said **Exhibit** "M" amends the Police Captain from salary range 1623 to 1624.

SECTION II. EFFECTIVE DATE. This resolution shall become effective on and after February 9, 2016.

RESCINDED

JUL 12 2016

THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2016-310

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 9th day of February, 2016, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

CITY OF MODESTO
CLASS RANGE TABLE
POLICE MANAGEMENT CLASSES (Unrepresented)
Effective **February 9, 2016**

RANGE	TITLE
1624	Police Captain

Exhibit "M"

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-54

RESOLUTION RESCINDING RESOLUTION 2015-445 TO UPDATE BENEFIT OFFERINGS FOR UNREPRESENTED MANAGEMENT SWORN POLICE CAPTAINS; AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO TAKE THE NECESSARY ADMINISTRATIVE ACTION TO IMPLEMENT THE CHANGES

WHEREAS, by Resolution No 2015-445, which became effective on November 24, 2015, the City Council approved salary and benefit changes to Unrepresented Management and Confidential employees, including Charter Officers and Executives, and

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

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

a) An increase in Management POST Pay by 1.0% effective February 9, 2016;

b) Lump Sum payments of $1500.00 upon Council Adoption and additional $1,000.00 on pay date July 1, 2016;

c) 32 hours of "Special Leave" to accrue upon Council adoption and any remaining leave to cash out pay period ending December 26, 2016;

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

RESCINDED

JUL 12 2016

THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2016-311

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

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

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

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

SECTION 3. ADDITIONAL HOLIDAY FOR SWORN POLICE CAPTAINS. Sworn Police Captains shall be credited on February 9, 2016 with thirty-two (32) hours of special leave for use from February 9, 2016 through December 26, 2016. Any remaining leave balance will be cashed out pay period ending December 26, 2016.

SECTION 4. HOLIDAY CAP. Holiday time for unrepresented non-sworn employees may be accrued up to a maximum of 40 hours. When the employee reaches the 40 hour maximum, additional holiday time shall be compensated in cash at straight time rates on a quarterly basis.

SECTION 5. MANAGEMENT LEAVE. Commencing January 1, 2012, management employees in exempt regular positions shall be advanced 80 hours of Management Leave (Fire Battalion Chiefs on a 56-hour schedule shall be advanced 112 hours) January of each calendar year to be taken at the discretion of the employee and upon approval of City Manager, or designee, and shall be prorated for less than full-time employees. Management Leave will be forfeited if not used by the last pay period ending in December. An exempt employee hired after Management Leave has been advanced shall be eligible for a pro-rated portion of Leave.

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

SECTION 6. MANAGEMENT LEAVE ANNUAL CASHOUT. The maximum number of hours available for cash out each December shall be 40 hours annually for Management employees. All employees may cash out Management Leave once annually during the pay period in which December 1 falls.

Effective December 2007, the maximum annual cash out shall be 80 hours for Executives and Charter Officers, and 60 hours for Police Captains, Fire Battalion Chiefs,

Fire Division Chiefs, Deputy Directors, Assistant City Attorney and Deputy City Attorney I/II/III/Senior. For Fire Battalion Chiefs on a 56-hour schedule, the maximum cash out shall be 84 hours.

SECTION 7. MEDICAL LEAVES OF ABSENCE. Effective December 6, 2005, employees requesting an Authorized Medical Leave of Absence without pay, due to a medical incapacity to perform the duties of their position, must provide written medical verification of a long-term disability, illness or injury.

SECTION 8. CATASTROPHIC LEAVE. Effective December 6, 2005, employees requesting Catastrophic Leave donations must provide a written medical verification of long term illness or injury, or verification of a family member's illness or injury.

SECTION 9. NEGATIVE VACATION. Effective March 7, 2006, use of negative vacation will be permitted only for extenuating circumstances and will require the approval of the City Manager, or designee.

SECTION 10. LEAVE CASHOUTS FOR SWORN FIRE MANAGEMENT EMPLOYEES. Sworn Fire Management employees in the classifications of Fire Battalion Chief, Fire Division Chief and Fire Chief working a 40 hour schedule shall be afforded the opportunity to cash out up to 61 hours of vacation leave per calendar year (at straight time rates) and up to 88 hours of holiday leave per calendar year (at time and one-half), effective July 1, 2003. Employees in the classification of Fire Battalion Chief working a 56 hour schedule shall be afforded the opportunity to cash out up to 72 hours of vacation leave per calendar year (at straight time rates) effective June 20, 2000, and up to 132 hours of holiday leave per calendar year (at time and one-half). Holiday leave

may not be carried over year-to-year regardless of the schedule worked.

SECTION 11. SICK LEAVE. Non-sworn employees hired on or before December 31, 2010 shall have all accrued sick time transferred to a grandfathered sick leave bank effective the pay period ending October 22, 2012. Sworn employees hired on or before December 31, 2010 shall have all accrued sick time transferred to a grandfathered sick leave bank effective pay period ending August 25, 2014. For employees hired on or before December 31, 2010 and who promoted to an unrepresented management classification, employee's grandfathered accrued balance and regular sick accrued balance shall follow the employee. Employees who promote from MCFFA shall have their sick leave balance as of promotion date split between grandfathered sick leave and regular sick leave as follows:

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

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

SECTION 12. SICK LEAVE CASHOUT FOR SWORN FIRE MANAGEMENT EMPLOYEES. Sworn Fire management employees who leave City service in good standing (other than retirement) after five (5) years of continuous service, shall be paid the first twenty-two hundred (2,200) hours of their current unused grandfathered sick

leave, reduced by hours previously converted to Deferred Compensation, as follows: (1) Ninety (90%) percent of sick leave hours as of the date of the employee's initial promotion to a management classification shall be paid out at the current regular rate of pay (top step) for Fire Captain, and (2) In addition, twenty-five (25%) percent of the remaining sick leave hours accrued after promotion to a management classification shall be paid out at the employee's then current regular rate of pay.

SECTION 13. PROMOTION. Employees promoted on or after November 17, 2015, prior to an employee's promotion to an unrepresented management classification, all compensatory time off (CTO) and grandfathered compensatory time off (GCTO) shall be compensated in cash at the employee's then current regular rate of pay.

SECTION 14. MASTERS DEGREE INCENTIVE PAY. Effective June 29, 2004, employees who possess a Master's Degree or Juris Doctor from an accredited institution, shall be granted one and one half (1.5%) percent Masters Pay, subject to criteria as established by the City.

SECTION 15. REGISTRATION AND CERTIFICATION FEES. Effective July 1, 2003, when an employee is required by the City to obtain or renew a certificate, license or registration in order to carry out their assigned duties, except a California Class C Driver's License, the City will pay the fee for the actual certificate, license or registration, (and exam fee, if any).

SECTION 16. VEHICLE ALLOWANCE. Per Resolution No. 2001-271 effective July 1, 2001, the vehicle allowance for Executives and Charter Officers who receive an allowance, shall be $400/month, and the City Manager is authorized to grant Deputy Directors either an assigned City vehicle or a vehicle allowance in the amount of

$300/month. The City Manager is also authorized to grant selected Management employees a vehicle allowance of $100-$200/month based on Department Director recommendation and an annual justification relating to extensive use of a personal vehicle while conducting City business. Effective May 27, 2008, per Resolution 2008-305, the vehicle allowance for Charter Officers is increased to a maximum of $500/month.

SECTION 17. UNIFORM ALLOWANCES. Uniform allowances for unrepresented Management and Confidential employees who are required to wear a uniform, are as follows:

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

SECTION 18. POST CERTIFICATION PAY. Effective August 26, 2014, Police Captains who provide evidence that they have received a Supervisory POST Certificate shall be eligible for three and two tenths percent (3.2%) certification pay. Effective August 26, 2014, Police Captains who provide evidence that they have received a Management POST Certificate shall be eligible for five and seven tenths percent (5.7%) certification pay. Effective February 9, 2016, Management POST Certificate pay shall increase to six and seven tenths percent (6.7%). These amounts are not cumulative and Captains receiving Management POST pay shall not also receive Supervisory POST pay. The maximum allowable POST pay is 6.7%.

SECTION 19. BONUS PAY FOR UNREPRESENTED POLICE CAPTAINS. City shall pay one thousand five hundred dollars ($1,500) to any Sworn Police Captain in

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

SECTION 20. ASSISTANT CHIEF OF POLICE ASSIGNMENT PAY. Effective May 26, 1998, subject to the approval of the City Manager, the Police Chief may appoint employees currently employed by the Police Department in the classification of Police Captain to the assignment of Assistant Chief of Police. Such appointment may be made without competitive examination and shall continue at the will and pleasure of the Police Chief. The Police Chief may end the assignment at any time and such employee shall return to an assignment as Police Captain (unless removed due to dismissal) at a step no lower than the step the employee held at time of assignment. The total number of assignments shall be at the sole discretion of the City Manager.

SECTION 21. EMERGENCY MEDICAL TECHNICIAN CERTIFICATION PAY. Sworn Fire Management employees in the classifications of Fire Battalion Chief and Fire Division Chief, who are certified as Emergency Medical Technicians (EMT-I), shall receive a monthly allowance equivalent to five percent (5.0%) of the base salary for their classification.

SECTION 22. HAZARDOUS MATERIALS CERTIFICATION PAY. Effective July 1, 2003, one (1) Fire Department Battalion Chief or Division Chief shall be authorized five percent (5%) Haz Mat Pay, when certified as a Hazardous Materials

Specialist and assigned to administer the City of Modesto's participation in the Regional Hazardous Materials Response Team. This pay replaced the annual Haz Mat Stipend.

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

SECTION 24. FIRE CHIEF OFFICER SHIFT STIPEND. Effective December 2, 2014, Fire Battalion Chiefs and Fire Division Chiefs assigned to work extra shifts in order to maintain a consistent staffing of two (2) Battalion Chiefs to the extent possible, may receive a stipend of one thousand five hundred dollars ($1,500) per 24-hour shift. Criteria for assignment to extra shifts with the stipend shall be at the discretion of the Fire Chief, who shall also determine when staffing at the level of one Battalion Chief is acceptable. The Fire Chief shall annually determine the maximum number of assignments available for stipend, subject to funds budgeted and the needs of the City. As FLSA Exempt management employees, Fire Battalion Chiefs and Fire Division Chiefs may be required to work both emergency and non-emergency assignments without additional compensation.

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

Force Leader Trainee shall receive a stipend of $1500 for a 24 hour period subject to the following conditions:

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

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

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

SECTION 27. DEFERRED COMPENSATION 401(a) MONEY PURCHASE

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

SECTION 28. HEALTH, DENTAL AND VISION BENEFITS. The City's contribution to health, dental and vision benefits for Unrepresented Management and Confidential employees, including Charter Officers and Executives, shall be a three-tier system as follows:

City Contribution (monthly) Sworn and Non-Sworn	1/1/2015
Employee + Family	$1214
Employee +1 Dependent	$858
Employee Only	$621
Opt Out	$450

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

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

plan selected by the employee or the contribution amounts listed above.

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

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

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

Non-sworn employees hired on or before December 31, 2010 and who retire from the City between October 23, 2012 and December 31, 2014, after five (5) years of continuous service in good standing may, on a one-time basis, exercise the option to have ninety percent (90%) of their unused grandfathered sick leave applied by the City upon retirement to premiums for health, dental and vision insurance plans covered by the CITY at the rate of eight (8) hours equals one month of contribution. Said insurance contribution shall be provided as needed to cover the cost of retiree health,

dental and vision premiums up to a monthly rate of $621 for retiree without dependents and up to $1,100 for retirees with dependent coverage.

Sworn employees hired on or before December 31, 2010 and who retire from the City prior to January 1, 2015, after five (5) years of continuous service in good standing may, on a one-time basis, exercise the option to have ninety percent (90%) of their unused grandfathered sick leave applied by the City upon retirement to premiums for health, dental and vision insurance plans covered by the CITY at a rate of eight (8) hours equals one month of contribution (employees promoted on or after December 30, 2014 into a Fire Unrepresented position on a 56-hour schedule, shall have hours at retirement applied at a rate of twelve (12) hours equals one month of contribution). Said insurance shall be provided in an amount up to that contributed to active employees subject to changes in the median priced health HMO plan for active employees, as needed to cover the cost of retiree health, dental and vision premium.

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

purchase medical insurance. For each eight hours (or twelve hours) converted to the retiree medical program, the recipient shall be provided a monthly contribution under one of the following schedules:

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

Combined contributions for Retirees

1 Non-Medicare + 1 Medicare coverage = $750

Retiree only contribution for eligible recipients is allowable regardless of where the retiree acquires authorized and legitimate medical insurance coverage (i.e. through State Exchange, through individual insurance company, through a current employer, or through spouse employer). Retiree shall not be eligible to receive a contribution for dependent, spouse, or registered domestic partner under the Retiree + 1 or Retiree + Family levels if retiree's dependent, spouse, or registered domestic partner has medical insurance coverage through their current employer, is covered under Retiree's current employer, or if Retiree does not purchase individual insurance for dependent. Upon retirement only, the City shall transfer contributions based on eligibility above into the City's sponsored Retiree Health Reimbursement Arrangement (HRA) for the individual. Employees will not be eligible for these contributions should they separate from City service prior to retirement. Contributions to eligible retirees will be made as follows: Upon Retirement – initial contributions will be made for the months following loss of coverage with City through either December 31st or June 30th, whichever date is earlier.

Contributions will be deposited no later than 30 days after retirement date. Ongoing Contribution – a semi-annual years' worth of contributions will be made on a semi-annual basis no later than Jan 31st (for months January – June) and July 31st (for months July - December) until exhaustion of sick leave conversion. To receive the semi-annual contribution, the retiree must provide the City with proof and cost of coverage by December 15th each year to receive a contribution for the following calendar year. Failure to provide proof of coverage will result in the retiree losing a City contribution for that calendar year, however, if the retiree provides proof of coverage before June 15th, the retiree will be eligible for the July contribution. Lose of contribution will not result in a reduction to the number of months the retiree is eligible to receive contributions in the future. If retiree has a status change during any calendar year that would change the monthly contribution, such as a marriage, divorce, death, birth, spouse or dependent loss of coverage, the City will reconcile the new amount the retiree is eligible for with the following semi-annual contribution. The change in status is presumed effective the 1st of the month following the month when the retiree provided notice to the City of the change in status. For example, if the retiree's status changes from retiree only to retiree +1 on November 15, the City will provide an additional $500 along with the total semi-annual contribution for the following calendar year to compensate the retiree for the change in status for the month of December in the previous calendar year. If the retiree's change in status results in monies owed to the City, the City will recoup the amount owed by deducting it from the following semi-annual contribution. However, in the event of a death of the retiree receiving a contribution for the retiree only level during the calendar year in which the contribution

was already received, any remaining months of contribution will be deleted for subsequent calendar years, but the City will not endeavor to seek payments already made for the months following the retiree's death. In the event of the death of retiree participating in the contribution program, surviving qualified spouse will be eligible to receive a contribution for the following calendar year if the retiree would have been eligible to receive a contribution. If eligible, the contribution will be consistent with the eligibility criteria set above and continue until the exhaustion of the deceased retiree's sick leave bank, upon the death of the surviving spouse, upon the spouse and/or dependents coverage for other insurance through an employer, or upon voluntarily election to not continue with the contribution program.

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

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

BE IT FURTHER RESOLVED by the Council of the City of Modesto that Resolution No. 2015-445 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of February, 2016, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-55

Print

A RESOLUTION GRANTING SALARY CHANGES TO UNREPRESENTED MANAGEMENT SWORN POLICE CAPTAINS EFFECTIVE FEBRUARY 9, 2016, AND AMENDING EXHIBIT "N" TO RESOLUTION NO. 2015-446

WHEREAS, the City Council desires to amend Exhibit "N" of Resolution No. 2015-446, which approved the Class Range Table for Police Management Classes (Unrepresented),

WHEREAS, by Resolution No. 2015-446 which became effective on November 24, 2015, the City Council amended the salary schedules for unrepresented Management and Confidential employees including Charter Officers and Executives, and

WHEREAS, the Council of the City of Modesto desires to approve a two (2.0%) percent across-the-board salary increase for unrepresented Management Sworn Police Captain employees, effective February 9, 2016, and

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

SECTION I. AMENDMENT TO RESOLUTION NO. 2015-446. Exhibit "N" entitled, "City of Modesto Schedule of Salary Ranges in City Service for FY 12/13, Effective March 12, 2013 – Schedule G Management/Confidential – Police - Unrepresented," **attached** to Resolution No. 2015-446, is hereby amended as shown on the amended **Exhibit** "N" entitled "City of Modesto Schedule of Salary Ranges in City Service for FY 12/13, Effective February 9, 2016," which is **attached** hereto and made a part hereof as though set forth in full herein. The salary range for each of the classes listed in **Exhibit** N shall increase in accordance with the schedule and is set forth in this **Exhibit**.

RESCINDED

JUL 12 2016

THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2016-310

SECTION II. EFFECTIVE DATE. This resolution shall become effective on and after February 9, 2016.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 9th day of February, 2016, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

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

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 15/16
EFFECTIVE: February 09, 2016

UNREPRESENTED POLICE CAPTAINS

	HOURLY					BY-WEEKLY					MONTHLY = 2.174				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
1601	30.06	31.57	33.15	34.80	36.54	2,404.75	2,525.60	2,652.00	2,784.00	2,923.20	5,227.93	5,490.65	5,765.45	6,052.42	6,355.04
1602	30.82	32.36	33.97	35.67	37.46	2,465.60	2,588.80	2,717.60	2,853.60	2,996.80	5,360.21	5,628.05	5,908.06	6,203.73	6,515.04
1603	31.59	33.17	34.82	36.56	38.39	2,527.20	2,653.60	2,785.60	2,924.80	3,071.20	5,494.13	5,768.93	6,055.89	6,358.52	6,676.79
1604	32.38	33.99	35.69	37.48	39.35	2,590.40	2,719.20	2,855.20	2,998.40	3,148.00	5,631.53	5,911.54	6,207.20	6,518.52	6,843.75
1605	33.19	34.84	36.59	38.42	40.34	2,655.20	2,787.20	2,927.20	3,073.60	3,227.20	5,772.40	6,059.37	6,363.73	6,682.01	7,015.93
1606	34.02	35.72	37.50	39.38	41.34	2,721.60	2,857.60	3,000.00	3,150.40	3,307.20	5,916.76	6,212.42	6,522.00	6,848.97	7,189.85
1607	34.87	36.61	38.44	40.36	42.38	2,789.60	2,928.80	3,075.20	3,228.80	3,390.40	6,064.59	6,367.21	6,685.48	7,019.41	7,370.73
1608	35.74	37.52	39.40	41.37	43.44	2,859.20	3,001.60	3,152.00	3,309.60	3,475.20	6,215.90	6,525.48	6,852.45	7,195.07	7,555.08
1609	36.63	38.46	40.38	42.40	44.52	2,930.40	3,076.80	3,230.40	3,392.00	3,561.60	6,370.69	6,688.96	7,022.89	7,374.21	7,742.92
1610	37.55	39.42	41.39	43.46	45.64	3,004.00	3,153.60	3,311.20	3,476.80	3,651.20	6,530.70	6,855.93	7,198.55	7,558.56	7,937.71
1611	38.48	40.41	42.43	44.55	46.78	3,078.40	3,232.80	3,394.40	3,564.00	3,742.40	6,692.44	7,028.11	7,379.43	7,748.14	8,135.98
1612	39.45	41.42	43.49	45.66	47.95	3,156.00	3,313.60	3,479.20	3,652.80	3,836.00	6,861.14	7,203.77	7,563.78	7,941.19	8,339.46
1613	40.43	42.45	44.58	46.80	49.14	3,234.40	3,396.00	3,566.40	3,744.00	3,931.20	7,031.59	7,382.90	7,753.35	8,139.46	8,546.43
1614	41.44	43.51	45.69	47.97	50.37	3,315.20	3,480.80	3,655.20	3,837.60	4,029.60	7,207.24	7,567.26	7,946.40	8,342.94	8,760.35
1615	42.48	44.60	46.83	49.17	51.63	3,398.40	3,568.00	3,746.40	3,933.60	4,130.40	7,388.12	7,756.83	8,144.67	8,551.65	8,979.49
1616	43.54	45.72	48.00	50.40	52.92	3,483.20	3,657.60	3,840.00	4,032.00	4,233.60	7,572.48	7,951.62	8,348.16	8,765.57	9,203.85
1617	44.63	46.86	49.20	51.66	54.25	3,570.40	3,748.80	3,936.00	4,132.80	4,340.00	7,762.05	8,149.89	8,556.86	8,984.71	9,435.16
1618	45.74	48.03	50.43	52.95	55.60	3,659.20	3,842.40	4,034.40	4,236.00	4,448.00	7,955.10	8,353.38	8,770.79	9,209.06	9,669.95
1619	46.89	49.23	51.69	54.28	56.99	3,751.20	3,938.40	4,135.20	4,342.40	4,559.20	8,155.11	8,562.08	8,989.92	9,440.38	9,911.70
1620	48.06	50.46	52.99	55.64	58.42	3,844.80	4,036.80	4,239.20	4,451.20	4,673.60	8,358.60	8,776.00	9,216.02	9,676.91	10,160.41
1621	49.26	51.72	54.31	57.03	59.88	3,940.80	4,137.60	4,344.80	4,562.40	4,790.40	8,567.30	8,995.14	9,445.60	9,918.66	10,414.33
1622	50.49	53.02	55.67	58.45	61.37	4,039.20	4,241.60	4,453.60	4,676.00	4,909.60	8,781.22	9,221.24	9,682.13	10,165.62	10,673.47
1623	51.76	54.34	57.06	59.91	62.91	4,140.80	4,347.20	4,564.80	4,792.80	5,032.80	9,002.10	9,450.81	9,923.88	10,419.55	10,941.31
1624	53.05	55.70	58.49	61.41	64.48	4,244.00	4,456.00	4,679.20	4,912.80	5,158.40	9,226.46	9,687.34	10,172.58	10,680.43	11,214.36
1625	54.38	57.09	59.95	62.95	66.09	4,350.40	4,567.20	4,796.00	5,036.00	5,287.20	9,457.77	9,929.09	10,426.50	10,948.26	11,494.37
1626	55.73	58.52	61.45	64.52	67.74	4,458.40	4,681.60	4,916.00	5,161.60	5,419.20	9,692.56	10,177.80	10,687.38	11,221.32	11,781.34
1627	57.13	59.98	62.98	66.13	69.44	4,570.40	4,798.40	5,038.40	5,290.40	5,555.20	9,936.05	10,431.72	10,953.48	11,501.33	12,077.00
1628	58.56	61.48	64.56	67.78	71.17	4,684.80	4,918.40	5,164.80	5,422.40	5,693.60	10,184.76	10,692.60	11,228.28	11,788.30	12,377.89
1629	60.02	63.02	66.17	69.48	72.95	4,801.60	5,041.60	5,293.60	5,558.40	5,836.00	10,438.68	10,960.44	11,508.29	12,083.96	12,687.46
1630	61.52	64.60	67.83	71.22	74.78	4,921.60	5,168.00	5,426.40	5,697.60	5,982.40	10,699.56	11,235.23	11,796.99	12,386.58	13,005.74
1631	63.06	66.21	69.52	73.00	76.65	5,044.80	5,296.80	5,561.60	5,840.00	6,132.00	10,967.40	11,515.24	12,090.92	12,696.16	13,330.97
1632	64.63	67.87	71.26	74.82	78.56	5,170.40	5,429.60	5,700.80	5,985.60	6,284.80	11,240.45	11,803.95	12,393.54	13,012.69	13,663.16
1633	66.25	69.56	73.04	76.69	80.53	5,300.00	5,564.80	5,843.20	6,135.20	6,442.40	11,522.20	12,097.88	12,703.12	13,337.92	14,005.78
1634	67.91	71.30	74.87	78.61	82.54	5,432.80	5,704.00	5,989.60	6,288.80	6,603.20	11,810.91	12,400.50	13,021.39	13,671.85	14,355.36

Percentage Increase	2%

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 15/16
EFFECTIVE: February 09, 2016

UNREPRESENTED POLICE CAPTAINS

	HOURLY						BY-WEEKLY						MONTHLY = 2.174				
	A	B	C	D	E		A	B	C	D	E		A	B	C	D	E
1635	69.60	73.08	76.74	80.57	84.60		5,568.00	5,846.40	6,139.20	6,445.60	6,768.00		12,104.83	12,710.07	13,346.62	14,012.73	14,713.63
1636	71.34	74.91	78.66	82.59	86.72		5,707.20	5,992.80	6,292.80	6,607.20	6,937.60		12,407.45	13,028.35	13,680.55	14,364.05	15,082.34
1637	73.13	76.78	80.62	84.65	88.89		5,850.40	6,142.40	6,449.60	6,772.00	7,111.20		12,718.77	13,353.58	14,021.43	14,722.33	15,459.75
1638	74.96	78.70	82.64	86.77	91.11		5,996.80	6,296.00	6,611.20	6,941.60	7,288.80		13,037.04	13,687.50	14,372.75	15,091.04	15,845.85
1639	76.83	80.67	84.70	88.94	93.38		6,146.40	6,453.60	6,776.00	7,115.20	7,470.40		13,362.27	14,030.13	14,731.02	15,468.44	16,240.65
1640	78.75	82.69	86.82	91.16	95.72		6,300.00	6,615.20	6,945.60	7,292.80	7,657.60		13,696.20	14,381.44	15,099.73	15,854.55	16,647.62

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MODESTO CITY COUNCIL
RESOLUTION NO. 2016-56

RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO CONFIRMING THE CANVASS OF THE FEBRUARY 2, 2016 CITY OF MODESTO MUNICIPAL RUN-OFF MAIL BALLOT ELECTION WHICH WAS HELD IN THE CITY OF MODESTO ON FEBRUARY 2, 2016, AND DECLARING THE RESULTS OF SAID ELECTION

WHEREAS, the Charter of the City of Modesto provides that if no candidate for an elective office of Mayor for the City of Modesto receives a majority vote at a regular municipal election, a second Regular Municipal Election shall be held at which the two candidates receiving the highest number of votes at the first election shall have their names on the ballot for the election to the office, and

WHEREAS, at said Regular Municipal Election on November 3, 2015 a majority vote was not cast for Mayor of the City of Modesto, and

WHEREAS, the two candidates receiving the highest number of votes for Mayor Garrad Marsh and Ted Brandvold, will have their names on the ballot for a run-off election to be held on Tuesday, February 2, 2016, and

WHEREAS, the February 2, 2016 City of Modesto Municipal Run-Off Mail Ballot Election was held by mail ballot in the City of Modesto on Tuesday, February 2, 2016, to elect the Mayor for the City of Modesto, as mentioned above, and said election was held in accordance with the with laws and the proceedings of this Council, and the votes thereat received and canvassed, and the returns thereof ascertained, determined and declared in all respects as required by law, and

WHEREAS, the City Clerk canvassed the returns of said February 2, 2016 City of Modesto Municipal Run-Off Mail Ballot Election in accordance with law, and certified the results of the election to the Council by a Certificate of Canvass and Statement of

Votes dated February 23, 2016, a copy of which is hereto marked **EXHIBIT** "A" and made a part hereof,

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

SECTION 1. Said Canvass by the City Clerk as shown on said Certificate of Canvass and Statement of Votes and the results of the election are hereby ratified, confirmed and approved.

SECTION 2. That in accordance with Section 10264 of the Elections Code, a copy of said Certificate of Canvass and Statement of Votes, which is **attached** hereto marked as **EXHIBIT** "A" and made a part hereof, shows a complete tabulation of the following:

(a) The whole number of votes cast in the city
(b) The names of the persons voted for
(c) For what office each person was voted for
(d) The number of votes given in the city for each person

SECTION 3. That, at said February 2, 2016 City of Modesto Municpal Run-Off Mail Ballot Election, held by mail ballot, the following named persons having received a majority of the votes cast for the elective offices, as designated on **Exhibit** "A", are hereby declared to be duly and regularly elected to such office; and, the City Clerk is hereby directed to issue a Certificate of Election to each of said persons, certifying her/her election to the office appearing after his/her name, and to administer to each of said persons the oath of office prescribed by the Constitution and laws of the State of California, and the Charter of the City, to wit:

TED BRANDVOLD	**Mayor, for a term of four years, City of Modesto**

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 23rd day of February, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT A

CERTIFICATE OF CANVASS
AND
STATEMENT OF VOTE

CITY OF MODESTO MUNICIPAL RUN-OFF MAIL BALLOT ELECTION
February 2, 2016

I, Stephanie Lopez, City Clerk of the City of Modesto, do hereby certify that I caused the Stanislaus County Clerk's Office on February 2, 2016, to publicly canvass the returns of the City of Modesto Municipal Run-Off Mail Ballot Election held on February 2, 2016, in accordance with Modesto City Council Resolution No. 2011-123. The following are results of said election:

CANDIDATES	NUMBER OF VOTES	PERCENTAGE OF VOTE
Mayor, City of Modesto		
Ted Brandvold	15,455	58.34%
Garrad Marsh	11,037	41.66%

	TOTAL REGISTERED VOTERS	TOTAL TURNOUT	TURNOUT PERCENTAGE
City of Modesto	91,373	26,532	29.04%

STEPHANIE LOPEZ
City Clerk
City of Modesto

February 23, 2016

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MODESTO CITY COUNCIL
RESOLUTION NO. 2016-57

RESOLUTION APPROVING A WILL SERVE LETTER AND OUTSIDE SERVICE AGREEMENT FOR WATER SERVICE BETWEEN THE CITY OF MODESTO AND THE COUNTY OF STANISLAUS TO CONNECT TO THE CITY OF MODESTO'S EXISTING WATER SYSTEM FOR THE PROPERTY LOCATED AT 1716 MORGAN ROAD IN MODESTO (APN: 040-006-002), AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO APPROVE THE WILL SERVE LETTER AND EXECUTE THE OUTSIDE SERVICE AGREEMENT FOR WATER SERVICE

WHEREAS, the County of Stanislaus owns property located at 1716 Morgan Road, and WHEREAS, the County of Stanislaus recently awarded a construction contract for the construction of the Morgan Road Heavy Equipment Shop/Administration Building Project, and

WHEREAS, the County of Stanislaus has requested an additional water connection to serve the new facilities, and

WHEREAS, on May 22, 2012, the City Council approved Resolution No. 2012-202 that amended City Council Policy 5.001, and

WHEREAS, on June 5, 2012, the City Council approved final adoption of Ordinance No. 3566-C.S. amending City of Modesto Municipal Code Section 11-1.05, and

WHEREAS, both of these amendments included language which required that the City Manager, upon the recommendation of the Director responsible for utility system planning, request City Council approval for all extensions of water services into unincorporated areas, and

WHEREAS, on November 25, 2014, the City Council approved Resolution No. 2014-472 that amended City Council Policy 5.001, and

WHEREAS, on December 9, 2014, the City Council approved adoption of Ordinance No. 3611-C.S. amending City of Modesto Municipal Code Section 11-1.05, and

WHEREAS, both of these amendments included language allowing the City Manager upon the recommendation of the Director responsible for utility system planning, to approve standard agreements of service for extension of water services into certain unincorporated areas that are located within the former Del Este Water Service Area without City Council approval, and

WHEREAS, the property located at 1716 Morgan Road is not located within the former Del Este Water Service area and therefore requires City Council approval prior to allowing the new water service connection, and

WHEREAS, water service may be granted to properties outside the Modesto City limits, outside the Sphere of Influence and inside, contiguous to and near the former Del Este Water Service Area, as provided by Modesto City Council Policy 5.001 when certain conditions are met, and

WHEREAS, it has been determined that a sufficient quantity of potable water is available for normal usage by the proposed development and that all of the required conditions have been met, and

WHEREAS, the water connection fees will be paid and associated permits be obtained prior to beginning any on site construction, and

WHEREAS, the property owner has executed an Outside Service Agreement for Water Service as required to receive water service outside of City limits.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Will Serve Letter and Outside Service Agreement for Water Service for the property located at 1716 Morgan Road in Modesto (APN: 040-006-002).

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

The foregoing documents were introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of February, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-58

RESOLUTION APPROVING A WILL SERVE LETTER AND OUTSIDE SERVICE AGREEMENT FOR SEWER SERVICE BETWEEN THE CITY OF MODESTO AND THE COUNTY OF STANISLAUS TO CONNECT TO THE CITY OF MODESTO'S EXISTING SEWER SYSTEM FOR THE PROPERTY LOCATED AT 1716 MORGAN ROAD IN MODESTO (APN: 040-006-002), AND AUTHORIZING THE CITY MANAGE, OR HIS DESIGNEE, TO APPROVE THE WILL SERVE LETTER AND EXECUTE THE OUTSIDE SERVICE AGREEMENT FOR SEWER SERVICE

WHEREAS, the County of Stanislaus owns property located at 1716 Morgan Road, and

WHEREAS, the County of Stanislaus recently awarded a construction contract for the construction of the Morgan Road Heavy Equipment Shop/Administration Building Project, and

WHEREAS, the County of Stanislaus has requested an additional sewer connection to serve the new facilities, and

WHEREAS, on May 22, 2012, the City Council approved Resolution No. 2012-203, and

WHEREAS, it amended city of Modesto Municipal Code section 11-1.05 and Council Policy 5.002 relating to sewer connection charges, and

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

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

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

WHEREAS, the property located at 1716 Morgan Road is not located within one of those designated areas and therefore requires City Council approval prior to allowing the sewer connection, and

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Will Serve Letter and Outside Service Agreement for Sewer Service for the property located at 1716 Morgan Road (APN 040-006-002) in Modesto.

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

The foregoing documents were introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of February, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-59

RESOLUTION APPROVING THE 2016-2020 AIRPORT CAPITAL IMPROVEMENT PLAN (ACIP) FOR SUBMITTAL TO THE FEDERAL AVIATION ADMINISTRATION (FAA) AND CALTRANS AERONAUTICS

WHEREAS, Modesto City-County Airport (Airport) is a federally obligated airport, and is eligible for federal funding, and

WHEREAS, as Airport sponsor, the City is eligible for discretionary funding from the Federal Airport Improvement Program (AIP), and

WHEREAS, the FAA requires that the City submit a revised ACIP annually covering at least the next five (5) years to maintain eligibility for future project funding, and

WHEREAS, in addition to updating cost estimates, the ACIP annual update is intended to reflect ongoing changes in City priorities, airport needs, and/or federal mandates, and

WHEREAS, keeping the ACIP current helps the FAA plan for the Airport's long-term funding needs and better distribution of funds on a priority rating, and

WHEREAS, CalTrans Aeronautics uses the ACIP submission to develop the State Capital Improvement Plan (SCIP), and

WHEREAS, the Airport CIP update will be focusing on mandated safety and compliance issues, current infrastructure needs and planning for future Airport needs and,

WHEREAS, the total package of capital improvements submitted to the FAA for 2016-2020 is estimated to cost $5,798,341, and

WHEREAS, funding for projects that are approved will be borne by the FAA at 90% with the Airport Fund providing the remaining 10% ($579,834), and

WHEREAS, Passenger Facility Fees or Local Match will generate most of the revenue for the 10% match, and

WHEREAS, on January 20, 2016, the Airport Advisory Committee recommended the forwarding of this item to City Council for consideration.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the ACIP, **attached** hereby as **Exhibit** A, for submittal to the FAA and CalTrans Aeronautics.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of February, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO Airport Capital Improvement Plan (ACIP) 2016 - 2020					FEDERAL SHARE FUNDED IN:				
PROJECT	FFY 16 PRIORITIES	Total Cost	Federal Share	City Share	2016	2017	2018	2019	2020
Pavement Maintenance Mgt. Plan & Wildlife Mgt. Plan	**PRIORITY 1**								
Admin		$ 4,620	$ 4,158	$ 462	$ 4,158				
PMMP Plan		$ 90,000	$ 81,000	$ 9,000	$ 81,000				
Wildlife Management Plan		$ 50,000	$ 45,000	$ 5,000	$ 45,000				
TOTAL		**$ 144,620**	**$ 130,158**	**$ 14,462**	**$ 130,158**				
onstruct Taxiway E/D with Stormwater Improvements									
'A (CatEx 2014)		$ -	$ -	$ -					
Admin		$ 34,440	$ 30,996	$ 3,444		$ 20,664	$ 10,332		
Design (Funded in 2015 will be completed dur ing FFY 2016)	$ 262,000	$ -	$ -	$ -					
Construction		$ 1,722,000	$ 1,549,800	$ 172,200		$ 774,900	$ 774,900		
Construction Admin		$ 172,200	$ 154,980	$ 17,220		$ 77,490	$ 77,490		
TOTAL		**$ 1,928,640**	**$ 1,735,776**	**$ 192,864**		**$ 873,054**	**$ 862,722**		
Reconstruct Taxiways C with Stormwater Improvements									
NEPA (Assumes CatEx - due to FAA by June 2016)		$ 4,332	$ 3,899	$ 433		$ 3,899			
Admin		$ 72,200	$ 64,980	$ 7,220		$ 21,660	$ 21,660	$ 21,660	
Design		$ 216,600	$ 194,940	$ 21,660		$ 194,940			
Construction		$ 1,444,000	$ 1,299,600	$ 144,400			$ 649,800	$ 649,800	
Construction Admin		$ 144,400	$ 129,960	$ 14,440			$ 64,980	$ 64,980	
TOTAL		**$ 1,881,532**	**$ 1,693,379**	**$ 188,153**		**$ 220,499**	**$ 736,440**	**$ 736,440**	
Rehab Airport Passenger Terminal Building with ADA Compliances									
Admin		$ 7,144	$ 6,429	$ 714				$ 3,215	$ 3,215
Design		$ 121,969	$ 109,772	$ 12,197				$ 109,772	
Construction		$ 575,000	$ 517,500	$ 57,500					$ 517,500
ADA Compliance Retr ofits dur ing constr uction		$ 238,124	$ 214,312	$ 23,812					$ 214,312
Construction Admin		$ 81,312	$ 73,181	$ 8,131					$ 73,181
TOTAL		**$ 1,023,549**	**$ 921,194**	**$ 102,355**				**$ 112,987**	**$ 808,208**
Phase 2: Reh ab Airport Perimeter Fen ce and Install Card Reader Access									
Admin		$ 7,000	$ 6,300	$ 700		**$ 6,300**			
Design		$ 35,000	$ 31,500	$ 3,500		**$ 31,500**			
Constr uction		$ 350,000	$ 315,000	$ 35,000		**$ 315,000**			
Constr uction Admin		$ 28,000	$ 25,200	$ 2,800		**$ 25,200**			
TOTAL		**$ 420,000**	**$ 378,000**	**$ 42,000**		**$ 378,000**			
late Airport Layout Plan									
nin		$ 50,000	$ 45,000	$ 5,000		$ 45,000			
Planning (Scope of wor k to FAA by August 2016)		$ 200,000	$ 180,000	$ 20,000		$ 180,000			
Survey		$ 150,000	$ 135,000	$ 15,000		$ 135,000			
TOTAL		**$ 400,000**	**$ 360,000**	**$ 40,000**		**$ 360,000**			
Total Funding to be requested (Omits funding already granted in 2014 & 2015)		**$ 5,798,341**	**$ 5,218,507**	**$ 579,834**	**$ 130,158**	**$ 1,831,553**	**$ 1,599,162**	**$ 849,427**	**$ 808,208**

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MODESTO CITY COUNCIL
RESOLUTION NO. 2016-60

RESOLUTION APPROVING THE PREQUALIFIED DESIGN-BUILD TEAMS TO PROPOSE ON THE CONSTRUCTION OF THE RECYCLED WATER DELIVERY SYSTEM FOR THE NORTH VALLEY REGIONAL RECYCLED WATER PROGRAM PROJECT

WHEREAS, the North Valley Regional Recycled Water Program (NVRRWP) is the planned construction of a regional water supply project that will deliver recycled water produced by the cities of Modesto and Turlock to the Delta-Mendota Canal (DMC), a feature of the Central Valley Project owned by U.S. Bureau of Reclamation, and

WHEREAS, recycled water will be conveyed from Modesto and Turlock through pipelines from their wastewater treatment facilities, crossing under the San Joaquin River, ending at the DMC, and

WHEREAS, water in the DMC would then be conveyed directly to Del Puerto Water District (DPWD) turnouts and thus to its customers, and

WHEREAS, in order to achieve an anticipated project completion by the end of 2017, the City will need to expedite the project delivery (design and construction), and

WHEREAS, staff is pursuing a Design-Build (D-B) approach, which expedites the design and construction process by compiling these services under a single entity, and

WHEREAS, this methodology will minimize risks and reduce the project delivery schedule, and

WHEREAS, on December 22, 2015 the City issued a Request for Qualifications to invite interested parties to submit their team's D-B experience and qualifications to generate a pre-qualified short-list, and

WHEREAS, only the firms on the short-list will be allowed to submit proposals for this project, and

WHEREAS, on January 27, 2016, the City received statements of qualifications (SOQs) from seven respondents, and

WHEREAS, a panel of Modesto Utilities and Del Puerto Water District staff reviewed the SOQs on February 10, 2016, and determined the following D-B teams will be included in the prequalified short-list:

- Filanc/Brown and Caldwell (Joint Venture) of Walnut Creek, CA
- Myer-Rados (Joint Venture) of Santa Ana, CA
- Overaa Construction of Richmond, CA

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the following prequalified list of Design-Build teams to propose the construction of the recycled water delivery system for the North Valley Regional Recycled Water Program project:

- Filanc/Brown and Caldwell (Joint Venture) of Walnut Creek, CA
- Myer-Rados (Joint Venture) of Santa Ana, CA
- Overaa Construction of Richmond, CA

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of February, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-61

RESOLUTION AUTHORIZING THE ISSUANCE OF REQUEST FOR PROPOSALS FOR THE CONSTRUCTION OF THE NORTH VALLEY REGIONAL RECYCLED WATER PROGRAM PROJECT

WHEREAS, the North Valley Regional Recycled Water Program (NVRRWP) is the planned construction of a regional water supply project that will deliver recycled water produced by the cities of Modesto and Turlock to the Delta-Mendota Canal (DMC), a feature of the Central Valley Project owned by U.S. Bureau of Reclamation, and

WHEREAS, recycled water will be conveyed from Modesto and Turlock through pipelines from their wastewater treatment facilities, crossing under the San Joaquin River, ending at the DMC, and

WHEREAS, water in the DMC would then be conveyed directly to Del Puerto Water District (DPWD) turnouts and thus to its customers, and

WHEREAS, in order to achieve an anticipated project completion by the end of 2017, the City will need to expedite the project delivery (design and construction), and

WHEREAS, staff is pursuing a Design-Build (D-B) approach, which expedites the design and construction process by compiling these services under a single entity, and

WHEREAS, this methodology will minimize risks and reduce the project delivery schedule, and

WHEREAS, on December 22, 2015 the City issued a Request for Qualifications to invite interested parties to submit their team's D-B experience and qualifications to generate a pre-qualified short-list, and

WHEREAS, only the firms on the short-list will be allowed to submit proposals for this project, and

WHEREAS, on January 27, 2016, the City received statements of qualifications (SOQs) from seven respondents, and

WHEREAS, a panel of Modesto Utilities and Del Puerto Water District staff reviewed the SOQs on February 10, 2016, and determined the following D-B teams will be included in the prequalified short-list to receive the Request for Proposals (RFPs):

- Filanc/Brown and Caldwell (Joint Venture) of Walnut Creek, CA
- Myer-Rados (Joint Venture) of Santa Ana, CA
- Overaa Construction of Richmond, CA

WHEREAS, the RFPs will include proposal requirements for the D-B services, preliminary design information, contract documents and draft agreements, technical requirements, project reference information, funding and permitting requirements, and cost proposal forms, and

WHEREAS, in order to meet the expedited project schedule, the RFPs will need to be issued on March 2, 2016, with submittal in early May 2016,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the issuance of Request for Proposals for the construction of the North Valley Regional Recycled Water Program project to the prequalified list of Design Build teams.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of February, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-62

RESOLUTION DESIGNATING CITY COUNCILMEMBER BILL ZOSLOCKI TO PARTICIPATE IN THE SELECTION PROCESS FOR A DESIGN-BUILD TEAM FOR THE NORTH VALLEY REGIONAL RECYCLED WATER PROGRAM PROJECT

WHEREAS, the North Valley Regional Recycled Water Program (NVRRWP) is the planned construction of a regional water supply project that will deliver recycled water produced by the cities of Modesto and Turlock to the Delta-Mendota Canal (DMC), a feature of the Central Valley Project owned by U.S. Bureau of Reclamation, and

WHEREAS, recycled water will be conveyed from Modesto and Turlock through pipelines from their wastewater treatment facilities, crossing under the San Joaquin River, ending at the DMC, and

WHEREAS, water in the DMC would then be conveyed directly to Del Puerto Water District (DPWD) turnouts and thus to its customers, and

WHEREAS, in order to achieve an anticipated project completion by the end of 2017, the City will need to expedite the project delivery (design and construction), and

WHEREAS, staff is pursuing a Design-Build (D-B) approach, which expedites the design and construction process by compiling these services under a single entity, and

WHEREAS, this methodology will minimize risks and reduce the project delivery schedule, and

WHEREAS, on December 22, 2015 the City issued a Request for Qualifications to invite interested parties to submit their team's D-B experience and qualifications to generate a pre-qualified short-list, and

WHEREAS, only the firms on the short-list will be allowed to submit proposals for this project, and

WHEREAS, on January 27, 2016, the City received statements of qualifications (SOQs) from seven respondents, and

WHEREAS, a panel of Modesto Utilities and Del Puerto Water District staff reviewed the SOQs on February 10, 2016, and determined the following D-B teams will be included in the prequalified short-list to receive the Request for Proposals (RFPs):

- Filanc/Brown and Caldwell (Joint Venture) of Walnut Creek, CA
- Myer-Rados (Joint Venture) of Santa Ana, CA
- Overaa Construction of Richmond, CA
-

WHEREAS, the RFPs will include proposal requirements for the D-B services, preliminary design information, contract documents and draft agreements, technical requirements, project reference information, funding and permitting requirements, and cost proposal forms, and

WHEREAS, in order to meet the expedited project schedule, the RFPs will need to be issued on March 2, 2016, with submittal in early May 2016, and

WHEREAS, because the D-B process is a new project delivery method for the City, staff is requesting the City Council designate Councilmember Bill Zoslocki, the City's NVRRWP Policy Board member, to participate in the selection of the most qualified D-B team,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby designates City Councilmember Bill Zoslocki to participate in the selection process for a Design-Build team for the North Valley Regional Recycled Water Program project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of February, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-63

RESOLUTION APPROVING AN AMENDMENT TO AGREEMENT WITH CAROLLO ENGINEERS, INC. FOR DESIGN-BUILD OWNER ADVISOR SERVICES FOR THE NORTH VALLEY REGIONAL RECYCLED WATER PROGRAM, IN AN AMOUNT NOT TO EXCEED $218,498 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $30,097 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF $248,595, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, the North Valley Regional Recycled Water Program (NVRRWP) is the planned construction of a regional water supply project that will deliver recycled water produced by the cities of Modesto and Turlock to the Delta-Mendota Canal (DMC), a feature of the Central Valley Project owned by U.S. Bureau of Reclamation, and

WHEREAS, recycled water will be conveyed from Modesto and Turlock through pipelines from their wastewater treatment facilities, crossing under the San Joaquin River, ending at the DMC, and

WHEREAS, water in the DMC would then be conveyed directly to Del Puerto Water District (DPWD) turnouts and thus to its customers, and

WHEREAS, in order to achieve an anticipated project completion by the end of 2017, the City will need to expedite the project delivery (design and construction), and

WHEREAS, staff is pursuing a Design-Build (D-B) approach, which expedites the design and construction process by compiling these services under a single entity, and

WHEREAS, this methodology will minimize risks and reduce the project delivery schedule, and

WHEREAS, on July 7, 2015, by Resolution No. 2015-240, the City Council authorized City staff to initiate the Design-Build process for the Project, and

WHEREAS, on November 4, 2015, by Resolution No. 2015-422, the City Council approved an agreement with Carollo Engineers (Carollo) to provide the City with Owner Advisor services to assist the City with the D-B process for the Project, and

WHEREAS, Carollo's scope of services includes: 1) Project Management and Administration; 2) Develop D-B Procurement strategy, criteria, documentation, and schedule; 3) Develop D-B Qualification and Proposal Documents and review criteria; 4) Predesign geotechnical evaluations and survey; 5) Prepare conceptual and selective preliminary design; and 6) Assist staff to evaluate proposals and negotiate final D-B contract, and

WHEREAS, during the preparation of the conceptual and preliminary design in support of the D-B effort, significant additional design effort by Carollo was required to address several permitting requirements, most notably the underground crossings of the San Joaquin River, Highway 33, the Genesee & Wyoming Railroad line, as well as the outfall structure at the DMC, and

WHEREAS, these additional design efforts, and permit costs, were not anticipated in the original scope of work; however, it was necessary in order to secure the required agency permits and approvals before the award of the D-B construction contract, and

WHEREAS, securing these permits ahead of time will result in fewer risks to the contract and preserve the anticipated project construction schedule, and

WHEREAS, staff recommends that the amendment to the agreement with Carollo be approved,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Amendment to Agreement with Carollo Engineers, Inc. to provide additional work for Design-Build Owner Advisor Services for the North Valley Regional Recycled Water Program, in an amount not to exceed $218,498 for the identified scope of services, plus $30,097 for additional services (if needed), for a maximum total amount of $248,595.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of February, 2016, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-64

RESOLUTION AMENDING THE FISCAL YEAR 2015-2016 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $159,037 TO BE TRANSFERRED INTO THE PROJECT FROM WASTEWATER FUND RESERVES IN ORDER TO FULLY FUND THE AGREEMENT WITH CAROLLO ENGINEERS, INC., WALNUT CREEK, CA, FOR DESIGN-BUILD OWNER ADVISOR SERVICES FOR THE NORTH VALLEY REGIONAL RECYCLED WATER PROGRAM, INCLUDING SUPPORT BY CITY STAFF

WHEREAS, certain budgetary transactions are necessary in the amount of $159,037, in order to fund the Design-Build Owner Advisor Services amendment to agreement, including support by City staff for the North Valley Regional Recycled Water Program, and

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

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

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of February, 2016, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Exhibit A

Due to the increase of estimated engineering/design/administration costs for the amendment to agreement, including support by City staff for CIP Account #100521-"North Valley Regional Recycled Water Program", the project costs need to be increased by $159,037. This would be done by adjusting Engineering/Design/Administration (EDA) in CIP Account #100521-"North Valley Regional Recycled Water Program" by $159,037.

To fund the above account, $159,037 will be transferred from Wastewater Fund Reserves into CIP Project #100521-"North Valley Regional Recycled Water Program" project.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-65

RESOLUTION APPROVING THE APPOINTMENTS OF DOUGLAS PARMAN AND RICHARD MAGGARD TO CITY OF MODESTO CITIZENS' HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE WITH AN EXPIRATION DATE OF DECEMBER 31, 2019

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

WHEREAS, both DOUGLAS PARMAN and RICHARD MAGGARD have expressed an interested in serving on the Citizen's Housing and Community Development Committee (CH&CDC); and

WHEREAS, on January 26, 2016, the City of Modesto Appointments Committee reviewed applications and recommended that both DOUGLAS PARMAN and RICHARD MAGGARD be appointed to the CH&CDC; and

WHEREAS, DOUGLAS PARMAN will serve in the seat designation of Citizen-at-Large for the time period March 1, 2016 to December 31, 2019; and

WHEREAS, RICHARD MAGGARD will serve in the seat designation of Citizen-at-Large for the time period March 1, 2016 to December 31, 2019; and

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Council of the City of Modesto that DOUGLAS PARMAN is hereby appointed to the Citizens' Housing and Community Development Committee and will serve in the seat designation of Citizen-at-Large for the time period March 1, 2016 through December 31, 2019.

BE IT FURTHER RESOLVED that RICHARD MAGGARD is hereby appointed to the Citizens' Housing and Community Development Committee and will serve in the seat designation of Citizen-at-Large for the time period March 1, 2016 through December 31, 2019.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of March, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-66

RESOLUTION APPROVING THE APPOINTMENTS OF JAMES LIBERTO AND CHARLES AUSTIN TO CITY OF MODESTO HOUSING REHABILITATION LOAN COMMITTEE WITH AN EXPIRATION DATE OF DECEMBER 31, 2019

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

WHEREAS, JAMES LIBERTO and CHARLES AUSTIN expressed an interested in serving on the Housing and Rehabilitation Loan Committee (HRLC); and

WHEREAS, on January 26, 2016, the City of Modesto Appointments Committee reviewed applications and recommended that both JAMES LIBERTO and CHARLES AUSTIN be appointed to the HRLC; and

WHEREAS, JAMES LIBERTO will serve in the seat designation of Financial Institution and will serve for the time period March 1, 2016 to December 31, 2019; and

WHEREAS, CHARLES AUSTIN will serve in the seat designation of Provider of Service and will serve for the time period March 1, 2016 to December 31, 2019;

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Council of the City of Modesto that JAMES LIBERTO is hereby appointed to the Housing Rehabilitation and Loan Committee and will serve in the seat designation of Financial Institution for the time period March 1, 2016 through December 31, 2019.

BE IT FURTHER RESOLVED that CHARLES AUSTIN is hereby appointed to the Housing Rehabilitation and Loan Committee and will serve in the seat designation of Provider of Service for the time period March 1, 2016 through December 31, 2019.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of March, 2016, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-67

RESOLUTION AFFIRMING THE PROPOSED APPOINTMENT OF YAMILET VALLADOLID FROM EL CONCILIO TO SERVE AS A NONPROFIT REPRESENTATIVE ON THE SAFER NEIGHBORHOOD INITIATIVE OVERSIGHT BOARD; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE NECESSARY DOCUMENTS RELATED TO THE APPOINTMENT

WHEREAS, at the October 27, 2015 City Council meeting, Council approved representatives to serve on the Safer Neighborhood Initiative Oversight Board; and

WHEREAS, at that time there was no Nonprofit Representative appointed; and

WHEREAS, staff is now requesting Council affirm the proposed appointment of Yamilet Valladolid from El Concilio to serve as a Nonprofit Representative on the Safer Neighborhood Initiative Oversight Board.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the proposed appointment of Yamilet Valladolid from El Concilio to serve as a Nonprofit Representative on the Safer Neighborhood Initiative Oversight Board.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of March, 2016, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-68

RESOLUTION APPROVING THE THIRD AMENDED LONG RANGE PROPERTY MANAGEMENT PLAN OF THE CITY OF MODESTO REDEVELOPMENT SUCCESSOR AGENCY PURSUANT TO HEALTH AND SAFETY CODE SECTION 34191.5(B) AND SENATE BILL 107

WHEREAS, on October 17, 2013, the Modesto Redevelopment Successor Agency Oversight Board adopted Resolution No. 2013-07 approving the City of Modesto Redevelopment Successor Agency Long Range Property Management Plan (the Plan), and .

WHEREAS, the Plan was submitted to the State Department of Finance (DOF) on October 24, 2013, and

WHEREAS, City staff was contacted by the DOF to discuss the permissible uses identified in the Plan for the following properties:

1. 11th Street Parking Garage (TSP)
2. 1010 10th Street – 1st Floor Retail Space
3. 1125 9th Street – Parking Garage
4. 1150 9th Street – Centre Plaza; and

WHEREAS, the DOF's position was these properties do not meet the definition of the Government / Public Use designation, and

WHEREAS, based on discussions with DOF staff and the City's legal counsel, the Plan was amended (the Amended Plan) to retain these properties as Government / Public Use until the debts are retired, at which time they would be evaluated for disposition if appropriate, and

WHEREAS, the Amended Plan was approved by the City Council (Resolution No. 2014-70) and Redevelopment Successor Agency (Resolution No. 01-2014) on February 25, 2014 and the Redevelopment Successor Agency Oversight Board (Resolution No. 2014-06) on February 27, 2014, and submitted to the DOF on March 4, 2014, and

WHEREAS, additional discussions with the DOF staff occurred following the submission of the Amended Plan, and

WHEREAS, DOF staff maintained the position that the identified properties do not meet the Government / Public Use designation and must be designated for disposition in order for the Plan to be approved, and

WHEREAS, options regarding this designation were considered, including the option for the City of Modesto to purchase the properties, which requires the execution of a Compensation Agreement with the taxing entities, with the net sales proceeds being distributed to the taxing entities on a pro rata basis in proportion to each entity's respective share of the property tax base, and

WHEREAS, given the long-term contracts restricting the use of the properties, the disposition price for the properties is anticipated to be minimal, and

WHEREAS, the Plan was amended a second time to designate these properties for sale to the City of Modesto in accordance with the Plan,

WHEREAS, the Second Amended Long Range Property Management Plan was approved by the City Council (Resolution No. 2014-138), City of Modesto Redevelopment Successor Agency (Resolution No. 02-2014) on April 15, 2014, the City

of Modesto Redevelopment Successor Agency Oversight Board (Resolution No. 2014-07) on May 1, 2014, and the DOF on May 30, 2014.

WHEREAS, Senate Bill 107, adopted September 10, 2015, authorized Successor Agencies to amend their previously approved Long Range Property Management Plan to allow for retention of real properties that constitute parking facilities and lots dedicated solely to public parking, and

WHEREAS, the Plan has been amended a third time to designate the two (2) properties listed as 11th Street Parking Garage and 1125 9th Street- Parking Garage for retention as Government / Public Use in accordance with the Plan,

WHEREAS, the Redevelopment Successor Agency Oversight Board approved the Third Amended Long Range Property Management Plan on January 28, 2016,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Third Amended Long Range Property Management Plan (**Exhibit A**) of the City of Modesto Redevelopment Successor Agency pursuant to Health and Safety Code Section 34191.5(b) and Senate Bill 107.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of March, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

THIRD AMENDED LONG-RANGE PROPERTY MANAGEMENT PLAN

CITY OF MODESTO REDEVELOPMENT SUCCESSOR AGENCY

MODESTO
CALIFORNIA

JANUARY 2016

Prepared By:

Laurie A. Smith
City of Modesto
P.O. Box 642
Modesto, CA 95353
(209) 577-5347
lsmith@modestogov.com

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Property #4: 1125 9th Street - Parking Garage **14**

Property #5: 9th Street - Pedestrian Bridge 16

Property #6: 1150 9th Street - Modesto Centre Plaza 18

Property #7: 777 10th Street - Parking Lot *(Proposed Courthouse Site)* 20

3.0 Attachments .....

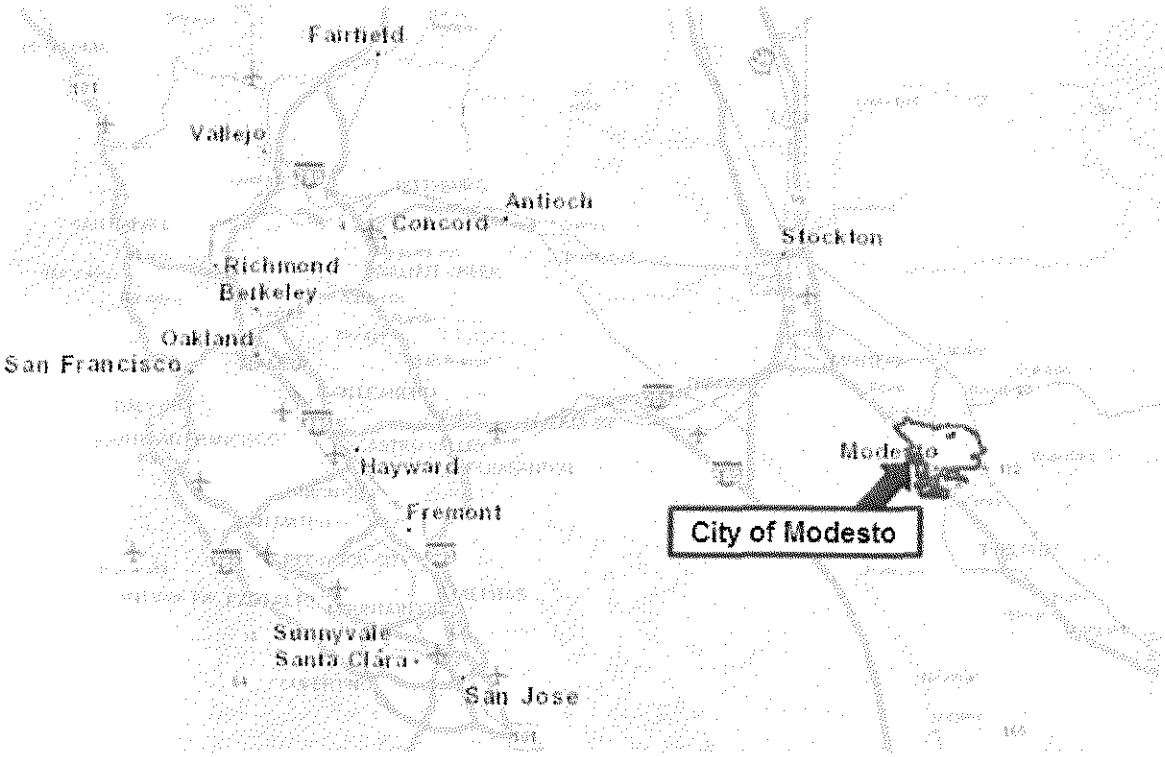
The analyses, projections, assumptions, rates of return, and any examples presented herein are for illustrative purposes and are not a guarantee of actual and/or future results. Project pro forma and tax analyses are projections only. Actual results may differ materially from those expressed in this analysis.

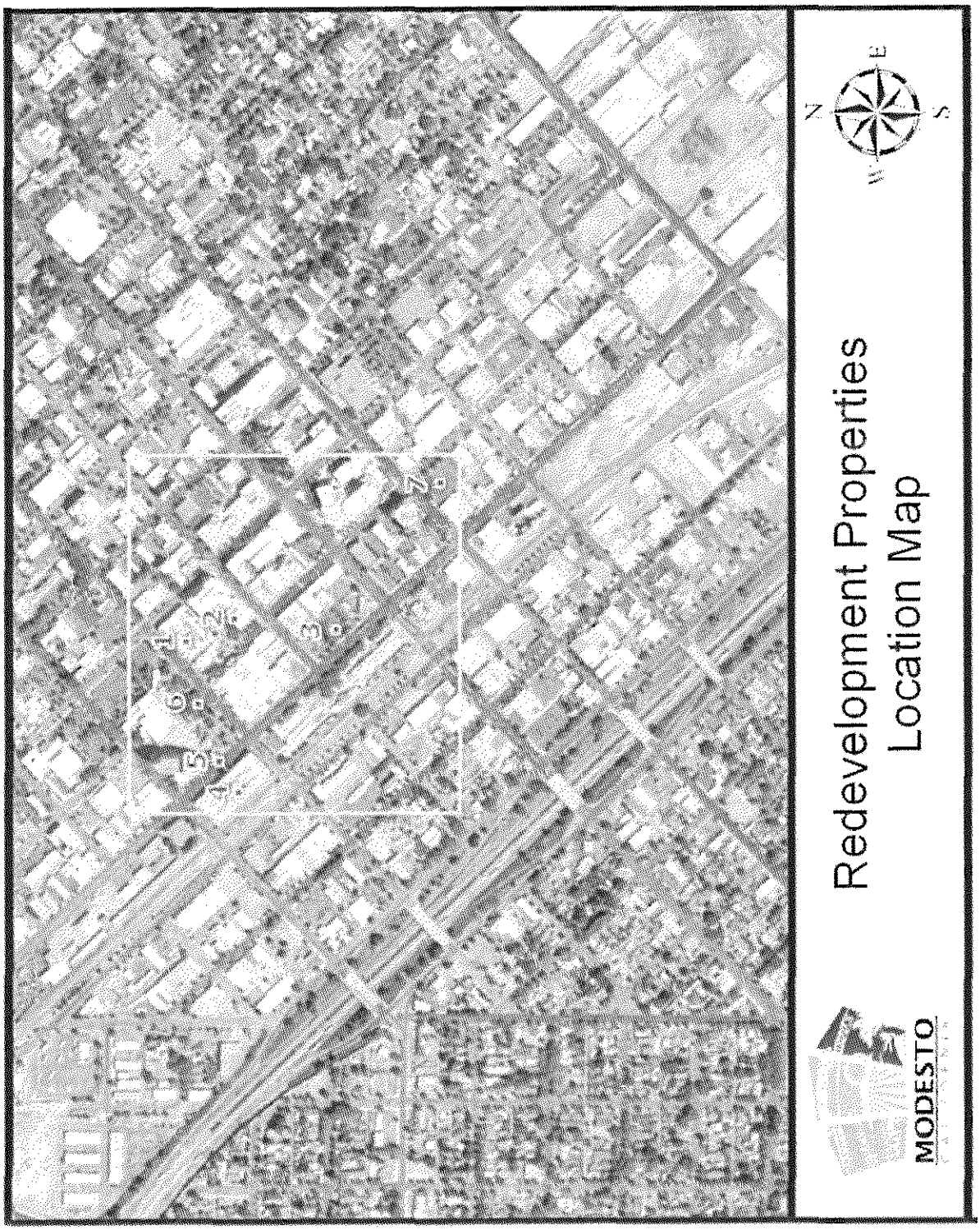
1.0 Introduction

1.1 Background & Purpose

Health and Safety Code Section 34191.5, added by AB 1484 (signed into law on June 27, 2012), requires each Successor Agency ("SA") to prepare and approve a Long-Range Property Management Plan ("LRPMP") that addresses the disposition and use of the real properties of the former redevelopment agency. Properties held by a successor agency cannot be disposed of until the State Department of Finance ("DOF") has approved the LRPMP. This document is the LRPMP for the Successor Agency to the former Modesto Redevelopment Agency.

Senate Bill 107, amended September 10, 2015, authorized Successor Agencies to amend their previously approved Long-Range Property Management Plans to allow for retention of real properties that constitute "parking facilities and lots dedicated solely to public parking." This document amends those properties affected by this legislation.





The analyses, projections, assumptions, rates of return, and any examples presented herein are for illustrative purposes and are not a guarantee of actual and/or future results. Project pro forma and tax analyses are projections only. Actual results may differ materially from those expressed in this analysis.

kosmont 656 South Figueroa Street, 35th Floor Los Angeles California 90017 ph 213.417.3300 fax 213.417.3311

1.2 Successor Agency Property Summary

There are eleven (11) parcels/seven (7) properties owned and controlled by the Successor Agency. All eleven (11) parcels/seven (7) properties entail fee simple property.

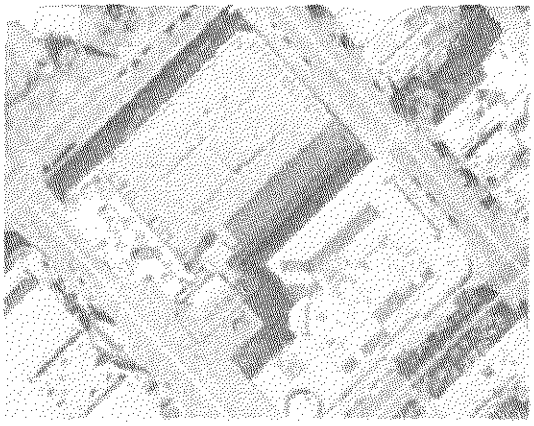
Only Sites #1 and #4 are included in this third amended Long-Range Property Management Plan as the disposition for the other sites have already been determined. For easy reference, items not being submitted within this amendment have been grayed out.

#	Address/Description	APN	Purpose				Page #s
			Public	Econ. Dev.	Sale	Enf. Oblig.	
1	**11th Street Parking Garage**	**105-037-032**	**X**				**6-8***
2	1010 10th Street – 1st Floor Retail	105-037-033; 105-037-034			X*		
3	9th Street Parking Lot	105-041-021	X	X			
4	**1125 9th Street – Parking Garage**	**105-048-006**	**X**				**13-15***
5	9th Street Pedestrian Bridge	105-048-008	X				
6	1150 9th Street – Centre Plaza	105-048-011			X*		
7	777 10th Street – Parking Lot	106-042-001; 106-042,002; 106-042-003; 106-042-004	X	X			

*** Note: Amended property information pages are included for consideration in the Third Amended Long- Range Property Management Plan. All other property information remains intact and unchanged.**

2.0 Long-Range Property Management Plan (PMP)

Property #1: 11th Street Parking Garage



Address	Southwest Corner 11th Street and K Street
APN	105-037-032
Lot Size	1.15 acre (50,094 square feet)
Use	Parking Structure
Zoning	DC (Downtown Core)
Current Title	Modesto Redevelopment Agency
Improvements	Four-story + basement parking structure *(connected to Tenth Street Place (TSP), City-County Administration Building)*

Purchase Date	6/29/2001 *(date of existing grant deed in the former RDA name)*
Purchase Price	New Construction
Funding Source	Land purchased with City general fund monies; construction was financed through issuance of bonds secured by Redevelopment Agency tax increment.
Existing Debt	This property is collateral for the Lease Revenue Bonds scheduled to be paid in full on 9/1/2033. Outstanding balance of this debt is $28,493,199.
Purpose	A multi-level public parking facility constructed to serve the City-County Administration building employers and visitors and adjacent office and retail businesses.
Estimate of Current Value	$7,035,624
Method of Valuation	Straight line depreciation on fixed assets.

The analyses, projections, assumptions, rates of return, and any examples presented herein are for illustrative purposes and are not a guarantee of actual and/or future results. Project pro forma and tax analyses are projections only. Actual results may differ materially from those expressed in this analysis.

	Annual revenue generated equals $409,117. A portion of this revenue is derived from the parking fees which are charged as follows: $1 per hour 6 a.m. to 6 p.m. $5 flat fee 6 p.m. to 6 a.m. Additionally, included in that revenue amount are three (3) parking agreements as summarized below: $38,472 from Centerra Capital (Parking Garage retail space) $44,250 from Civic Partners (TSP retail space) $114,411 from AIM Property Management (Cinema) Annual expenses include: $281,291 for maintenance $1,353,104 debt service (FY14 including Tenth Street Place) The City of Modesto pays for all maintenance out of the City Parking Fund.
City / Successor Agency Lease Agreement	Of the 727 parking spaces, 432 are perpetually reserved under recorded contracts (Attachment A); 377 for government employees and 55 for the office building owned by Centerra Capital, to satisfy downtown parking requirements. In addition, the parking agreement with Civic Partners requires validation of parking for retail business patrons on a first-come, first-served basis. In addition, there is a parking agreement with the Joint Powers Authority per attachment A. **Approximately 52% of the parking spaces are contractually obligated to provide government employee parking for as long as the City-County JPA is in existence and the government agencies continue to operate and provide services in the public structure adjacent to the garage. In addition, the parking agreements with Centerra Capital, and Civic Partners also continue as long as the parking garage and retail and office uses are in existence and open for business, thus limiting resale value.**

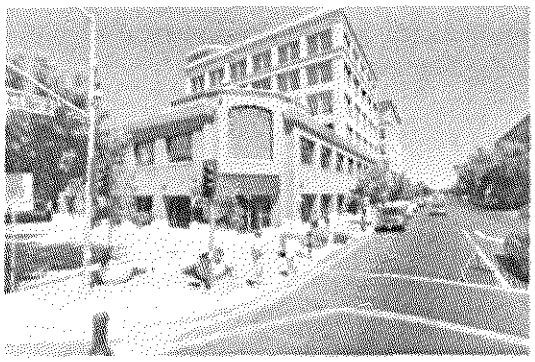
None

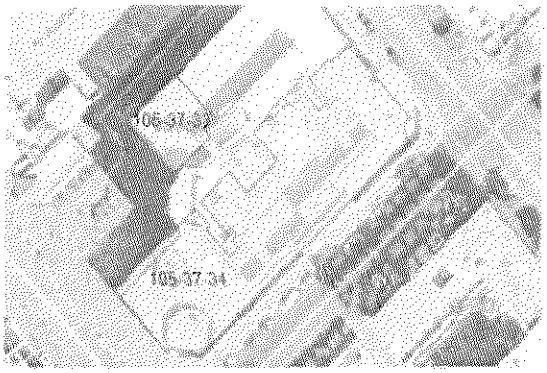
Potential for TOD	Not applicable, fully developed as parking structure.
Agency Planning Objectives	Maintaining the property as public parking to support the adjacent City-County government building and retail businesses, is a planning objective identified in former planning Redevelopment Agency planning documents (Attachment C).

History	Unknown.

Recommendation for Disposition – Property #1	
~~SALE~~	***Change From:*** ~~At or before the retirement of debt, the City will reach compensation agreements with the other taxing entities for Sites #1, #2, #4 and #6 in accordance with all applicable laws and subject to all applicable covenants, contracts, and restrictions affecting the properties. The agreement will specify that the net sales proceeds for the disposition will be distributed to all of the taxing entities on a pro rata basis in proportion to each entity's respective share of the property tax base, provided, however, that this provision shall not be operative if a court order, legislation or Department of Finance policy reverses the DOF's directive regarding such agreements.~~
Retain as Government/ Public Use	***Change To:*** **Transfer of these parcels to the City of Modesto in accordance with Senate Bill 107, amended September 10, 2015, which authorized the Successor Agency to amend it's previously approved LRPMP to allow for retention of real properties that constitute "parking facilities and lots dedicated solely to public parking."**

Property #2: 1010 10th Street 1st Floor Retail





Address	1010 10th Street 1st Floor Retail Condominium Airspace Parcel
APN	105-37-33,105-37-34
Lot Size	26,984 square feet
Use	Ground Floor Retail within City-County Administration Building
Zoning	DC (Downtown Core)
Current Title	Modesto Redevelopment Agency
Improvements	1st floor retail airspace of the City/County Administration Building

Purchase Date	8/24/2001 *(date of existing grant deed in the former RDA name)*
Purchase Price	New Construction
Funding Source	Construction of City-County Administration Building was financed by bonds issued by the City-County Capital Improvements and Financing Agency.
Existing Debt	This property is collateral for the Lease Revenue Bonds scheduled to be paid in full on 9/1/2033. Outstanding balance of this debt is $28,493,199.
Purpose	First floor retail/office leasable airspace in the multi-story joint administration building from which both the City of Modesto and County of Stanislaus operate. The space primarily services the users of the City-County Administration Building.
Estimate of Current Value	$956,912
Method of Valuation	Straight line depreciation on fixed assets.

	Annual Revenues:$106,294 Annual Maintenance Costs: $63,017 Annual Debt Service: a portion of $1,353,104 *(in conjunction with debt service on the 11th Street Parking Garage)*
Agreements Affecting the Condominium Parcel	The Redevelopment Agency has a Lease Agreement with Option to Purchase with Civic Partners Modesto, Inc., on the first floor retail airspace of 1010 10th Street. The Agreement provides for a purchase price of $1,605,962; the option can be exercised at any time during the lease; the lease term runs through 2032. In addition, the condominium airspace is subject to several other agreements, including a Reciprocal Easement and Maintenance Agreement, and Conditions, Covenants and Restrictions for the City-County Administration Building.

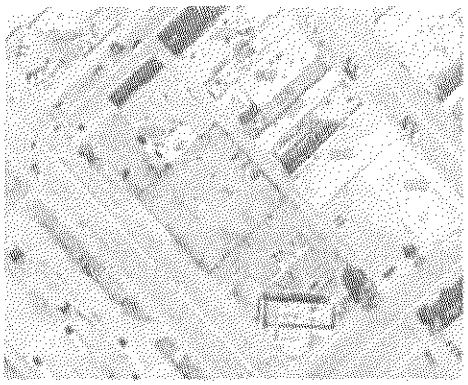
None

Potential for TOD	Not applicable, fully developed as airspace within a governmental building.
Agency Planning Objectives	Dependent upon the terms of the Lease Agreement with Option to Purchase By and Between Redevelopment Agency of the City of Modesto and Civic Partners Modesto, Inc. and the public financing bonds.

History	Unknown.

SALE	At or before the retirement of debt, the City will reach compensation agreements with the other taxing entities for Sites #1, #2, #4 and #6 in accordance with all applicable laws and subject to all applicable covenants, contracts, and restrictions affecting the properties. The agreement will specify that the net sales proceeds for the disposition will be distributed to all of the taxing entities on a pro rata basis in proportion to each entity's respective share of the property tax base, provided, however, that this provision shall not be operative if a court order, legislation or Department of Finance policy reverses the DOF's directive regarding such agreements.

Property #3: 9th Street Parking Lot



Address	9th Street Parking Lot
APN	105-041-021
Lot Size	19,040 square feet
Use	Parking Lot
Zoning	DC (Downtown Core)
Current Title	Modesto Redevelopment Agency
Improvements	Flat parking lot

Purchase Date	12/1/1994 *(date of existing grant deed in the former RDA name)*
Purchase Price	$0
Funding Source	Purchased with City of Modesto general fund monies and transferred without consideration to the Redevelopment Agency for potential development.
Existing Debt	None
Purpose	As the potential project did not occur, the property has been used, operated and maintained by the City of Modesto continuously as a surface parking lot. Title should have been transferred back to the city, but was not.
Estimate of Current Value	Due to the nature of the reporting of fixed assets, this property is not clearly identifiable in records and therefore an estimate of current value is unknown.
Method of Valuation	N/A

City / Successor Agency Lease Agreement	Annual revenue generated equals $30,727. This revenue is derived from the parking fees which are charged as follows: $1 per hour 6 a.m. to 6 p.m. $5 flat fee 6 p.m. to 6 a.m. The annual maintenance of this parcel is $16,250. City pays for all maintenance costs.

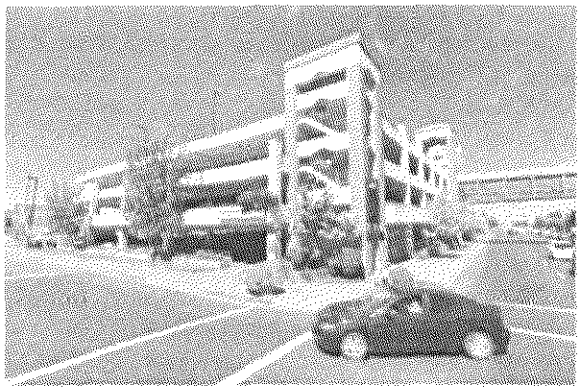
None	Unknown.

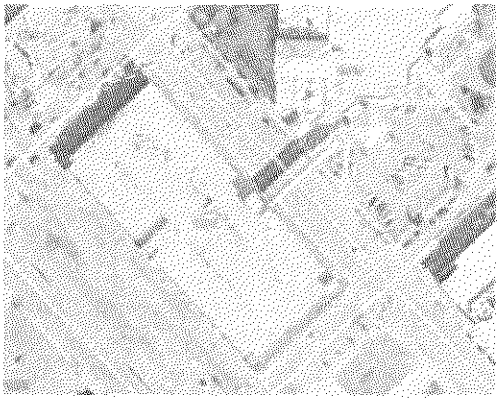
Potential for TOD	The property supports the Modesto Downtown Transportation Center which resides across 9th Street and runs Amtrak, ACE, a connection to BART, Greyhound buses, and all Modesto Area Express lines.
Agency Planning Objectives	The property should be transferred back to the City of Modesto for continued use as a surface parking lot.

History	The proposed development with McDonald's Corporation for the development of a restaurant, associated parking and landscaping, trash enclosures and restorative work on adjacent parking lot never occurred. It has been used for many years as a City parking lot.

Retain as Government/Public Use	Transfer to the City of Modesto. This property was previously owned by the City of Modesto and was conveyed to the Redevelopment Agency for a potential project which never occurred. No Redevelopment Agency funds were used to acquire or maintain the property. The Resolution related to this transfer specifically states "...and the Site will not be acquired by the Agency, either directly or indirectly, with tax increment monies..." (Attachment D)

Property #4: 1125 9th Street Parking Garage





Address	1125 9th Street Parking Garage
APN	105-048-006
Lot Size	70,567 square feet
Use	Parking Garage
Zoning	DC (Downtown Core)
Current Title	Modesto Redevelopment Agency
Improvements	Four-story parking garage

Purchase Date	6/30/1988 *(date placed in service as a fixed asset)*
Purchase Price	Construction financing costs (see below)
Funding Source	Underlying land was purchased using City general fund monies; construction loan/financing obtained by pledging tax increment.
Existing Debt	This property (along with Properties Nos. 5 and 6) is collateral for the Certificates of Participation scheduled to be paid in full on 11/2/2023. Outstanding balance of this debt is $20,933,535.
Purpose	A multi-level parking garage serving the City's Community Center and DoubleTree Hotel.
Estimate of Current Value	$1,714,740
Method of Valuation	Straight line depreciation on fixed assets.

	Annual revenue generated equals $175,051 which are deposited into the City's Parking Fund. A portion of this revenue is derived from the parking fees which are charged as follows: $1 per hour 6 a.m. to 6 p.m. $5 flat fee 6 p.m. to 6 a.m. Included in that revenue amount is an agreement with the DoubleTree Hotel in the amount of $103,440. The City of Modesto has maintained the garage since it was constructed out of its Parking Fund.
Agreements Affecting Garage	This parking structure has 787 parking spaces. As mentioned above, the garage is collateral under the COP financing agreements. In addition, the agreement between the Doubletree Hotel and the City of Modesto allocates 615 parking spaces for use by the DoubleTree employees, office tenants, hotel guests or customers 24 hours a day 7 days a week In addition, the Amendment provides that the City shall have the right to use 120 parking spaces on the roof of the garage until May 31, 2023. The Agreement with the DoubleTree terminates on May 31, 2055 but gives DoubleTree two (2) ten year options to extend.

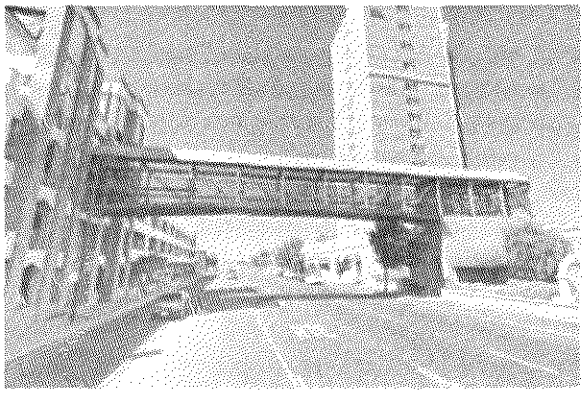
None	This location is part of six properties subject to the Oversight Agreement within a project area as defined in Health and Safety Code Section 33320.1. Passive soil gas surveys conducted by the Regional Water Quality Control Board and consultants to the City of Modesto and the Modesto Redevelopment Agency in 1989 to 1991 and 2000 to 2001, respectively indicate that PCE has entered the subsurface soils from discharge to sanitary sewer lines. **This information is per the Department of Toxic Substances Control ENVIROSTOR database.*

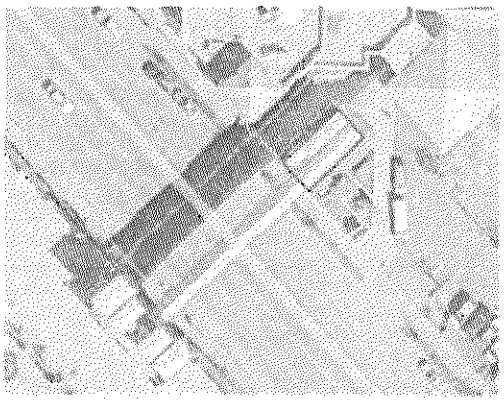
Potential for TOD	Not applicable, fully developed as parking structure.
Agency Planning Objectives	Maintaining the property as public parking to support the Modesto Centre Plaza/Community Center ,which is a planning objective identified in former planning Redevelopment Agency planning documents (See Attachment G).

History	Construction of the existing multi-level parking garage in support of the Community Center.

~~SALE~~	***Change From:*** ~~At or before the retirement of debt, the City will reach compensation agreements with the other taxing entities for Sites #1, #2, #4 and #6 in accordance with all applicable laws and subject to all applicable covenants, contracts, and restrictions affecting the properties. The agreement will specify that the net sales proceeds for the disposition will be distributed to all of the taxing entities on a pro rata basis in proportion to each entity's respective share of the property tax base, provided, however, that this provision shall not be operative if a court order, legislation or Department of Finance policy reverses the DOF's directive regarding such agreements.~~
Retain as Government/ Public Use	***Change To:*** **Transfer of these parcels to the City of Modesto in accordance with Senate Bill 107, amended September 10, 2015, which authorized the Successor Agency to amend their previously approved LRPMP to allow for retention of real properties that constitute "parking facilities and lots dedicated solely to public parking."**

Property #5: 9th Street Pedestrian Bridge





Address	9th Street Pedestrian Bridge
APN	105-48-08
Lot Size	703 square feet
Use	Pedestrian Bridge
Zoning	DC (Downtown Core)
Current Title	Modesto Redevelopment Agency
Improvements	703 square foot pedestrian bridge between the parking garage and the City Community Center and DoubleTree hotel.

Purchase Date	March 23,1984 *(date of existing grant deed in the former RDA name)*
Purchase Price	New Construction
Funding Source	Land was purchased using City general fund monies; construction loan/financing obtained by pledging tax increment.
Existing Debt	This property (along with Properties Nos. 4 and 6) is collateral for the Certificates of Participation scheduled to be paid in full on 11/2/2023. Outstanding balance of this debt is $20,933,535.
Purpose	Public Use
Estimate of Current Value	Due to the nature of the reporting of fixed assets, this property is not clearly identifiable in records and therefore an estimate of current value is unknown.
Method of Valuation	N/A

City / Successor Agency Lease Agreement	As mentioned above, the bridge is pledged collateral under the COP financing agreements. There are no revenues for this property nor are there any contractual requirements. The City currently pays for the annual maintenance of the facility which is approximately $16,970. In addition, this property is included in the debt service payments with the Modesto Centre Plaza and the 9th Street Parking Garage – this annual payment is $1,961,450.

None	Unknown.

Potential for TOD	Not Applicable.
Agency Planning Objectives	Transfer to City to maintain as pedestrian bridge to provide access from parking garage to Modesto Centre Plaza/Community Center.

History	Property was developed as a pedestrian bridge in 1988 to support the Modesto Centre Plaza/Community Center as part of the redevelopment project identified in the 1983 RDA Master Plan (Attachment G).

Retain as Government/Public Use	This property will be retained by the City for government use, as its value is undetermined due to no revenue. The City of Modesto desires to take ownership of this property "as is" as it is already responsible for the annual maintenance of this facility.

Property #6: 1150 9th Street – Modesto Centre Plaza (Community Center)

Address	1150 9th Street
APN	105-048-011
Lot Size	181,209 square feet
Use	Community Center: Public & Enforceable Obligations
Zoning	DC (Downtown Core)
Current Title	Modesto Redevelopment Agency
Improvements	Community Center

Purchase Date	7/31/1991 *(date of existing grant deed in the former RDA name)*
Purchase Price	New Construction
Funding Source	Land was purchased using City general fund monies; Certificates of Participation were issued to finance construction; tax increments pledged for payment.
Existing Debt	This property (along with Properties Nos. 4 and 5) is collateral for the Certificates of Participation scheduled to be paid in full on 11/2/2023. Outstanding balance of this debt is $20,933,535.
Purpose	Community Center
Estimate of Current Value	$4,001,166
Method of Valuation	Straight line depreciation on fixed assets

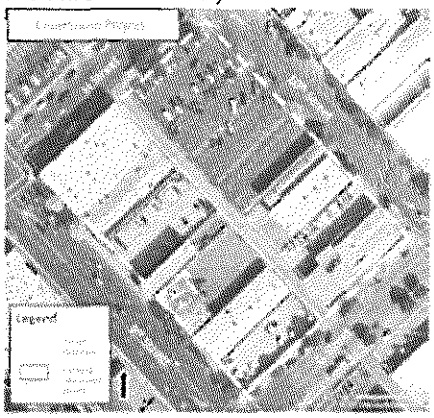
City / Successor Agency Lease Agreement	Revenue Generated by Property & Contractual Requirements: Annual revenue generated equals $744,000. This revenue is generally derived from the following sources: Labor Charges for Services: $ 24,000 Commissions (Cultural and Tech Services): $ 230,000 Equipment Rentals: $ 75,000 Room Rentals: $ 410,000 Misc. $ 5,000 In addition to the leases entered into as part of the COP financing, the Modesto Centre Plaza (through the City of Modesto) is under a catering contract with the DoubleTree Hotel (Attachment H). Revenue from this catering contract is included in the line item for "Commissions." The existing contract expires in May 2019 and has three 10-year extension options. The contract states "DOUBLETREE will have the exclusive right to provide all catering services at the CENTER." Catering Services is defined as "the preparation and serving of food and non-alcoholic beverages at a per-plate, per-person or per-order charge at the CENTER, regardless of the event, including, without limitation, banquest, meetings, conferences, exhibits, trade shows, concerts and any other uses of the CENTER. The exception relates to Non-Profit Organizations which are allowed to "(1) prepare their own food items in the CENTER's kitchen if the food items are prepared by the non-profit organization's members; and (2) supply their own donated alcoholic beverages for hosted functions provided such non-profit organizations pay any corkage fees established by DOUBLETREE from time to time. Revenue is also received from the Parking Lot which is part of this parcel. Annual revenues total: $52,587. Annual maintenance costs total approximately: $50,000. In addition, this property is included in the debt service payments with the 9th Street Parking Garage and the 9th Street Pedestrian Bridge – this annual payment is $1,961,450. The City is responsible for all maintenance costs of the Center.
None	Prior to purchase by the City of Modesto, the Modesto Centre Plaza site was occupied by Bradbury's Cleaners. During construction and demolition work at the site, four leaking underground storage tanks used to store Stoddard Solvent were uncovered. Contaminated soils were excavated to 25 feet below ground surface, aerated, and backfilled into the excavation area. **This information is per the Department of Toxic Substances Control ENVIROSTOR database.*

Potential for TOD	Not applicable, fully developed as a City community center.
Agency Planning Objectives	Maintaining the property as public space to increase tourism downtown as a planning objective identified in the 1983 RDA Master Plan (Attachment G).

History	Unknown.

SALE	At or before the retirement of debt, the City will reach compensation agreements with the other taxing entities for Sites #1, #2, #4 and #6 in accordance with all applicable laws and subject to all applicable covenants, contracts, and restrictions affecting the properties. The agreement will specify that the net sales proceeds for the disposition will be distributed to all of the taxing entities on a pro rata basis in proportion to each entity's respective share of the property tax base, provided, however, that this provision shall not be operative if a court order, legislation or Department of Finance policy reverses the DOF's directive regarding such agreements.

Property #7: 777 10th Street – Parking Lot ***(Proposed Courthouse Site)***



Address	777 10th Street
APN	106-042-001, 106-042-002, 106-042-003, 106-042-004
Lot Size	31,500 square feet
Use	Parking Lot
Zoning	DC (Downtown Core)
Current Title	Modesto Redevelopment Agency
Improvements	Surface Parking Lot

Purchase Date	1/25/2005
Purchase Price	$0
Funding Source	City of Modesto General Fund – property was transferred without consideration to the Redevelopment Agency for a potential project.
Existing Debt	None.
Purpose	Use from pre-1987 to present is a surface parking lot. These parcels are currently part of an entire block of parcels that the State Administrative Office of the Courts has selected as the future site for the State of California Superior Court Courthouse for Stanislaus County.
Estimate of Current Value	Unknown.
Method of Valuation	A certified appraisal was completed by the State of California Judicial Council Administrative Office of the Court (AOC) in 2011. It is the property of the AOC and has not been released f or public disclosure.

City / Successor Agency Lease Agreement	Annual revenue generated equals $89,266. This revenue is derived from the parking fees which are charged as follows: $1 per hour 6 a.m. to 6 p.m. $5 flat fee 6 p.m. to 6 a.m. Annual maintenance costs for this property are approximately $42,561.22.

None	A Phase 2 environmental study was recently conducted by the State of California Administrative Office of the Courts; however, the findings have not been released for public disclosure. In addition, a Phase 1 was conducted as part of a previous development project lead by Team Modesto.

Potential for TOD	The property is located within close proximity (0.2 miles/ 5 minute walk) of the Modesto Downtown Transportation Center, which provides access to Amtrak, ACE, a connection to BART, and all Modesto Area Express lines. Also located next to bus stop for Modesto Area Express, Bus Lines include 25, 34, 37, 38, and 39.
Agency Planning Objectives	These parcels are currently part of an entire block of parcels that the State Administrative Office of the Courts has selected as the future site for the State of California Superior Court Courthouse for Stanislaus County. In addition, these parcels are located along 10th Street which is a focal point in the 2007 RDA Master Plan (Attachment I).

History	These parcels were originally acquired and owned by the City of Modesto and were the subject of two mixed-use projects which did not come to fruition.

Retain as Government/Public Use	Transfer of these parcels to the City of Modesto in order to meet the State of California Administrative Office of the Courts' deadline for securing the State of California Stanislaus County Superior Courthouse project. In addition, this property was previously owned by the City of Modesto and was conveyed to the Redevelopment Agency for purposes of disposition to a developer pursuant to a DDA. No property tax increment was used to purchase these parcels.

The analyses, projections, assumptions, rates of return, and any examples presented herein are for illustrative purposes and are not a guarantee of actual and/or future results. Project pro forma and tax analyses are projections only. Actual results may differ materially from those expressed in this analysis.

3.0 Attachments

A. 11th Street Parking Garage Agreements and Assignment of Agreements
B. 1991 – FINAL Environmental Impact Report
C. 1994 RDA Master Plan
D. Civic Partners Lease Agreement
E. DDA between City and RDA for 9th Street Lot/McDonalds
F. Amendment to 9th Street Parking Garage Agreement with DoubleTree Hotel
G. 1983 RDA Master Plan
H. DoubleTree Catering and Concessionaire Agreement
I. 2007 RDA Master Plan

Summary Report: **Litéra® Change-Pro 7.0.0.400 Document Comparison done on 4/8/2014 9:28:32 PM**	
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Original DMS:iw://iManage/iManage/8701220/1	
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Move To	0
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Table moves to	0
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Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Format Changes	0
Total Changes:	6

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-69

RESOLUTION AUTHORIZING CITY STAFF TO SUBMIT AN APPLICATION FOR UP TO $1,000,000 IN FUNDING UNDER THE HOUSING RELATED PARKS GRANT PROGRAM

WHEREAS, the State of California Department of Housing and Community Development (Department) has issued a Notice of Funding Availability dated October 26, 2015 (NOFA), under its Housing-Related Parks (HRP) Program, and

WHEREAS, the City of Modesto (Applicant) desires to apply for an HRP Program grant and submit the 2015 Designated Program Year Application Package released by the Department for the HRP Program, and

WHEREAS, the Department is authorized to approve funding allocations for the HRP Program, subject to the terms and conditions of the NOFA, Program Guidelines, Application Package, and Standard Agreement.

NOW, THEREFORE, BE IT RESOLVED THAT:

1) Applicant is hereby authorized and directed to apply for and submit to the Department the HRP Program Application Package released November 2015 for the 2015 Designated Program Year in an amount not to exceed **$1,000,000.00.** If the application is approved, the Applicant is hereby authorized and directed to enter into, execute, and deliver a State of California Standard Agreement (Standard Agreement) in an amount not to exceed **$1,000,000.00**, and any and all documents required or deemed necessary or appropriate to secure the HRP Program Grant from the Department, and all amendments thereto (collectively, the "HRP Grant Documents").

2) Applicant shall be subject to the terms and conditions as specified in the Standard Agreement. Funds are to be used for allowable capital asset project expenditures to be identified in **Exhibit A** of the Standard Agreement. Any and all activities funded, information provided, and timelines represented in the application are enforceable through the Standard Agreement. Applicant hereby agrees to use the funds for eligible capital asset(s) in the manner presented in the application as approved by the Department and in accordance with the NOFA and Program Guidelines and Application Package.

3) The City Manager, or his designee, is authorized to execute in the name of the Applicant the HRP Program Application Package and the HRP Grant Documents as required by the Department for participation in the HRP Program.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of March, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
for: ADAM U. LINDGREN, City Attorney

Department of Housing and Community Development

HOUSING-RELATED PARKS PROGRAM

Grant Application

2015 Designated Program Year NOFA

Applicant Information

Applicant:	City of Modesto		
Mailing Address:	1010 10th Street		
City:	Modesto		
State:	California	Zip Code:	95354
County:	Stanislaus		
Website:	www.modestogov.com		
Authorized Representative Name:	James N. Holgersson		
Authorized Representative Title:	City Manager		
Phone:	(209)577-5404	Fax:	
Email:	jholgersson@modestogov.com		
Contact Person Name:	Tina Rocha		
Contact Person Title:	Community Development Manager		
Phone:	(209)577-5321	Fax:	(209)491-5798
Email:	trocha@modestogov.com		

Applicant Certification

As the official designated by the governing body, I hereby certify that if approved by HCD for funding through the HRP Program, the City of Modesto assumes the responsibilities specified in the HRP Program Notice of Funding Availability and Program Guidelines and certifies that the information, statements, and attachments contained in this application are, to the best of my knowledge and belief, true and correct.

Signature: _____ Name: James N. Holgersson

Date: _____ Title: City Manager

Updated 10/16/15

Legislative Information

Please list all representatives for the City/County. Attach additional sheets if necessary.
Legislative information is available at http://www.leginfo.ca.gov.

Applicant: City of Modesto

	District	Legislator Name
Federal Congressional District:	10	Jeff Denham
State Assembly District:	12	Kristen Olsen
	21	Adam Gray
State Senate District:	5	Cathleen Galgiani
	12	Anthony Canella

Eligibility Threshold Requirements

Applicant: City of Modesto

1. HOUSING ELEMENT COMPLIANCE

Does the applicant have an adopted housing element which has been found to be in substantial compliance with Housing Element Law pursuant to Government Code Section 65585 which was submitted to the Department by the issuance date of the NOFA?

☑ YES Date of HCD Review Letter: July 26, 2011 ☐ NO

2. ELIGIBLE UNITS

Did the applicant issue building permits or certificates of occupancy for Eligible Units during the Designated Program Year 2014 which meet the affordability requirements for extremely low-, very low- or low-income households?

☑ 2010 ☑ 2011 ☑ 2012 ☑ 2013 ☑ 2014 ☐ 2015

3. ANNUAL PROGRESS REPORT SUBMITTAL

Has the applicant submitted to the Department the Annual Progress Report (APR) for the applicable calendar years, pursuant to Government Code Section 65400, on the jurisdiction's progress in implementing the housing element prior to February 5, 2015?

For example, applicants must submit the 2013 APR in order to be eligible to receive funding for Eligible Units from 2014. To receive funding for 2013 Eligible Units, the 2012 APR must be submitted to the Department.. Please refer to the chart below:

Eligible Units from:	APR	Date Submitted
January 1- December 31, 2010	☑ 2009 CY Report	2/3/16
January 1- December 31, 2011	☑ 2010 CY Report	2/3/16
January 1- December 31, 2012	☑ 2011 CY Report	2/3/16
January 1- December 31, 2013	☑ 2012 CY Report	2/3/16
January 1- December 31, 2014	☑ 2013 CY Report	2/3/16
January 1- December 31, 2015	☑ 2014 CY Report	2/3/16

4. MINIMUM GRANT AMOUNT

Does the applicant meet the minimum grant amount of $75,000, including any bonus awards, based on Eligible Units from the 2014 Designated Program Year?

☑ YES ☐ NO

Note: If the applicant has answered NO to any of the questions above, the application will not be reviewed further and the applicant is ineligible for funding.

Park and Recreation Facility (Park Project) Description

Applicant:	City of Modesto
Park Project Name:	J.M. Pike Park Renovation
Type of Park Project:	Creation ☐ Development ☐ Rehabilitation ☑
Park Project Location (include address, if known, or otherwise indicate nearest intersection):	
1601 Princeton Avenue, Modesto, CA 95350	
Park Project Census Tract: (please use 11 digit census tract number as detailed in instructions)	06-099-001400
Senate & Assembly District for Park Project Location:	Senate District: 5 Assembly District: 21

Park Project Summary:

Renovate J.M. Pike Park by removing some existing site amenities, including turf, restroom, basketball court and irrigation. A water efficient irrigation system, as well as a reduced area of turf will be installed to reduce water use in the park. The basketball court, restroom, pathway system and play areas will all receive ADA improvements and the installation of site furnishings and LED park lighting for safety will finish the project.

Will the Park Project be in support of any Infill developments, as described in Section 106(F)? * If so, please name at least one development and indicate the development status (indicate N/A if not applicable) **OR** Does the jurisdiction's adopted General Plan conform to the region's adopted Regional Blueprint Plan? If so, please complete the Regional Blueprint Bonus Coversheet (next tab) and attach supporting documentation as required.

Infill-Supporting			Regional Blueprint		If claiming Infill-Supporting, provide name/address of at least one infill development and status:
NO	YES	OR	NO	YES	
☐	☐		☐	☑	

Will the Park be located within a Disadvantaged Community, as described in Section 106(D)? * Please note: to receive bonus funds the application must include supporting documentation.

YES	NO	
☑	☐	Park project is located in a QCT, see attached map from the HUD - User GIS Service QCT locator.

Will the Park be located within a Park-Deficient Community, as described in Section 106(E)? * Please note: to receive bonus funds the application must include supporting documentation.

YES	NO	
☑	☐	Park project is located in a Park-Deficient Community as documented on the attached California State Parks Fact Finder Report.

Project Cost Breakdown and Other Funding Sources

Project Cost

Subproject	Estimated Cost		Subproject	Estimated Cost
Demo/Grading/Site Prep	$65,000.00		Park Lighting	$30,000.00
Restroom Building	$105,000.00		Site Amenities	$15,000.00
Turf and Landscape Improvements	$200,700.00		ADA Improvements/Concrete	$119,450.00
			Total Project Cost:	$535,150.00

Other Funding Sources

Name of Source	Dollar Amount		Name of Source	Dollar Amount
			Total Other Funds	

** Applicable Bonus Funds as detailed in Section 106 of the Program Guidelines*

Park and Recreation Facility (Park Project) Description

Applicant:	City of Modesto
Park Project Name:	Garrison Park Renovation
Type of Park Project:	Creation ☐ Development ☐ Rehabilitation ☑
Park Project Location (include address, if known, or otherwise indicate nearest intersection):	
1733 Teresa Street, Modesto, CA 95350	
Park Project Census Tract: (please use 11 digit census tract number as detailed in instructions)	06-099-001400
Senate & Assembly District for Park Project Location:	Senate District: 5 Assembly District: 21

Park Project Summary:

Renovate approx. 2.5 acres of Garrison Park by removing some existing site amenities, including turf, restroom and irrigation. A water efficient irrigation system, as well as a reduced area of turf will be installed to reduce water use in the park. The restroom, pathway system and play areas will all receive ADA improvements and the installation of site furnishings and LED park lighting for safety will finish the project.

Will the Park Project be in support of any Infill developments, as described in Section 106(F)? * If so, please name at least one development and indicate the development status (indicate N/A if not applicable) ***OR*** Does the jurisdiction's adopted General Plan conform to the region's adopted Regional Blueprint Plan? If so, please complete the Regional Blueprint Bonus Coversheet (next tab) and attach supporting documentation as required.

Infill-Supporting		OR	Regional Blueprint		If claiming Infill-Supporting, provide name/address of at least one infill development and status:
NO	YES		NO	YES	
☐	☐		☐	☑	

Will the Park be located within a Disadvantaged Community, as described in Section 106(D)? * Please note: to receive bonus funds the application must include supporting documentation.

YES	NO	
☑	☐	Park project is located in a QCT, see attached map from the HUD - User GIS Service QCT locator.

Will the Park be located within a Park-Deficient Community, as described in Section 106(E)? * Please note: to receive bonus funds the application must include supporting documentation.

YES	NO	
☑	☐	Park project is located in a Park-Deficient Community as documented on the attached California State Parks Fact Finder Report.

Project Cost Breakdown and Other Funding Sources

Project Cost

Subproject	Estimated Cost		Subproject	Estimated Cost
Demo/Grading/Site Prep	$20,000.00		Park Lighting	$30,000.00
Restroom Building	$105,000.00		Site Amenities	$10,000.00
Turf and Landscape Improvements	$75,000.00		ADA Improvements/Concrete	$30,000.00
			Total Project Cost:	$270,000.00

Other Funding Sources

Name of Source	Dollar Amount		Name of Source	Dollar Amount
			Total Other Funds	

** Applicable Bonus Funds as detailed in Section 106 of the Program Guidelines*

Park and Recreation Facility (Park Project) Description

Applicant:	City of Modesto
Park Project Name:	Shackelford Park Acquisition
Type of Park Project:	Creation ☑ Development ☐ Rehabilitation ☑
Park Project Location (include address, if known, or otherwise indicate nearest intersection):	
New park will be located in the Shackelford Neighborhood between Crows Landing Road, E. Hatch Road, Main Street and Pecos Avenue in South Modesto. Exact location to be determined.	
Park Project Census Tract: (please use 11-digit census tract number as detailed in the instructions)	06-099-002301
Senate & Assembly District for Park Project Location:	Senate District: 12 Assembly District: 21
Park Project Summary:	
This project will purchase land that will eventually be able to be developed into a small park for the Shackelford neighborhood.	

Will the Park Project be in support of any infill developments, as described in Section 106(F)? * If so, please name at least one development and indicate the development status (indicate N/A if not applicable) OR Does the jurisdiction's adopted General Plan conform to the region's adopted Regional Blueprint Plan? If so, please complete the Regional Blueprint Bonus Coversheet (next tab) and attach supporting documentation as required.

Infill-Supporting			Regional Blueprint		If claiming Infill-Supporting, provide name/address of at least one infill development and status:
NO	YES	OR	NO	YES	
☐	☐		☐	☑	

Will the Park be located within a Disadvantaged Community, as described in Section 106(D)? * Please note: to receive bonus funds the application must include supporting documentation.

YES	NO	
☑	☐	Park project is located in a QCT, see attached map from the HUD - User GIS Service QCT locator.

Will the Park be located within a Park-Deficient Community, as described in Section 106(E)? * Please note: to receive bonus funds the application must include supporting documentation.

YES	NO	
☑	☐	**Park project is located in a Park-Deficient Community as documented on the attached California State Parks Fact Finder Report.**

Project Cost Breakdown and Other Funding Sources

Project Cost

Subproject	Estimated Cost		Subproject	Estimated Cost
Purchase Land	$50,000.00			
			Total Project Cost:	$50,000.00

Other Funding Sources

Name of Source	Dollar Amount		Name of Source	Dollar Amount
			Total Other Funds	

** Applicable Bonus Funds as detailed in Section 106 of the Park Guidelines*

Regional Blueprint Conformance

Applicant:	City of Modesto

The applicant must demonstrate that it has conformed applicable sections of its adopted General Plan, including the land use and open space elements, to the land use provisions of the applicable adopted Regional Blueprint Plan. The documentation must include ALL of the following, in a manner specific to the grant application for the proposed park improvements:

- ☒ Copies of relevant text, diagrams, or maps from both the General Plan and Regional Blueprint Plan;
- ☒ A resolution from the elected body of the applicant jurisdiction describing the basis of conformity between the two plans; and
- ☒ A letter or resolution from the Council of Governments (COG) having jurisdiction over the Regional Blueprint Plan attesting to the conformity of the general plan with the adopted Regional Blueprint Plan.

Comprehensive Unit Listing

Applicant	City of Modesto

Please provide a listing by unique project identifier used in the Housing Project Cover Sheet of all units contained in this application. The Department will use this listing in both reviewing the application to determine eligibility of each project and calculating the final grant award amount. There should be a separate line entry for each of the Housing Project Cover Sheets included in the application. Please list the projects in the same order as they appear in the application to facilitate the application review process.

If necessary, please add additional rows to accommodate all eligible projects, but be sure to copy formatting to carry forward associated formulas.

		Unit Count								Bonus Awards						TOTAL
		A	B	C	D	E	F	G								
Project Cover Sheet #	Project Name/Identifier from Housing Project Cover Sheet	# of ELI units	# VL units	# of L units	# of ELI bedrooms	# of VL bedrooms	# of L bedrooms	Total # of bedrooms	Base Award Amount	New Construction Units?	Infill Units?	Infill-Supporting/ Regional Blueprint?	Park-Deficient Community	Disadvantaged Community?	Total Bonus Funds	Total Award Amount
	SAMPLE PROJECT	1	24	30	3	50	31	84	$56,000	No	No	Yes	No	No	$8,400	$64,400
1	Archway Commons Apts.	8	45	22	24	100	46	170	$122,000	Yes	Yes	Yes	Yes	Yes	$280,500	$402,500
2	Meadow Glen Apartments	5	27		8	30		38	$30,500	Yes	Yes	Yes	Yes	Yes	$62,700	$93,200
3	Bennett Place		18			18		18	$13,500	Yes	Yes	Yes	Yes	Yes	$29,700	$43,200
4	Tower Park Apartments	5	28	16	5	28	16	49	$34,000	Yes	Yes	Yes	Yes	Yes	$80,850	$114,850
5	Hope Village Phase II		3	7		7	17	24	$13,750	Yes	Yes	Yes	Yes	Yes	$39,600	$53,350
6	505-507 E. Coolidge Duplex		1			2		2	$1,500	No	Yes	Yes	Yes	Yes	$2,700	$4,200
7	NSP2 Homeownership		4	11		10	32	42	$21,500	No	Yes	Yes	Yes	Yes	$56,700	$80,200
8	221 E. Coolidge Avenue	14	12	3	14	12	3	29	$24,500	No	Yes	Yes	Yes	Yes	$39,150	$63,650
9								0	$0						$0	$0
10								0	$0						$0	$0
11								0	$0						$0	$0
12								0	$0						$0	$0
13								0	$0						$0	$0
14								0	$0						$0	$0
15								0	$0						$0	$0
16								0	$0						$0	$0
17								0	$0						$0	$0
18								0	$0						$0	$0
19								0	$0						$0	$0
20								0	$0						$0	$0
21								0	$0						$0	$0
22								0	$0						$0	$0
23								0	$0						$0	$0
24								0	$0						$0	$0
25								0	$0						$0	$0
26								0	$0						$0	$0
27								0	$0						$0	$0
TOTAL		32	136	59	51	207	114	372	$326,250						$59,190	$855,150

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MODESTO CITY COUNCIL
RESOLUTION NO. 2016-70

RESOLUTION APPROVING AN AMENDMENT TO THE STORM DRAINAGE SECTION OF THE KIERNAN BUSINESS PARK EAST FACILITIES MASTER PLAN TO ALLOW FOR THE UTILIZATION OF INFILTRATION TRENCHES AND TO PROMOTE GROUND WATER RECHARGE

WHEREAS, the Kiernan Business Park Specific Plan outlines a plan for the development in the area located north of Pelandale Avenue, east of Dale Road, west of the future expansion of American Avenue, and south of Kiernan Avenue, and

WHEREAS, the Kiernan Business Park East (KBPE) project is part of the Kiernan Business Park Specific Plan, and

WHEREAS, on October 27, 2009 per Resolution No. 2009-525, the Modesto City Council adopted the Kiernan Business Park East Facilities Master Plan (FMP), and

WHEREAS, the FMP describes the infrastructure needed to develop the KBPE area, and a portion of the FMP outlined the storm drainage infrastructure requirements, and

WHEREAS, in August of 2008, Stantec Consulting prepared a "Final Storm Drainage Technical Report" that detailed the proposed storm drainage requirements for the KBPE area, and

WHEREAS, the report was used as a basis for determining the storm drainage infrastructure needed in the FMP, and

WHEREAS, the report concluded that the KBPE would be served by a combination of on-site infiltration basins, terminal detention basins and a drainage discharge to Modesto Irrigation District (MID) Lateral No. 6, and

WHEREAS, the terminal detention basins and discharge to MID were to be utilized only in the event that the infiltration capabilities diminish permanently over time, and

WHEREAS, the detention basins and discharge to the MID canals would be a redundant system, and

WHEREAS, in June of 2009, just prior to the FMP being adopted, the decision was made to have Stantec modify their technical memo to remove the infiltration trenches and go back to a traditional storm drainage system with pipes in the street draining the storm water to a basin and pumping it to the MID canal, and

WHEREAS, the current FMP includes a large detention basin on nearly 11 acres of developable property, and

WHEREAS, in light of recent concerns related to the drought, the City of Modesto will soon be modifying its storm drainage standards to move away from pumping our storm water into MID canals and encouraging storm water infiltration and groundwater recharge, and

WHEREAS, the developers of each property in the KBPE area will be required to design a storm drainage system to retain and infiltrate their storm water on their own property, and

WHEREAS, the storm water that is captured within the City right of way will be handled in a public storm drain system of vegetative swales and rain gardens in parkway strips adjacent to the road, and perforated pipes located within infiltration trenches beneath the swales, and

WHEREAS, the system will be designed to contain the 100 year, 24 hour storm event (2.88 inches of rain) and infiltrate all of the water within 48 hours, and

WHEREAS, staff recommends that the KBPE FMP be amended to follow the recommendations from the original August, 2008 "Final Storm Drainage Technical Report" prepared by Stantec with the exception that the City will not require a redundant system of pipes, basin and pump station, and

WHEREAS, storm water within the street right of way will be directed to vegetative swales and infiltration trenches located within the parkway strips,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an amendment to the storm drainage section of the Kiernan Business Park East Facilities Master Plan to allow for the utilization of infiltration trenches and to promote ground water recharge.

The foregoing documents were introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of March, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)
APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

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MODESTO CITY COUNCIL
RESOLUTION NO. 2016-71

RESOLUTION ACCEPTING THE DESTINATION MODESTO REPORT FOR THE SECOND QUARTER OF FISCAL YEAR 2015-16

WHEREAS, on October 27, 2015, the City Council accepted the Destination Modesto Report – First Quarter Fiscal Year 2015-16 for the convention and tourism activity,

WHEREAS, the Destination Modesto Report – Second Quarter Fiscal Year 2015-16 has been expanded to include activity at the McHenry Mansion, McHenry Museum, all three (3) City owned golf courses, and City parks,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Destination Modesto Report – Second Quarter Fiscal Year 2015-16.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of March, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

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MODESTO CITY COUNCIL
RESOLUTION NO. 2016-72

RESOLUTION AUTHORIZING THE AWARD OF A SOLE SOURCE PROCUREMENT FOR THE PURCHASE OF A STERTIL-KONI SKYLIFT FROM MUNICIPAL MAINTENANCE EQUIPMENT; AND AUTHORIZING THE PURCHASING MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE ORDER FOR AN AMOUNT NOT TO EXCEED $114,016.86

WHEREAS, Fleet Services Administration Division utilizes vehicle lifts daily for the repair and maintenance of heavy vehicles, sweepers and various equipment, and

WHEREAS, recently one of the lifts has become inoperable and has decreased the operation efficiency of the Fleet Services Administration Division, and

WHEREAS, the Fleet Services Administration Division recommends the purchase of a Stertil-Koni Skylift, and

WHEREAS, the Stertil-Koni Skylift is a high production lift with an excellent network of serviceability, and

WHEREAS, the Stertil-Koni Skylift is the only 100% vertical lift with no posts as obstructions for a clean work surface and no tripping hazards, and

WHEREAS, the Stertil-Koni Skylift will fit into the City's Corporation Yard Shop, and,

WHEREAS, the Stertil-Koni Skylift is also designed to be utilized in the City's future Fleet Maintenance Facility, and

WHEREAS, a Stertil-Koni Skylift has performed very well in the Bus Maintenance Facility, and,

WHEREAS, the Fleet Services Administration Division would like to use the same lifts in all shops for safety, consistency and future maintenance and upkeep cost effectiveness.

WHEREAS, due to the unique nature of the product, this purchase is exempt from the formal bidding requirements of Modesto Municipal Code section 8-3.203. Pursuant to Modesto Municipal Code section 8-3.204 (b), the "Skylift" heavy duty lift is only available through Steril Koni and as such, a soul source procurement is appropriate.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of a sole source procurement for the purchase of a Stertil-Koni Skylift from Municipal Maintenance Equipment.

BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, is hereby authorized to issue a purchase order for an amount not to exceed $114,016.86.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of March, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

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MODESTO CITY COUNCIL
RESOLUTION NO 2016-73

RESOLUTION AUTHORIZING AN AGREEMENT WITH SIDLEY AUSTIN LLP FOR LEGAL SERVICES RELATED TO THE NEW SERVICE AGREEMENT WITH COVANTA STANISLAUS INC., IN AN AMOUNT NOT TO EXCEED $100,000 PER FISCAL YEAR, FOR A MAXIMUM OF $500,000 OVER THE FIVE-YEAR TERM THROUGH 2020, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE SAID AGREEMENT

WHEREAS, on December 17, 1985, the City of Modesto and County of Stanislaus entered into an agreement for administration of the City/County Service Agreement with the Stanislaus Waste Energy Company (now Covanta Stanislaus Inc.) for supply and acceptance of solid waste, and

WHEREAS, since that time, the City has been partners with Stanislaus County and Covanta Stanislaus Inc. in the Stanislaus Resource Recovery Facility (the "Waste-to-Energy" or "WTE" Facility), and

WHEREAS, Sidley Austin LLP has been retained by the City of Modesto and Stanislaus County (Contracting Communities) to act as legal counsel in negotiations with Covanta Stanislaus Inc. at various times over the 30 year project, and

WHEREAS, Sidley Austin LLP was similarly retained by the Contracting Communities to act as legal counsel in negotiations with Covanta during the renegotiation of the Service Agreement, and

WHEREAS, once the new 15 year Service Agreement was executed in June of 2012, there was no immediate need for legal services and the contract with Sidley Austin LLP was allowed to expire in April of 2013, and

WHEREAS, two pieces of legislation are considered "unforeseen circumstances" ("change in law") under the contract that could potentially affect the WTE Service

Agreement; Senate Bill 350 (SB 350), Clean Energy and Pollution Reduction Act of 2015 (Clean Energy Act), and Assembly Bill 1063 (AB 1063) Solid Waste Charges, and

WHEREAS, a reduction in revenues resulting from SB 350 and an increase in costs resulting from AB 1063 could possibly change the facility economics and require renegotiation of the Service Agreement under the "Change in Law" clause of the Agreement, and

WHEREAS, as a result of the potential impacts of this legislation, on October 15, 2015, the Waste-to-Energy Executive Committee approved a recommendation to the Council and Board of Supervisors to retain Sidley Austin LLP to advise the Contracting Communities on the impacts of the legislation and to assist in the possible renegotiation of the Service Agreement with Covanta Inc., and

WHEREAS, the Committee budgeted $50,000 for legal services for the remainder of Fiscal Year 2015-2016, and

WHEREAS, the proposed contract has a not-to-exceed limit of $500,000 for the five-year period beginning Fiscal Year 2015-2016 and ending 2019-2020, with a per calendar year budget limit of $100,000, and

WHEREAS, Sidley Austin LLP's services will be paid for from the JPA's Waste-to-Energy Fund, and

WHEREAS, Sidley Austin LLP's Rate Schedule is shown as **Exhibit B** to the Agreement for Legal Services and is appropriate for the legal services that will be provided.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby authorizes execution of an Agreement with Sidley Austin LLP

for legal services related to the new Service Agreement with Covanta Stanislaus Inc. in an amount not to exceed $100,000 per Fiscal year, for a maximum of $500,000 over the five year term through 2020.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute said Agreement with Sidley Austin LLP for legal services.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of March, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT B

RATE SCHEDULE

The Attorney will bill the Client on the basis of its hourly billable blended rate. The hourly billable rate is as follows:

Attorney	$680.00
Paralegals	$295.00

The Attorney will provide to the Client a computer printout, which will detail the exact hours spent by the partner attorney.

The above rates will be subject to an upward adjustment of 5%, effective as of July 1, 2016, and on each July 1, thereafter.

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MODESTO CITY COUNCIL
RESOLUTION NO. 2016-74

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE SEWER LIFT STATION COATING PROJECT, ACCEPTING THE BID, AND APPROVING A CONTRACT WITH F.D. THOMAS, INC., OF CENTRAL POINT, OREGON IN THE AMOUNT OF $304,069 PLUS $30,407 FOR CONTINGENCY (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF $334,476 AND AUTHORIZING THE CITY MANAGER , OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, plans and specifications have been prepared for the Sewer Lift Station Coating Project, and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Sewer Lift Station Coating Project were opened at 11:00 a.m. on January 26, 2016 for the consideration of the Council, and

WHEREAS, the Director of Utilities has recommended that the bid of $304,069 received from F.D. Thomas Inc., be accepted as the lowest responsible and responsive bid and the contract be awarded to F.D. Thomas Inc.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Sewer Lift Station Coating Project, accepts the bid of F.D. Thomas, Inc. of Central Point, Oregon in the amount of $304,069, plus $30,407 for contingency (if needed) for a maximum total of $334,476 and awards F.D. Thomas, Inc. of Central Point, Oregon the contract for the Sewer Lift Station Coating Project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of March, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-75

RESOLUTION ACCEPTING THE PRELIMINARY DESIGN REPORT DATED DECEMBER 2015 FOR THE HEADWORKS, DRYDEN BOX AND INFLUENT FLUME IMPROVEMENTS PROJECTS AS COMPLETE

WHEREAS, the 2007 Wastewater Treatment Master Plan (WWMP) identified key deficiencies in the wastewater treatment system, and

WHEREAS, these projects will address deficiencies in the primary treatment facilities at the Sutter Avenue Treatment Plant (Sutter Plant), and

WHEREAS, the improvements include upgrades to the Headworks facility, upgrades to Pumping Plant No.3, hydraulic improvements to the Influent Flumes, and construction of a new Dryden Box which receives flows from the Cannery Segregation Trunk and the domestic wastewater River Trunk, and

WHEREAS, on November 4, 2014, by Resolution No. 2014-464, the City Council approved an agreement with Carollo Engineers, Inc. (Carollo) for preparation of a Preliminary Design Report (PDR), which serves as the basis of design for the projects, and

WHEREAS, the PDR evaluated improvements necessary, determined the most economical and beneficial approach, and evaluated different alternatives to address the existing deficiencies at the Sutter Plant, and

WHEREAS, staff recommends acceptance of the Preliminary Design Report as complete, and

WHEREAS, upon acceptance of the report by City Council, Carollo is intended to proceed with the preparation of final design documents, as well as bidding and construction phase services,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Preliminary Design Report dated December 2015 for the Headworks, Dryden Box and Influent Flume Improvements Projects as complete.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of March, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-76

RESOLUTION APPROVING AN AGREEMENT WITH CAROLLO ENGINEERS, INC. FOR FINAL DESIGN SERVICES FOR HEADWORKS, DRYDEN BOX AND INFLUENT FLUME IMPROVEMENTS PROJECTS, IN AN AMOUNT NOT TO EXCEED $1,046,728 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $104,673 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF $1,151,401, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the 2007 Wastewater Treatment Master Plan (WWMP) identified key deficiencies in the wastewater treatment system, and

WHEREAS, these projects will address deficiencies in the primary treatment facilities at the Sutter Avenue Treatment Plant (Sutter Plant), and

WHEREAS, the improvements include upgrades to the Headworks facility, upgrades to Pumping Plant No.3, hydraulic improvements to the Influent Flumes, and construction of a new Dryden Box which receives flows from the Cannery Segregation Trunk and the domestic wastewater River Trunk, and

WHEREAS, on November 4, 2014, by Resolution No. 2014-464, the City Council approved an agreement with Carollo Engineers, Inc. (Carollo) for preparation of a Preliminary Design Report (PDR), which serves as the basis of design for the projects, and

WHEREAS, the PDR evaluated improvements necessary, determined the most economical and beneficial approach, and evaluated different alternatives to address the existing deficiencies at the Sutter Plant, and

WHEREAS, considering the technical complexity of these projects and current staff workload, City staff is recommending the continued use of Carollo to complete the final design as its work on the PDR was satisfactorily completed, and

WHEREAS, Carollo's final negotiated cost is $1,046,728, and

WHEREAS, this scope includes the design of a new smaller lift station that would be located adjacent to the Cannery Waste Pump Station No.3, and will convey lower cannery flows during the non-cannery season, and

WHEREAS, the scope of services to be provided under this agreement includes: 1) Project Management: administration, meetings and quality assurance; 2) Final Design: documents, utility location, public outreach, permit coordination, modeling, surveying, cost estimate, and scheduling; 3) Bid Period Services: addenda, meetings and bid summary, and

WHEREAS, staff recommends acceptance of the Preliminary Design Report as complete, and also recommends approving Carollo's agreement to proceed in completing the final design of the Headworks, Dryden Box and Influent Flume Improvements Projects,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Carollo Engineers, Inc. for Final Design Services for Headworks, Dryden Box and Influent Flume Improvements Projects, in an amount not to exceed $1,046,728 for the identified scope of services, plus $104,673 for additional services (if needed), for a maximum total amount of $1,151,401.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of March, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-77

RESOLUTION APPROVING THE APPOINTMENT OF AMIN VOHRA AS THE 2016 PLANNING COMMISSION REPRESENTATIVE TO THE BOARD OF ZONING ADJUSTMENT

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

WHEREAS, the Planning Commission met on February 1, 2016, and recommended the appointment of Amin Vohra as its representative to the Board of Zoning Adjustment,

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

SECTION 1. Amin Vohra is hereby appointed as the 2016 Planning Commission representative to the Board of Zoning Adjustment, with a term expiration of January 1, 2017.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Board of Zoning Adjustment, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Modesto held on the 8th day of March, 2016, by Councilmember Madrigal who moved its adoption, which motion being duly seconded by Councilmember Ridenour , was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-78

RESOLUTION APPROVING THE APPOINTMENT OF CARMEN MORAD AS THE 2016 PLANNING COMMISSION REPRESENTATIVE TO THE CITIZENS HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE

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

WHEREAS, on February 1, 2016, the Planning Commission recommended Carmen Morad as its representative to the Citizens Housing and Community Development Committee,

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

SECTION 1. Carmen Morad is hereby appointed as the 2016 Planning Commission representative to the Citizens Housing and Community Development Committee, with a term expiration of January 1, 2017.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Citizens Housing and Community Development, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of March, 2016, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-79

RESOLUTION ACCEPTING, WITH REGRET, THE RESIGNATION OF KEITH COPLELAND FROM THE CITY OF MODESTO EQUAL OPPORTUNITY / DISABILITY COMMISSION, EFFECTIVE JANUARY 26, 2016

WHEREAS, KEITH COPELAND was appointed to serve on the Equal Opportunity/Disability Commission, and

WHEREAS, KEITH COPELAND has tendered his resignation from the Equal Opportunity/Disability Commission effective January 26, 2016, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the resignation of KEITH COPELAND is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to KEITH COPELAND for his service to the community.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 8th day of March, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-80

RESOLUTION ACCEPTING, WITH REGRET, THE RESIGNATION OF JESSICA SELF FROM THE CITY OF MODESTO EQUAL OPPORTUNITY / DISABILITY COMMISSION, EFFECTIVE FEBRUARY 22, 2016

WHEREAS, JESSICA SELF was appointed to serve on the Equal Opportunity/Disability Commission, and

WHEREAS, JESSICA SELF has tendered her resignation from the Equal Opportunity/Disability Commission effective February 22, 2016, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the resignation of JESSICA SELF is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to JESSICA SELF for her service to the community.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 8th day of March, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST:

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-81

RESOLUTION ACCEPTING, WITH REGRET, THE RESIGNATION OF DUWAYNE STENGER FROM THE CITY OF MODESTO EQUAL OPPORTUNITY / DISABILITY COMMISSION, EFFECTIVE FEBRUARY 22, 2016

WHEREAS, DUWAYNE STENGER was appointed to serve on the Equal Opportunity/Disability Commission, and

WHEREAS, DUWAYNE STENGER has tendered his resignation from the Equal Opportunity/Disability Commission effective February 22, 2016, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the resignation of DUWAYNE STENGER is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to DUWAYNE STENGER for his service to the community.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 8th day of March, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST:

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:

ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-82

A RESOLUTION APPOINTING ROSIE ARCE TO THE EQUAL OPPORTUNITY/DISABILITY COMMISSION AND HUMAN RELATIONS COMMISSION WITH A TERM EXPIRATION OF SEPTEMBER 1, 2017

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

WHEREAS, the Appointments Committee met on February 16, 2016, and recommended appointment of ROSIE ARCE to serve jointly on the Equal Opportunity/ Disability Commission and Human Relations Commission.

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

SECTION I. ROSIE ARCE is hereby appointed to serve jointly on the Equal Opportunity/Disability Commission and Human Relations Commission with a term expiration of September 1, 2017.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the reappointed members of the Commissions and the Secretary thereof.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 8th day of March, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-83

RESOLUTION DIRECTING STAFF TO PREPARE AND FILE THE FISCAL YEAR 2016-2017 ANNUAL ENGINEER'S REPORT FOR CITY OF MODESTO LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1

WHEREAS, Resolution No. 88-935 adopted by the Council of the City of Modesto on December 13, 1988, initiated proceedings for the formation of Landscape Assessment District No. 1 (LMAD No. 1) to provide funding for the landscape maintenance in the public right-of-way, street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 1-6, and

WHEREAS, LMAD No. 1 was formed in accordance with the Landscaping and Lighting Act of 1972 (Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22620 et. seq. of the Streets and Highways Code requires the legislative body (the City Council) adopt a resolution which shall generally describe any proposed new improvements or any substantial changes in existing improvements and orders the preparation and filing of the report, and

WHEREAS, the annual assessment for LMAD No. 1 has remained the same since 1996, and

WHEREAS, staff does not anticipate any new improvements or substantial changes in existing improvements,

NOW, THEREFORE, BE IT RESOLVED that the Community Development Manager is designated by this Council as the Engineer of Work for LMAD No. 1, and is hereby directed to prepare and file an annual report in accordance with the provisions of the Landscaping and Lighting Act of 1972, as amended, (Streets and Highways Code Sections 22500 through 22679).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of March, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-84

RESOLUTION DIRECTING STAFF TO PREPARE AND FILE THE FISCAL YEAR 2016-2017 ANNUAL ENGINEER'S REPORT FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2

WHEREAS, Resolution No. 89-460, adopted by the Council of the City of Modesto on April 4, 1989, initiated proceedings for the formation of Landscape Maintenance Assessment District No. 2 (LMAD No. 2) to provide funding for the landscape maintenance in the public right-of-way, street medians, and areas adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 7 through 10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivisions Units 1 and 2, and

WHEREAS, LMAD No. 2 was formed in accordance with the Landscaping and Lighting Act of 1972 (Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22620 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a resolution which shall generally describe any proposed new improvements or any substantial changes in existing improvements and direct staff to prepare and to file a report accordingly, and

WHEREAS, the annual assessment for LMAD No. 2 has gradually increased since July 2000, and

WHEREAS, staff does not anticipate any new improvements or substantial changes in existing improvements,

NOW, THEREFORE, BE IT RESOLVED, that the Community Development Manager is designated by this City Council as the Engineer of Work for LMAD No. 2, and is hereby directed to prepare and file an annual report in accordance with the

provisions of the Landscaping and Lighting Act of 1972, as amended, (Streets and Highways Code Sections 22500 through 22679).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of March, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-85

RESOLUTION DIRECTING STAFF TO PREPARE AND FILE THE FISCAL YEAR 2016-2017 ANNUAL ENGINEER'S REPORT FOR THE SHACKELFORD LANDSCAPE AND LIGHTING DISTRICT

WHEREAS, on June 29, 1999, the County of Stanislaus formed the Shackelford Landscape and Lighting District (Shackelford LLD) for the purpose of administering the maintaining seventy-seven (77) 200-watt high-pressure sodium streetlights, and

WHEREAS, the Shackelford LLD was formed in accordance with the Landscaping and Lighting Act of 1972 (Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, the Shackelford LLD is comprised of approximately 153 acres, includes 496 lots with both residential and commercial development, and is bounded by Crows Landing Road on the west, East Hatch Road on the south, Union Pacific Railroad on the east, and State Route 99 on the north, and

WHEREAS, on July 1, 2012, the City of Modesto assumed jurisdiction of the Shackelford Landscape and Lighting District from the County of Stanislaus, and

WHEREAS, Section 22620 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a resolution which shall generally describe any proposed new improvements or any substantial changes in existing improvements and direct staff to prepare and to file a report accordingly,

WHEREAS, the annual assessment for the Shackelford LLD has gradually increased since June 1999, and

WHEREAS, staff does not anticipate any new improvements or substantial changes in existing improvements,

NOW, THEREFORE, BE IT RESOLVED that the Community Development Manager is designated by this Council as the "Engineer of Work" for the Shackelford LLD, and is hereby directed to prepare and file an annual report in accordance with the provisions of the Landscaping and Lighting Act of 1972, as amended, (Streets and Highways Code Sections 22500 through 22679).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of March, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-86

RESOLUTION AMENDING THE FISCAL YEAR 2015-2016 ANNUAL OPERATING AND CAPITAL IMPROVEMENT BUDGET

WHEREAS, a financial analysis has been completed and it has been determined that a budget adjustment is required to the Annual and Capital Improvement Budgets of the City of Modesto for Fiscal Year 2015-2016,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2015-2016 Annual Operating and Capital Improvement budget as shown in **Exhibit A**, which is **attached** hereto and incorporated by reference herein.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of March, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following votes:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT A

FISCAL YEAR 2015-16

COMMUNITY & ECONOMIC DEVELOPMENT

A budget adjustment is necessary to reduce the Community Development Block Grant (CDBG) Program federal revenue budget in the amount of $232,410. This is due to the cancelation of the 1230 12th Street Retrofit Project, #100302. Per direction from the Department of Housing and Urban Development, the City of Modesto is to use the funds already received as reimbursement for the canceled project expenditures for Section 108 Loan Repayment, Activity 01176, before requesting additional reimbursements related to said activity. Therefore, the previously budgeted current year federal revenue in Activity 01176 is to be reduced by this amount, and these expenses will be paid from fund balance.

A budget adjustment totaling $557,250 is necessary in Project 100302 in the Capital Grants – Capital Improvement Projects Fund 3140, to reduce Transfer-In revenue from the Grants – RLF Housing Loan Program Fund, Fund 1150 ($251,498), and the Grants – CDBG Direct Program Fund, Fund1130 ($305,752), due to the cancelation of the 1230 – 12th St. Retrofit Project, #100302.

A budget adjustment is necessary to recognize unbudgeted revenue in the amount of $310,740 from the State Department of Transportation to match an increase in funding received from Cal-Trans on April 15, 2013 and to decrease the revenue budget for the State Prop 1B-PTMISEA funding in the amount of $113,177 to match the actual revenue received for the Capital Improvement Carpenter Road Bridge Seismic Retrofit, Project #100053.

A budget adjustment in the amount of $200,000 is necessary to reduce the transfer-out from Fund 5800 (P/R Building Services Fund) to Fund 3130 (Parks Fund) for the Infrastructure Preservation Project, #100294, and establish a transfer from Fund 5800 (P/R Building Services Fund) to Fund 3130 (Parks Fund) for the Downey Shade Structure Replacement Project, #100922, and establish the expense budget.

A budget adjustment is necessary to restore Community Development Block Grant (CDBG) funding in the amount of $55,000 that was encumbered to pay for Professional Services to conduct and prepare the ADA (American with Disabilities Act) Survey. These costs were not eligible CDBG expenses and must be repaid from the General Fund reserves. In addition, the professional services agreement will be amended to conduct surveys on city facilities not included in the original survey: Modesto Centre Plaza, McHenry Mansion, Senior Center, Maddox Center, James Marshall Center, and the King Kennedy Center. This will result in additional costs of $9,500 from the General Fund. This adjustment will increase a transfer from the General Fund to the CDBG Fund in the amount of $55,000 to cover the ineligible expenses of the original survey as well as increase the budget in account 1130-14015-53300 by the same amount. This action will also increase funding in Planning Division professional services account (0100-14410-53300) by $9,500 to cover the costs of the amended agreement.

A budget adjustment is necessary to pay for the expenditures related to the improvements to 10th Street that are not eligible for funding using the Surface Transportation Funds. These costs must be cover by the General Fund. This adjustment will increase the various discretionary

accounts in the Public Works Streets Maintenance, Curbs, Gutter & Sidewalks, and Electrical Divisions by $190,714. The CED – Administration Division will also increase their budget by $6,588 to pay for the costs of the trees in the planters. This action will also increase the transfer from the General Fund to the Surface Transportation Fund in the amount of $190,714 to cover the costs of the ineligible expenses.

PUBLIC WORKS

A budget adjustment is necessary to increase the budget in the Public Works Tagging Abatement Division by $500,000 from the General Fund reserves for the purchase of anti-tagging cameras. The amount was originally approved by Council to be expended in FY 2014-15 but the purchase was delayed (Council Resolution 2015-163). The original amount set-aside for this purpose was from FY 2013-14 carryover funds that were identified by Council to be used for this expense. This action will increase the budget for Tools & Equipment in the Public Works Tagging Abatement Division by $500,000 for the purchase of the anti-tagging abatement cameras.

UTILITIES

A budget adjustment is necessary to recognize $325,000 in unbudgeted revenue from Wastewater Fund Reserves for Capital Improvement Project #100931, Sutter Plant Structural Improvements.

A budget adjustment is necessary to recognize $150,000 in unbudgeted revenue from Wastewater Fund Reserves for Capital Improvement Project #100916, La Loma Sewer for Engineering, Design and Administration costs.

A budget adjustment is necessary to recognize $100,000 in unbudgeted revenue from Storm Drain Fund Reserves for Capital Improvement Project #100928, Ninth Street Storm Drain Basin for Engineering, Design and Administration costs.

A budget adjustment is necessary to allow for the purchase of a cyclone street sweeper. This street sweeper will be used by the Parking, Transit and Parks divisions. The asset will reside in the Parking Fund as I will be utilized most by the Parking Division (39%). The cyclone street sweeper will be used by Parks 19% of the time and by Amtrak 3% of the time, Transportation Center 26% of the time, and the Bus Maintenance Facility 13% of the time. In order to carry out this action multiple adjustments must occur. First the Project 100749 (Bus Stop Improvements) will reduce their expense budget by $66,016. This will then be transferred from the Bus Fixed Route Fund to the Parking Fund. Then the General Fund Parks Operations Services Division will reduce its expense budget for Repair and Maintenance by $30,469 which will then be transferred from the General Fund to the Parking Fund. Finally, the Parking Services Division will reduce its budget for Repair and Maintenance Services by $61,515. All of the transferred funds ($96,485) in addition to the reduction in expense in the Parking Services Division ($61,515) will allow for the increase of the Parking Services Division Vehicles > $5,000 account by $158,000 for the purchase of the cyclone street sweeper.

A budget adjustment is necessary to transfer funds from the Wastewater Fund (Fund 4210) in the amount of $3,717,135 to the 2015 Wastewater Refunding Private Placement Fund (Fund 4241). The funds were originally budgeted for the payments of the 2005A Series Bonds that were refunded. Due to the refunding the payments will now need to be tracked in the new fund (4241). This budget adjustment will transfer the funds in the amount of $3,717,135 from

Wastewater to the 2015 Wastewater Refunding Private Replacement Fund and increase the discretionary accounts accordingly to pay for the bond payments.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-87

RESOLUTION AUTHORIZING THE AWARD OF BID AND CONTRACT FOR THE FURNISHING OF WATER STORAGE TANK INSPECTION AND REPAIR SERVICES FOR THE UTILITIES DEPARTMENT, WATER DIVISION TO DRS MARINE, INC., VALLEJO, CA, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE A FIVE-YEAR CONTRACT WITH AN ESTIMATED ANNUAL COST OF $115,038 AND TOTAL CONTRACT AMOUNT OF $575,190

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for the furnishing of water storage tank inspection and repair services for the Utilities Department, Water Division, and

WHEREAS, the Purchasing Division issued RFB 1516-01 Water Storage Tank Inspection and Repair Services on the City's website under the commodity code for diving services, and

WHEREAS, prospective bidders were noticed online of the bid opportunity, none of which were local companies, and

WHEREAS, no local companies provide this service, and

WHEREAS, ten (10) companies chose to download the RFB document, and

WHEREAS, bids were formally opened in the City Clerk's office, and two (2) companies chose to respond, and

WHEREAS, one company provided a responsive and responsible bid. One company submitted a non-responsive bid, and

WHEREAS, the company submitting a non-responsive bid is not a licensed contractor, which was a requirement in the RFB specifications and confirmed by the California State Contractors License Board, and

WHEREAS, the company's bid was disqualified and received no further consideration, and

WHEREAS, based on providing a responsive and responsible bid, City staff recommends the award of bid and contract for the furnishing of water storage tank inspection and repair services for the Utilities Department, Water Division to DSR Marine, Inc., Vallejo, CA, for an estimated annual cost of $115,038, and over five (5) years of $575,190, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of bid and contract for the furnishing of water storage tank inspection and repair services to DRS Marine, Inc., Vallejo, CA, conforms to the Modesto Municipal Code, 8-3.203, and

WHEREAS, funds are budgeted in Fiscal Year 2015-16, in Appropriation Unit: 4100-45050-53300 (Water Fund).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid and contract for the furnishing of water storage tank inspection and repair services to DRS Marine, Inc., Vallejo, CA.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute a five-year contract for an estimated annual cost of $115,038, and total contract amount of $575,190.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of March, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-88

RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE PURCHASE AND INSTALLATION OF GRANULAR ACTIVATED CARBON FOR THE UTILITIES DEPARTMENT, WATER DIVISION, TO CALGON CARBON, PITTSBURGH, PA, FOR A TWO (2) YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS AT THE SOLE DISCRETION OF THE CITY, AND AUTHORIZING THE PURCHASING MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE AGREEMENT FOR AN ESTIMATED ANNUAL COST OF $276,989 AND OVER FIVE (5) YEARS OF $1,384,945

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for the purchase and installation of granular activated carbon (GAC), and

WHEREAS, prospective bidders were noticed online of the proposal opportunity, none of which were local companies, and

WHEREAS, no local companies perform this service, and

WHEREAS, thirteen (13) companies chose to download the RFB document, and

WHEREAS, bids were formally opened in the City Clerk's office, and two (2) companies chose to respond, and

WHEREAS, both companies responded with responsive and responsible bids, and

WHEREAS, based on providing the lowest responsive and responsible bid, City staff recommends the award of bid for the purchase and installation of GAC for the Utilities Department, Water Division, to Calgon Carbon, Pittsburgh, PA, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, for an estimated annual cost of $276,989 and over five (5) years of $1,384,945, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services

to be formally bid. The award of bid for the purchase and installation of GAC for the Utilities Department, Water Division, to Calgon Carbon, Pittsburgh, PA, conforms to the Modesto Municipal Code, and

WHEREAS, funds are budgeted in Fiscal Year 2015-16, in Appropriation Unit: 4100-45050-53100, Water Fund.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid for the purchase and installation of GAC for the Utilities Department, Water Division, to Calgon Carbon, Pittsburgh, PA., for an estimated annual cost of $276,989 and over five (5) years of $1,384,945;

BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, is hereby authorized to issue a purchase agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of March, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-89

RESOLUTION APPROVING A LETTER OF AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO POLICE MANAGERMENT' ASSOCIATON (MPMA) AMENDING THE MEMORANDUM OF UNDERSTANDING FOR THE PERIOD OF JANUARY 1, 2016 TO DECEMBER 31, 2016 TO CHANGE LANGUAGE IN SECTION 5, SPECIAL COMPENSATION; AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO TAKE THE NECESSARY ADMINISTRATIVE ACTION TO IMPLEMENT THE AGREEMENT

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

WHEREAS, representatives of the CITY and the MPMA have met and conferred in good faith concerning special pays, and

WHEREAS, the CITY and MPOA have reached agreement on language changes for a Letter of Agreement (LOA) which, upon execution, shall be **attached** hereto and made a part hereof, and

WHEREAS, the LOA provides as follows:

SECTION 1. SPECIAL COMPENSATION.

Effective the first full pay period following December 31, 2016, Section 5.N POST Certification
Pay shall be amended to read as follows:

1. Employees who provide evidence that they have received an Advanced POST Certificate shall be eligible for three and two tenths percent (3.2%) certification pay.

2. Employees who provide evidence that they have received a Supervisory POST Certificate shall be eligible for **<u>five</u>** ~~**six**~~ and seven tenths percent ~~**(6.7%)**~~ **<u>(5.7%)</u>** certification pay.

3. These amounts are not cumulative and employees receiving Supervisory POST pay shall not also receive Advanced POST pay (i.e., **5.7%** ~~6.7%~~ is the maximum allowable POST pay).

WHEREAS, the Council considered this matter at its meeting of March 1, 2016,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the Letter of Agreement between the City of Modesto and the Modesto Police Management Association (MPMA), amending Section 5 of the Memorandum of Understanding which covers a term from January 1, 2016 through December 31, 2016, and upon execution of same, a copy of the LOA will be on file in the office of the City Clerk.

BE IT FUTHER RESOLVED by the Council of the City of Modesto that the City Manager or designee is hereby authorized to execute the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of March, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-90

RESOLUTION AMENDING AN AGREEMENT TO ENTER AND CONSTRUCT IMPROVEMENTS, WITH AUTOZONE, INC., FOR PROPERTY LOCATED AT 1901 PRESCOTT ROAD (PARCELS A & B OF 47-PM-2, APN: 005-082-037) REQUIRED FOR THE CONGESTION MITIGATION AIR QUALITY (CMAQ) CML 5059 (187) – PRESCOTT ROAD AND PLAZA PARKWAY PROJECT; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT AND ALL RELATED DOCUMENTS

WHEREAS, the Congestion Mitigation Air Quality (CMAQ) CML 5059 (187) – Prescott Road and Plaza Parkway Project involves the expansion of Prescott Road to include a southbound right turn lane at the northwest corner of Prescott Road and Plaza Parkway, and

WHEREAS, on March 1, 2012, Caltrans determined this project to be a categorical exclusion pursuant to the National Environmental Policy Act (NEPA) and all other applicable federal environmental law, regulations and executive orders, and

WHEREAS, the project is consistent and is in conformance to the General Plan Master E.I.R. and no additional California Environmental Quality Act (CEQA) clearance is needed, and

WHEREAS, the City of Modesto desires to construct a portion of the required improvements for a right turn lane at 1901 Prescott Road (Parcels A & B of 47-PM-2, APN: 005-082-037) owned by AutoZone, Inc., and

WHEREAS, on February 5, 2013 by Resolution 2013-48, Modesto City Council approved an Agreement to Enter and Construct Improvements with AutoZone, Inc. located at 1901 Prescott Road (Parcels A & B of 47-PM-2, APN: 005-082-037), and

WHEREAS, the City has not yet commenced construction of the Project and the completion deadline of thirty-six (36) months is February 5, 2016, and

WHEREAS, City of Modesto and AutoZone, Inc. agree and desire that the deadline for completion of the Project be extended from thirty-six (36) months to fifty-four (54) months but due to time constraints, the Amendment will not be executed and approved by the February 5, 2016 deadline, and

WHEREAS, the Amendment shall be effective February 5, 2016, regardless of when the Amendment is executed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Amendment to the Agreement to Enter and Construct located at 1901 Prescott Road (Parcels A & B of 47-PM-2, APN: 005-082-037) owned by AutoZone, Inc.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of March, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-91

RESOLUTION AMENDING AN AGREEMENT TO ENTER AND CONSTRUCT IMPROVEMENTS WITH CAROL CORCORAN WILLIAMS AND PATRICK C. CORCORAN, AS TRUSTEES FOR THE CORCORAN 2004 LIVING TRUST, FOR PROPERTYLOCATED AT 1901 PRESCOTT ROAD (PARCEL C OF 47-PM-2, APN: 005-082-036) REQUIRED FOR THE CONGESTION MITIGATION AIR QUALITY (CMAQ) CML 5059 (187) – PRESCOTT ROAD AND PLAZA PARKWAY PROJECT; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT AND ALL RELATED DOCUMENTS

WHEREAS, the Congestion Mitigation Air Quality (CMAQ) CML 5059 (187) – Prescott Road and Plaza Parkway Project involves the expansion of Prescott Road to include a southbound right turn lane at the northwest corner of Prescott Road and Plaza Parkway, and

WHEREAS, on March 1, 2012, Caltrans determined this project to be a categorical exclusion pursuant to the National Environmental Policy Act (NEPA) and all other applicable federal environmental law, regulations and executive orders, and

WHEREAS, the project is consistent and is in conformance to the General Plan Master E.I.R., and no additional California Environmental Quality Act (CEQA) clearance is needed, and

WHEREAS, the City of Modesto desires to construct a portion of the required improvements for a right turn lane at 1901 Prescott Road (Parcel C of 47-PM-2, APN: 005-082-036), and

WHEREAS, on February 5, 2013, by Resolution 2013-49 Modesto City Council approved an Agreement to Enter and Construct Improvements with Patrick G. Corcoran located at 1901 Prescott Road (Parcel C of 47-PM-2, APN: 005-082-036), and

WHEREAS, the City has not yet commenced construction of the Project and the completion deadline of thirty-six (36) months is February 5, 2016, and

WHEREAS, there has been a change in trustee of the Corcoran 2004 Living Trust, Carol Corcoran Williams and Patrick C. Corcoran represent and warrant that they are now the trustees of the Corcoran 2004 Living Trust, and have authority to enter into this Amendment and as trustees, are duly authorized to execute this Amendment, and

WHEREAS, the City of Modesto, Carol Corcoran Williams and Patrick C. Corcoran agree and desire that the deadline for completion of the Project be extended from thirty-six (36) months to fifty-four (54) months, but due to time constraints, this Amendment will not be executed and approved by February 5, 2016 deadline, and

WHEREAS, the Amendment shall be effective February 5, 2016, regardless of when the Amendment is executed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Amendment to the Agreement to Enter and Construct located at 1901 Prescott Road (Parcel C of 47-PM-2, APN: 005-082-036) owned by the Corcoran 2004 Living Trust.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of March, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-92

RESOLUTION DECLARING FORMATION OF CITY OF MODESTO COMMUNITY FACILITIES NO. 2016-1 (KIERNAN BUSINESS PARK EAST #2), AUTHORIZING THE LEVY OF SPECIAL TAXES THEREIN AND ESTABLISHING AN ANNUAL APPROPRIATIONS LIMIT

WHEREAS, on January 26, 2016 pursuant to a petition filed by Joann Irene Bledsoe, Carl R. Fischer, Jr. and Sandy Fischer, aka Sandra Fischer, (the "Petitioner") this City Council adopted Resolution No. 2016-20 (the "Resolution of Intention") stating its intention to form City of Modesto Community Facilities District No. 2016-1 (Kiernan Business Park East #2) (the "Community Facilities District") pursuant to the Mello-Roos Community Facilities Act of 1982, as amended (the "Act"); and

WHEREAS, a copy of the Resolution of Intention, setting forth a description of the proposed boundaries of the Community Facilities District, the facilities and services to be financed by the Community Facilities District, the rate and method of apportionment of special tax proposed to be levied within the Community Facilities District, and setting a public hearing to consider this matter, on file with the City Clerk and is incorporated herein by reference; and

WHEREAS, the City Clerk has confirmed that a notice was published and mailed as required by law relative to the intention of the City to form the Community Facilities District at a public hearing on March 8, 2016; and

WHEREAS, a report containing a description of the facilities and services necessary to meet the needs of the Community Facilities District and an estimate of the cost of such facilities and services as required by Section 53321.5 of the Government Code (the "Report") has been filed with the City Clerk; and

WHEREAS, the City Council has held a public hearing on this same date as required by law to determine whether it should proceed with the formation of the Community Facilities District and authorize the rate and method of apportionment of special taxes to be levied within the Community Facilities District for the purposes described in the aforesaid resolutions; and

WHEREAS, at said hearing all persons desiring to be heard on all matters pertaining to the formation of the Community Facilities District and the levy of special taxes and were heard, and a full and fair hearing was held; and

WHEREAS, at the public hearing evidence was presented to the City Council on the matters before it, and the proposed special taxes to be levied within the Community Facilities District was not precluded by a majority protest of the type described in Government Code Section 53324, and the City Council is sufficiently advised as to all matters relating to the formation of the Community Facilities District and the levy of the special taxes; and

WHEREAS, there have been fewer than twelve (12) registered voters residing in the proposed boundaries of the Community Facilities District for the statutory period, and the qualified electors in the Community Facilities District are the landowners within the Community Facilities District; and

WHEREAS, on the basis of all of the foregoing, the City Council has determined at this time to proceed with the establishment of the Community Facilities District and to call an election therein to authorize (i) the levy of special taxes pursuant to the rate and method of apportionment of special tax, as set forth in **Attachment** A hereto and (ii) the establishment of an appropriations limit for the Community Facilities District;

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

SECTION 1. The above recitals are true and correct.

SECTION 2. A community facilities district designated "City of Modesto Community Facilities District No. 2016-1 (Kiernan Business Park East #2)" is hereby established pursuant to the Act. The City Council hereby finds and determines that all prior proceedings taken with respect to the establishment of the Community Facilities District were valid and in conformity with the requirements of law, including the Act. This finding is made in accordance with the provisions of Section 53325.1(b) of the Act.

SECTION 3. The boundaries of the Community Facilities District and the proposed future annexation areas to the Community Facilities District are established as shown on the map designated "Boundary Map of Proposed City of Modesto Community Facilities District No. 2016-1 (Kiernan Business Park East #2)," which map is on file in the office of the City Clerk and, pursuant to Sections 3111 and 3113 of the Streets and Highways Code, was recorded in the Book of Maps of Assessment and Community Facilities Districts in the Office of the County Recorder of Stanislaus County in Book No. 5, at Page 42, as Instrument No. 2016-0009797-00.

SECTION 4. The facilities authorized to be provided for the Community Facilities District are those identified as the "Facilities" in the recitals of this resolution and the services authorized to be paid for by the Community Facilities District are those set forth in Appendix A to the Resolution of Intention (the "Services").

SECTION 5. It is the intention of the City Council, subject to the approval of the qualified electors of the Community Facilities District, to levy the proposed special taxes at the rates set forth in Attachment A hereto on all non-exempt property within the Community Facilities District sufficient to pay for (i) the Services, (ii) the Facilities, and (iii) the other costs including forming the Community Facilities District and administering the levy and collection of the special tax and all other administrative costs related to the special tax levy. The City expects to incur, and in certain cases has already incurred, incidental expenses in connection with the creation of the Community Facilities District, the levying and collecting of the annual facilities special taxes, the provision of the Services, the completion and inspection of the Facilities and the annual administration of the Community Facilities District. The rate and method of apportionment of special tax is described in detail on Attachment A hereto and incorporated herein by this reference, and the City Council hereby finds that Attachment A contains sufficient detail to allow each landowner within the Community Facilities District to estimate the maximum amount that may be levied against each parcel. As described in greater detail in the Report, which is incorporated by reference herein, the special taxes are based generally on area of each parcel of real property within the Community Facilities District (except to the extent that certain single family detached lots may be taxed at the same rate regardless of land area) and, accordingly, is hereby determined to be reasonable. The special taxes are apportioned to each parcel on the foregoing basis pursuant to Section 53325.3 of the Act, and such special taxes are not on or based upon the ownership of real property. Under no circumstances shall the special taxes against any parcel used for private residential purposes be increased by more than

10% as a consequence of delinquency or default by the owner of any other parcel or parcels within the Communities Facilities District.

The City's Community Development Manager, located at 1010 Tenth Street, Modesto, California 95353, telephone number (209) 577-5211, will be responsible for preparing annually, or authorizing a designee to prepare, a current roll of special tax levy obligations by assessor's parcel number and will be responsible for estimating future special tax levies pursuant to Section 53340.2 of the Act.

SECTION 6. In the event that a portion of the property within the Community Facilities District shall become for any reason exempt, wholly or partially, from the levy of the special taxes specified in Attachment A, the City Council shall, on behalf of the Community Facilities District, increase the levy (to the extent necessary and permitted by law and these proceedings) upon the remaining property within the Community Facilities District which is not exempt in order to prevent the Community Facilities District from defaulting on any of its other obligations or liabilities. The amount of the special taxes will be set in accordance with the rate and method of apportionment of special tax attached hereto as Attachment A.

SECTION 7. Upon recordation of a notice of special tax lien pursuant to Section 3114.5 of the Streets and Highways Code, a continuing lien to secure each levy of the special taxes shall attach to all non-exempt real property in the Community Facilities District, and this lien shall continue in force and effect until the special tax obligation is prepaid and permanently satisfied and the lien canceled in accordance with law or until collection of the special tax by the Community Facilities District ceases.

SECTION 8. The City may accept advances of funds or work-in-kind from any source, including, but not limited to, the Petitioner and other private persons or private entities, for any authorized purpose, including, but not limited to, paying any cost incurred by it in creating the Community Facilities District. The City may enter into an agreement with the person or entity advancing the funds or work-in-kind, to repay all or a portion of the funds advanced, or to reimburse the person or entity for the value, or cost, whichever is less, of the work-in-kind, as determined by the City, with or without interest.

SECTION 9. Written protests against the establishment of the Community Facilities District have not been filed by one-half or more registered voters within the boundaries of the Community Facilities District or by the property owners of one-half (1/2) or more of the area of land within the Community Facilities District. The City Council hereby finds that the proposed special taxes have not been precluded by a majority protest pursuant to Section 53324 of the Act.

SECTION 10. The annual appropriations limit (as defined in Section 8(h) of Article XIII B of the California Constitution) of the Community Facilities District is hereby established at $5,000,000.

SECTION 11. An election is hereby called for the Community Facilities District on the propositions of levying the special taxes on the property within the Community Facilities District and establishing the appropriations limit for the Community Facilities District pursuant to Section 53325.7 of the Act. The language of the proposition to be placed on the ballot is attached hereto as **Attachment** B.

SECTION 12. The date of the election for the Community Facilities District on the proposition of authorizing the levy of the special taxes and establishing the appropriations limit for the Community Facilities District shall be March 8, 2016. The City Clerk shall conduct the election. Except as otherwise provided by the Act, the election shall be conducted by personally delivered or mailed ballot and in accordance with the provisions of law regulating elections of the City insofar as such provisions are determined by the City Clerk to be applicable.

The City Council having found that there have been fewer than twelve (12) persons registered to vote within the territory of the Community Facilities District for each of the ninety days preceding the close of the public hearing described above, pursuant to Section 53326 of the Government Code each landowner who is the owner of record on the date hereof or the authorized representative thereof shall have one vote for each acre or portion thereof that he or she owns within the Community Facilities District.

SECTION 13. The preparation of the Report is hereby ratified. The Report, as submitted, is hereby approved and is made a part of the record of the public hearing regarding the formation of the Community Facilities District, and is ordered to be kept on file with the transcript of these proceedings and open for public inspection.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of March, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

ATTACHMENT A

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO.2016-1
(KIERNAN BUSINESS PARK EAST #2)

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

ATTACHMENT B

BALLOT PROPOSITION

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 2016-1 (KIERNAN BUSINESS PARK EAST #2)

ATTACHMENT A

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 2016-1
(KIERNAN BUSINESS PARK EAST)

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

Special Taxes applicable to each Assessor's Parcel in the City of Modesto Community Facilities District No. 2016-1 (Kiernan Business Park East) shall be levied and collected according to the tax liability determined by the Administrator through the application of the appropriate amount or rate for Taxable Property, as described below. All of the property in CFD No. 2016-1, unless exempted by law or by the provisions of Section F below, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to the CFD, unless a separate Rate and Method of Apportionment of Special Tax is adopted for the annexation area.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

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

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

"Administrative Expenses" means any or all of the following: expenses incurred by the City in carrying out its duties with respect to CFD No. 2016-1, including, but not limited to, levying and collecting the Special Taxes; the fees and expenses of legal counsel; charges levied by the County Auditor's Office, Tax Collector's Office, and/or Treasurer's Office; costs related to annexing property into the CFD; costs related to property owner inquiries regarding the Special Taxes; and all other costs and expenses of the City in any way related to the establishment or administration of the CFD.

"Administrator" means the person or firm designated by the City to administer the Special Taxes according to this RMA.

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

"Annual Maintenance Special Tax Requirement" means the amount of revenue needed in any Fiscal Year to pay for: (i) Authorized Services, (ii) establishment of reserves, (iii) Administrative Expenses, and (iv) amounts needed to cure any delinquencies in the payment of Annual Maintenance Special Taxes which have occurred in prior Fiscal Years.

"Assessor's Parcel" or **"Parcel"** means a lot or parcel shown on an Assessor's Parcel Map with an assigned Assessor's Parcel Number.

"Assessor's Parcel Map" means an official map of the County Assessor designating parcels by Assessor's Parcel Number.

"Assessor's Parcel Number" or **"APN"** means a unique number assigned to an Assessor's Parcel by the County Assessor for purposes of identifying a property.

"Authorized Services" means the public services authorized to be funded by the CFD as set forth in the documents adopted by the City Council when the CFD was formed.

"CFD" or **"CFD No. 2016-1"** means the City of Modesto Community Facilities District No. 2016-1 (Kiernan Business Park East).

"CFD Formation" means the date on which the Resolution of Formation to form CFD No. 2016-1 was adopted by the City Council.

"City" means the City of Modesto.

"City Council" means the City Council of the City of Modesto, acting as the legislative body of CFD No. 2016-1.

"County" means the County of Stanislaus.

"Escalation Factor" means, in any Fiscal Year, the greater of (i) the percentage increase, if any, in the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%).

"Final Map" means a final map approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410, *et seq.*) that creates individual lots on which a building permit can be issued for construction of residential units without further subdivision of the lots.

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

"Maximum Annual Maintenance Special Tax" means the Maximum Annual Maintenance Special Tax, determined in accordance with Section C, that can be levied in any Fiscal Year.

"Maximum One-Time Facilities Special Tax" means the greatest amount of One-Time Facilities Special Tax that can be levied on an Assessor's Parcel in any Fiscal Year determined in accordance with Section C below.

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

"One-Time Facilities Special Tax" means a special tax levied and collected in full by the City prior to a structural building permit being issued for new construction on a Parcel of Taxable Property.

"Proportionately" means the ratio of the actual Annual Maintenance Special Tax levied in any Fiscal Year to the Maximum Annual Maintenance Special Tax authorized to be levied in that Fiscal Year is equal for all Assessor's Parcels of Taxable Property.

"Public Property" means, in any Fiscal Year: (i) all Parcels within the boundaries of the CFD that are owned by or irrevocably offered for dedication to the federal government, the State of California, the City or any other public agency; provided, however, that any property leased by a public agency to a private entity and subject to taxation under Section 53340.1 of the Act (as such section may be amended or replaced) shall be taxed and classified in accordance with its use; or (ii) all Parcels within the boundaries of the CFD that are encumbered by an unmanned utility easement making impractical its utilization for other than the purpose set forth in the easement.

"RMA" means this Rate and Method of Apportionment of Special Tax.

"Special Taxes" means, collectively, the One-Time Facilities Special Tax and the Annual Maintenance Special Tax.

"Taxable Property" means all Assessor's Parcels within the boundaries of the CFD that are not exempt from the Special Taxes pursuant to law or Section F below.

"Taxable Public Property" means, in any Fiscal Year, all Parcels of Public Property within the CFD that, (i) based on a tentative map or other development plan, were expected to be Taxable Property and, (ii) based on this expectation, Maximum Annual Maintenance Special Taxes were assigned to the Parcels in prior Fiscal Years.

"Tax Zone" means a mutually exclusive geographic area within which the Special Taxes may be levied pursuant to this RMA. ***All of the property within CFD No. 2016-1 at the time of CFD Formation is within Tax Zone 1.*** Additional Tax Zones may be created when property is annexed to the CFD, and separate Maximum Special Taxes shall be identified for property within the new Tax Zone at the time of such annexation. The Assessor's Parcels included within a new Tax Zone established when such Parcels are annexed to the CFD shall be identified by Assessor's Parcel Number in the Unanimous Approval Form that is signed by the owner(s) of the Parcels at the time of annexation.

"Unanimous Approval Form" means that form executed by the record owner of fee title to a Parcel or Parcels annexed into the CFD that constitutes the property owner's approval and unanimous vote in favor of annexing into the CFD and the levy of Special Taxes against his/her Parcel or Parcels pursuant to this RMA.

B. DATA FOR ANNUAL TAX LEVY

Each Fiscal Year, the Administrator shall identify the current Assessor's Parcel Numbers for all Parcels of Taxable Property within the CFD. The Administrator shall also determine: (i) in which Tax Zone each Parcel of Taxable Property is located, (ii) the Acreage for each Parcel of Taxable Property, and (iii) the Annual Maintenance Special Tax Requirement for the then-current Fiscal Year.

In any Fiscal Year, if it is determined that (i) a Final Map or parcel map for a portion of property in the CFD was recorded after the last date upon which the Assessor will incorporate the newly-created Parcels into the then current tax roll, (ii) because of the date the Final Map or parcel map was recorded, the Assessor does not yet recognize the new Parcels created by the Final Map or parcel map, and (iii) one or more of the newly-created Parcels meets the definition of Taxable Property, the Administrator shall calculate the Special Tax for the property affected by recordation of the Final Map or parcel map by determining the Special Taxes that apply separately to each newly-created Parcel, then applying the sum of the individual Special Taxes to the Parcel that was subdivided by recordation of the Final Map or parcel map.

C. MAXIMUM SPECIAL TAXES

1. Tax Zone 1

Table 1 below identifies the Maximum One-Time Facilities Special Tax and Maximum Annual Maintenance Special Tax assigned to all Parcels of Taxable Property in Tax Zone 1 at CFD Formation and all Parcels that annex into Tax Zone 1 after CFD Formation.

TABLE 1
MAXIMUM SPECIAL TAXES FOR TAX ZONE 1
FISCAL YEAR 2015-16

Fiscal Year 2015-16 Assessor's Parcel Number (s)	*Fiscal Year 2015-16 Maximum One-Time Facilities Special Tax**	*Fiscal Year 2015-16 Maximum Annual Maintenance Special Tax**
078-015-029 078-015-030	$0	$2,872 per Acre

** On January 1, 2016 and each January thereafter, the Maximum One-Time Facilities Special Tax and Maximum Annual Maintenance Special Tax rates shall be adjusted by the Escalation Factor. Each annual adjustment of the Maximum One-Time Facilities Special Tax and the Maximum Annual Maintenance Special Tax shall become effective on the subsequent July 1.*

2. Additional Tax Zones

If property is annexed into the CFD and a separate Tax Zone is established for such property, a Maximum One-Time Facilities Special Tax and a Maximum Annual Maintenance Special Tax will be identified for Taxable Property in the new Tax Zone in the Unanimous Approval Form signed by the annexing property owner.

D. METHOD OF LEVY OF SPECIAL TAXES

1. One-Time Facilities Special Tax

The Maximum One-Time Facilities Special Tax determined pursuant to Section C above shall be levied on all Taxable Property in CFD No. 2016-1 and shall be collected as set forth in Section E below.

2. Annual Maintenance Special Tax

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

Step 1: The Annual Maintenance Special Tax shall be levied Proportionately on each Parcel of Taxable Property that is not Taxable Public Property up to 100% of the Maximum Annual Maintenance Special Tax for each Parcel for such Fiscal Year;

Step 2: If additional revenue is needed after Step 1, the Annual Maintenance Special Tax shall be levied Proportionately on each Parcel of Taxable Public Property up to 100% of the Maximum Annual Maintenance Special Tax for each Parcel for such Fiscal Year.

E. COLLECTION OF SPECIAL TAXES

The Maximum One-Time Facilities Special Tax shall be collected prior to a building permit being issued for new construction of a structure on a Parcel of Taxable Property within CFD No. 2016-1, and shall be immediately delinquent if not so paid.

The Annual Maintenance Special Tax for CFD No. 2016-1 shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, that the City may directly bill, collect at a different time or in a different manner, and/or collect delinquent Annual Maintenance Special Taxes through foreclosure or other available methods. The Annual Maintenance Special Tax shall be levied and collected in perpetuity unless and until the City determines that the Annual Maintenance Special Tax no longer needs to be levied to pay for Authorized Services and Administrative Expenses.

F. EXEMPTIONS

Notwithstanding any other provision of this RMA, no Special Tax shall be levied on Parcels of Public Property except Taxable Public Property, as defined herein.

G. INTERPRETATION OF SPECIAL TAX FORMULA

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

H. ENFORCEMENT

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

ATTACHMENT B

OFFICIAL BALLOT

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 2016-1
(KIERNAN BUSINESS PARK EAST #2)

March 8, 2016

SPECIAL ELECTION

This ballot is for a special landowner election. You must return this ballot in the enclosed envelope to the office of the City Clerk of the City of Modesto no later than 5:30 p.m. on March 8, 2016, either by mail or in person. The City Clerk's offices are located at 1010 Tenth Street, Modesto, California 95354.

INSTRUCTIONS TO VOTERS:

To vote on the measure, make a "+," "x" or other distinguishing mark on the line after the word "Yes" or on the line after the word "No." If you wrongly mark, tear or deface this ballot, return it to the City Clerk and obtain another.

MEASURE SUBMITTED TO VOTE OF VOTERS: Shall City of Modesto Community Facilities District No. 2016-1 (Kiernan Business Park East #2) (the "Community Facilities District") be authorized to levy special taxes in accordance with a rate and method of apportionment as provided in the Resolution of Formation to finance (i) the costs of planning, designing, constructing, acquiring, modifying, expanding, improving, furnishing, equipping or rehabilitating certain real and other tangible property with an estimated useful life of five years or longer, consisting of certain storm drain system, transportation, landscaping and lighting system improvements and appurtenances and appurtenant work and to finance the incidental expenses associated therewith, all as further provided in the resolution of the Council of the City of Modesto establishing the Community Facilities District (the "Resolution of Formation"), (ii) certain administrative expenses and (iii) the cost of maintaining parkways, landscaped medians, storm drainage pump and basin facilities, catch basins, manholes, underground infiltration trenches and pipes, landscaped bio-swale lots and medians, storm water treatment devices and filters, shrubs, vines, ground cover, and irrigation systems and related facilities, and shall the annual appropriations limit of Community Facilities District No. 2016-1 (Kiernan Business Park East #2) be established in the amount of $5,000,000.

YES_____

NO_____

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-93

RESOLUTION CALLING A SPECIAL ELECTION FOR THE CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2016-1 (KIERNAN BUSINESS PARK EAST #2)

WHEREAS, on this date, this City Council adopted a resolution entitled "A Resolution Declaring Formation of City of Modesto Community Facilities District No. 2016-1 (Kiernan Business Park East #2), Authorizing the Levy of Special Taxes Therein and Establishing an Annual Appropriations Limit" (the "Resolution of Formation"), which established the City of Modesto Community Facilities District No. 2016-1 (Kiernan Business Park East #2) (the "Community Facilities District"), authorized the levy of special taxes therein, and established an annual appropriations limit, and

WHEREAS, pursuant to the provisions of said resolution, propositions to authorize the levy of special taxes within the Community Facilities District and to establish an appropriations limit of the Community Facilities District are to be submitted to the qualified electors of the Community Facilities District as required by the Mello-Roos Community Facilities Act of 1982, as amended (the "Act"),

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto, acting as the legislative body of the City of Modesto Community Facilities District No. 2016-1 (Kiernan Business Park East #2), hereby finds and determines as follows:

SECTION 1. Pursuant to the Act the propositions to authorize the levy of special taxes within the Community Facilities District and establish an appropriations limit of the Community Facilities District shall be combined into one ballot proposition and

submitted to the qualified electors of the Community Facilities District as provided herein.

SECTION 2. The City Council has heretofore found that fewer than twelve (12) persons have been registered to vote within the territory of the Community Facilities District for the ninety (90) days preceding the close of the public hearing heretofore held by the City Council for the purposes of these proceedings. Accordingly, the vote shall be by the land owners of the Community Facilities District, and each owner of record at the close of such public hearing, or the authorized representative thereof, shall have one (1) vote for each acre or portion of an acre that he or she owns within the Community Facilities District.

SECTION 3. The date of the election shall be March 8, 2016, and the City Clerk shall conduct the election. The election shall be conducted by personally delivered or mailed ballots and in accordance with the provisions of law regulating elections of the City insofar as such provisions are determined by the City Clerk to be applicable. The voted ballots shall be returned to the City Clerk no later than 5:30 p.m. on March 8, 2016; provided that if all of the qualified electors have voted prior to such time, the election may be closed by the City Clerk.

SECTION 4. The form of the ballot for the election is attached hereto as **Attachment A** and by this reference incorporated herein. The City Clerk shall cause to be delivered to each of the qualified electors of the Community Facilities District a ballot in said form. Each ballot shall indicate the number of votes to be voted by the respective elector based upon the number of acres of land owned by such elector as set forth above. The identification envelope for return of the ballot shall be enclosed with the ballot, shall

have the postage prepaid and shall contain (a) the name and address of the landowner, (b) a declaration, under penalty of perjury, stating that the elector is the owner of record, or the authorized representative thereof, and is the person whose name appears on the identification envelope, (c) the printed name, signature and address of the elector, (d) the date of signing and place of execution of the declaration described above and (e) a notice that the envelope contains an official ballot and is to be opened only by the canvassing board. Analysis and arguments with respect to the ballot proposition are hereby waived.

SECTION 5. The City Clerk shall accept the ballots of the qualified electors in the office of the City Clerk to and including 5:30 p.m. on March 8, 2016, whether said ballots shall be personally delivered or received by mail.

SECTION 6. There is on file with the City Clerk a written instrument executed by each qualified elector of the Community Facilities District requesting a shortening of the time for the special election in order to expedite the process of formation of the Community Facilities District and waiving any requirement for analysis and arguments in connection therewith.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of March, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

ATTACHMENT A
BALLOT PROPOSITION

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 2016-1 (KIERNAN BUSINESS PARK EAST #2)

ATTACHMENT A

OFFICIAL BALLOT

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 2016-1
(KIERNAN BUSINESS PARK EAST #2)

March 8, 2016

SPECIAL ELECTION

This ballot is for a special landowner election. You must return this ballot in the enclosed envelope to the office of the City Clerk of the City of Modesto no later than 5:30 p.m. on March 8, 2016, either by mail or in person. The City Clerk's offices are located at 1010 Tenth Street, Modesto, California 95354.

INSTRUCTIONS TO VOTERS:

To vote on the measure, make a "+," "x" or other distinguishing mark on the line after the word "Yes" or on the line after the word "No." If you wrongly mark, tear or deface this ballot, return it to the City Clerk and obtain another.

MEASURE SUBMITTED TO VOTE OF VOTERS: Shall City of Modesto Community Facilities District No. 2016-1 (Kiernan Business Park East #2) (the "Community Facilities District") be authorized to levy special taxes in accordance with a rate and method of apportionment as provided in the Resolution of Formation to finance (i) the costs of planning, designing, constructing, acquiring, modifying, expanding, improving, furnishing, equipping or rehabilitating certain real and other tangible property with an estimated useful life of five years or longer, consisting of certain storm drain system, transportation, landscaping and lighting system improvements and appurtenances and appurtenant work and to finance the incidental expenses associated therewith, all as further provided in the resolution of the Council of the City of Modesto establishing the Community Facilities District (the "Resolution of Formation"), (ii) certain administrative expenses and (iii) the cost of maintaining parkways, landscaped medians, storm drainage pump and basin facilities, catch basins, manholes, underground infiltration trenches and pipes, landscaped bio-swale lots and medians, storm water treatment devices and filters, shrubs, vines, ground cover, and irrigation systems and related facilities, and shall the annual appropriations limit of Community Facilities District No. 2016-1 (Kiernan Business Park East #2) be established in the amount of $5,000,000.

YES_____

NO_____

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-94

RESOLUTION DECLARING THE RESULTS OF THE MARCH 8, 2016, SPECIAL ELECTION AND APPROVING CERTAIN RELATED ACTIONS PERTAINING TO CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2016-1 (KIERNAN BUSINESS PARK EAST #2)

WHEREAS, this City Council, acting as the legislative body of the City of Modesto Community Facilities District No. 2016-1 (Kiernan Business Park East #2) (the "Community Facilities District"), called and duly held an election of the Community Facilities District pursuant to resolutions adopted by the City Council on March 8, 2016, for the purpose of presenting to the qualified electors within the Community Facilities District a proposition (the "Proposition") for (a) the levy of special taxes in accordance with the rate and method of apportionment of special tax set forth in the resolution forming the Community Facilities District and (b) the establishment of an appropriations limit for the Community Facilities District, and

WHEREAS, a Certificate of the City Clerk as to the Results of the Canvass of the Election Returns has been presented to City Council, a copy of which is attached hereto as **Attachment A**;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto, acting as the legislative body of the City of Modesto Community Facilities District No. 2016-1 (Kiernan Business Park East #2), hereby finds and determines as follows:

SECTION 1. The above recitals are true and correct.

SECTION 2. Two-thirds or more of the votes cast by the qualified electors of the Community Facilities District at the special election held on March 8, 2016, on the Proposition were cast in favor of the Proposition, and the Proposition

carried. The City Council, acting as the legislative body of the Community Facilities District, is hereby authorized to take the necessary steps to levy the special taxes authorized by the Proposition.

SECTION 3. The City Clerk is hereby authorized and directed to execute and cause to be recorded in the office of the County Recorder of Stanislaus County a notice of special tax lien in the form required by law, said recording to occur no later than fifteen days following adoption of this Resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of March, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

ATTACHMENT A

ATTACHMENT A

CERTIFICATE OF CITY CLERK

AS TO RESULTS OF THE CANVAS OF ELECTION RETURNS

STATE OF CALIFORNIA)

) ss.

COUNTY OF STANISLAUS)

As City Clerk of the City of Modesto, I do hereby certify that I have examined the returns of the special election for City of Modesto Community Facilities District No. 2016-1 (Kiernan Business Park East #2) (the "Community Facilities District"). With my concurrence, the election was conducted on March 8, 2016. On or prior to said date I had mailed or personally delivered a ballot to the landowner listed on the latest equalized assessment roll prepared by the Stanislaus County Assessor prior to March 8, 2016 or otherwise known by me to own the property within the boundaries of the Community Facilities District. The landowner was given one vote for each acre, or portion thereof, that the landowner owns within the Community Facilities District.

I further certify that the results of said election and the number of votes cast for and against the Proposition are as follows:

YES: X

NO: __

TOTAL NUMBER OF VOTES CAST: 20

Dated this 8th day of March, 2016.

Stephanie Lopez,
City Clerk of the City of Modesto

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-95

RESOLUTION DECLARING FORMATION OF CITY OF MODESTO COMMUNITY FACILITIES NO. 2016-2 (THE VINTAGE), AUTHORIZING THE LEVY OF SPECIAL TAXES THEREIN AND ESTABLISHING AN ANNUAL APPROPRIATIONS LIMIT

WHEREAS, on January 26, 2016 pursuant to a petition filed by Setrok, L.P., a California Limited Partnership, (the "Petitioner") this City Council adopted Resolution No. 2016-21 (the "Resolution of Intention") stating its intention to form City of Modesto Community Facilities District No. 2016-2 (The Vintage) (the "Community Facilities District") pursuant to the Mello-Roos Community Facilities Act of 1982, as amended (the "Act"); and

WHEREAS, a copy of the Resolution of Intention, setting forth a description of the proposed boundaries of the Community Facilities District, the services to be financed by the Community Facilities District, the rate and method of apportionment of special tax proposed to be levied within the Community Facilities District, and setting a public hearing to consider this matter, on file with the City Clerk and is incorporated herein by reference; and

WHEREAS, the City Clerk has confirmed that a notice was published and mailed as required by law relative to the intention of the City to form the Community Facilities District at a public hearing on March 8, 2016; and

WHEREAS, there has been filed with the City Clerk a report containing a description of the facilities and services necessary to meet the needs of the Community Facilities District and an estimate of the cost of such facilities and services as required by Section 53321.5 of the Government Code (the "Report"); and

WHEREAS, the City Council has held a public hearing on this same date as required by law to determine whether it should proceed with the formation of the Community Facilities District and authorize the rate and method of apportionment of special taxes to be levied within the Community Facilities District for the purposes described in the aforesaid resolutions; and

WHEREAS, at said hearing all persons desiring to be heard on all matters pertaining to the formation of the Community Facilities District and the levy of special taxes and were heard, and a full and fair hearing was held; and

WHEREAS, at the public hearing evidence was presented to the City Council on the matters before it, and the proposed special taxes to be levied within the Community Facilities District was not precluded by a majority protest of the type described in Government Code Section 53324, and the City Council is sufficiently advised as to all matters relating to the formation of the Community Facilities District and the levy of the special taxes; and

WHEREAS, there have been fewer than twelve (12) registered voters residing in the proposed boundaries of the Community Facilities District for the statutory period, and the qualified electors in the Community Facilities District are the landowners within the Community Facilities District; and

WHEREAS, on the basis of all of the foregoing, the City Council has determined at this time to proceed with the establishment of the Community Facilities District and to call an election therein to authorize (i) the levy of special taxes pursuant to the rate and method of apportionment of special tax, as set forth in **Attachment** A hereto and (ii) the establishment of an appropriations limit for the Community Facilities District;

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

SECTION 1. The above recitals are true and correct.

SECTION 2. A community facilities district designated "City of Modesto Community Facilities District No. 2016-2 (The Vintage)" is hereby established pursuant to the Act. The City Council hereby finds and determines that all prior proceedings taken with respect to the establishment of the Community Facilities District were valid and in conformity with the requirements of law, including the Act. This finding is made in accordance with the provisions of Section 53325.1(b) of the Act.

SECTION 3. The boundaries of the Community Facilities District and the proposed future annexation areas to the Community Facilities District are established as shown on the map designated "Boundary Map of Proposed City of Modesto Community Facilities District No. 2016-2 (The Vintage)," which map is on file in the office of the City Clerk and, pursuant to Sections 3111 and 3113 of the Streets and Highways Code, was recorded in the Book of Maps of Assessment and Community Facilities Districts in the Office of the County Recorder of Stanislaus County in Book No. 5, at Page 42, as Instrument No. 2016-0009797-00.

SECTION 4. The services authorized to be paid for by the Community Facilities District are those set forth in Appendix A to the Resolution of Intention (the "Services").

SECTION 5. It is the intention of the City Council, subject to the approval of the qualified electors of the Community Facilities District, to levy the proposed special taxes at the rates set forth in Attachment A hereto on all non-exempt

property within the Community Facilities District sufficient to pay for (i) the Services, (ii) the Facilities, and (iii) the other costs including forming the Community Facilities District and administering the levy and collection of the special tax and all other administrative costs related to the special tax levy. The City expects to incur, and in certain cases has already incurred, incidental expenses in connection with the creation of the Community Facilities District, the levying and collecting of the annual facilities special taxes, the provision of the Services, the completion and inspection of the Facilities and the annual administration of the Community Facilities District. The rate and method of apportionment of special tax is described in detail on Attachment A hereto and incorporated herein by this reference, and the City Council hereby finds that Attachment A contains sufficient detail to allow each landowner within the Community Facilities District to estimate the maximum amount that may be levied against each parcel. As described in greater detail in the Report, which is incorporated by reference herein, the special taxes are based generally on area of each parcel of real property within the Community Facilities District (except to the extent that certain single family detached lots may be taxed at the same rate regardless of land area) and, accordingly, is hereby determined to be reasonable. The special taxes are apportioned to each parcel on the foregoing basis pursuant to Section 53325.3 of the Act, and such special taxes are not on or based upon the ownership of real property. Under no circumstances shall the special taxes against any parcel used for private residential purposes be increased by more than 10% as a consequence of delinquency or default by the owner of any other parcel or parcels within the Communities Facilities District.

The City's Community Development Manager, located at 1010 Tenth Street, Modesto, California 95353, telephone number (209) 577-5211, will be responsible for preparing annually, or authorizing a designee to prepare, a current roll of special tax levy obligations by assessor's parcel number and will be responsible for estimating future special tax levies pursuant to Section 53340.2 of the Act.

SECTION 6. In the event that a portion of the property within the Community Facilities District shall become for any reason exempt, wholly or partially, from the levy of the special taxes specified in Attachment A, the City Council shall, on behalf of the Community Facilities District, increase the levy (to the extent necessary and permitted by law and these proceedings) upon the remaining property within the Community Facilities District which is not exempt in order to prevent the Community Facilities District from defaulting on any of its other obligations or liabilities. The amount of the special taxes will be set in accordance with the rate and method of apportionment of special tax attached hereto as Attachment A.

SECTION 7. Upon recordation of a notice of special tax lien pursuant to Section 3114.5 of the Streets and Highways Code, a continuing lien to secure each levy of the special taxes shall attach to all non-exempt real property in the Community Facilities District, and this lien shall continue in force and effect until the special tax obligation is prepaid and permanently satisfied and the lien canceled in accordance with law or until collection of the special tax by the Community Facilities District ceases.

SECTION 8. The City may accept advances of funds or work-in-kind from any source, including, but not limited to, the Petitioner and other private persons or private entities, for any authorized purpose, including, but not limited to, paying any cost

incurred by it in creating the Community Facilities District. The City may enter into an agreement with the person or entity advancing the funds or work-in-kind, to repay all or a portion of the funds advanced, or to reimburse the person or entity for the value, or cost, whichever is less, of the work-in-kind, as determined by the City, with or without interest.

SECTION 9. Written protests against the establishment of the Community Facilities District have not been filed by one-half or more registered voters within the boundaries of the Community Facilities District or by the property owners of one-half (1/2) or more of the area of land within the Community Facilities District. The City Council hereby finds that the proposed special taxes have not been precluded by a majority protest pursuant to Section 53324 of the Act.

SECTION 10. The annual appropriations limit (as defined in Section 8(h) of Article XIII B of the California Constitution) of the Community Facilities District is hereby established at $1,000,000.

SECTION 11. An election is hereby called for the Community Facilities District on the propositions of levying the special taxes on the property within the Community Facilities District and establishing the appropriations limit for the Community Facilities District pursuant to Section 53325.7 of the Act. The language of the proposition to be placed on the ballot is attached hereto as **Attachment B**.

SECTION 12. The date of the election for the Community Facilities District on the proposition of authorizing the levy of the special taxes and establishing the appropriations limit for the Community Facilities District shall be March 8, 2016. The City Clerk shall conduct the election. Except as otherwise provided by the Act, the

election shall be conducted by personally delivered or mailed ballot and in accordance with the provisions of law regulating elections of the City insofar as such provisions are determined by the City Clerk to be applicable.

The City Council having found that there have been fewer than twelve (12) persons registered to vote within the territory of the Community Facilities District for each of the ninety days preceding the close of the public hearing described above, pursuant to Section 53326 of the Government Code each landowner who is the owner of record on the date hereof or the authorized representative thereof shall have one vote for each acre or portion thereof that he or she owns within the Community Facilities District.

SECTION 13. The preparation of the Report is hereby ratified. The Report, as submitted, is hereby approved and is made a part of the record of the public hearing regarding the formation of the Community Facilities District, and is ordered to be kept on file with the transcript of these proceedings and open for public inspection.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of March, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

ATTACHMENT A

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 2016-2
(VINTAGE MAINTENANCE)

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

A Special Tax applicable to each Assessor's Parcel in the City of Modesto Community Facilities District No. 2016-2 (Vintage Maintenance) shall be levied and collected according to the tax liability determined by the Administrator through the application of the appropriate amount or rate for Taxable Property, as described below. All of the property in CFD No. 2016-2, unless exempted by law or by the provisions of Section F below, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to the CFD, unless a separate Rate and Method of Apportionment of Special Tax is adopted for the annexation area.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

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

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

"Administrative Expenses" means any or all of the following: expenses incurred by the City in carrying out its duties with respect to CFD No. 2016-2, including, but not limited to, levying and collecting the Special Tax; the fees and expenses of legal counsel; charges levied by the County Auditor's Office, Tax Collector's Office, and/or Treasurer's Office; costs related to property owner inquiries regarding the Special Tax; and all other costs and expenses of the City in any way related to the establishment or administration of the CFD.

"Administrator" means the person or firm designated by the City to administer the Special Tax according to this RMA.

"Assessor's Parcel" or **"Parcel"** means a lot or parcel shown on an Assessor's Parcel Map with an assigned Assessor's Parcel Number.

"Assessor's Parcel Map" means an official map of the County Assessor designating parcels by Assessor's Parcel Number.

"Assessor's Parcel Number" or **"APN"** means a unique number assigned to an Assessor's Parcel by the County Assessor for purposes of identifying a property.

"Authorized Services" means the public services authorized to be funded by the CFD as set forth in the documents adopted by the City Council when the CFD was formed.

"CFD" or **"CFD No. 2016-2"** means the City of Modesto Community Facilities District No. 2016-2 (Vintage Maintenance).

"CFD Formation" means the date on which the Resolution of Formation to form CFD No. 2016-2 was adopted by the City Council.

"City" means the City of Modesto.

"City Council" means the City Council of the City of Modesto, acting as the legislative body of CFD No. 2016-2.

"Commercial Property" means all Parcels of Taxable Property for which a building permit has been or may be issued for construction of a commercial building, as determined by the City.

"County" means the County of Stanislaus.

"Developed Property" means, in any Fiscal Year, the following:

- for Single Family Residential Property, all Parcels of Taxable Property for which a Final Map was recorded prior to June 30 of the preceding Fiscal Year;

- for Multi-Family Property, all Parcels of Taxable Property for which a building permit for new construction of a residential structure was issued prior to June 30 of the preceding Fiscal Year; and

- for Commercial Property, all Parcels of Taxable Property for which a building permit for construction of a commercial structure was issued prior to June 30 of the preceding Fiscal Year.

"Escalation Factor" means, in any Fiscal Year, the greater of (i) the percentage increase, if any, in the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%).

"Final Map" means a final map approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410, *et seq.*) that creates individual lots on which a building permit can be issued for construction of residential units without further subdivision of the lots.

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

"Land Use Class" means one of the three mutually-exclusive land use classes identified in Table 1 in Section C below and defined in this Section A.

"Maximum Special Tax" means the maximum special tax, determined in accordance with Section C, that can be levied in any Fiscal Year.

"Multi-Family Property" means all Parcels of Taxable Property for which a building permit has been or may be issued for construction of a residential structure consisting of two or more residential units that share common walls, including but not limited to, townhomes, condominiums, duplexes, triplexes, fourplexes, and apartment units.

"Proportionately" means, for Developed Property, that the ratio of the actual Special Tax levied in any Fiscal Year to the Maximum Special Tax authorized to be levied in that Fiscal Year is equal for all Assessor's Parcels of Taxable Property that is Developed Property. For Undeveloped Property, "Proportionately" means that the ratio of the actual Special Tax to the Maximum Special Tax is equal for all Assessor's Parcels of Taxable Property that is Undeveloped Property. For Taxable Public Property, "Proportionately" means that the ratio of the actual Special Tax to the Maximum Special Tax is equal for all Assessor's Parcels of Taxable Public Property.

"Public Property" means, in any Fiscal Year: (i) all Parcels within the boundaries of the CFD that are owned by or irrevocably offered for dedication to the federal government, the State of California, the City or any other public agency; provided, however, that any property leased by a public agency to a private entity and subject to taxation under Section 53340.1 of the Act (as such section may be amended or replaced) shall be taxed and classified in accordance with its use; and (ii) all Parcels within the boundaries of the CFD that are encumbered by an unmanned utility easement making impractical its utilization for other than the purpose set forth in the easement.

"RMA" means this Rate and Method of Apportionment of Special Tax.

"SFR Lot" means an individual numbered lot which is in its final configuration and for which a building permit may be issued for a single family residential unit.

"Single Family Residential Property" means, in any Fiscal Year, all Parcels of Taxable Property for which a building permit has been or may be issued for construction of a residential structure on an SFR Lot.

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

"Special Tax Requirement" means the amount of revenue needed in any Fiscal Year to pay for: (i) Authorized Services, (ii) establishment of reserves, (iii) Administrative Expenses, and (iv) amounts needed to cure any delinquencies in the payment of Special Taxes which have occurred in prior Fiscal Years.

"Taxable Property" means all Assessor's Parcels within the boundaries of the CFD that are not exempt from the Special Tax pursuant to law or Section F below.

"Taxable Public Property" means, in any Fiscal Year, all Parcels of Public Property within the CFD that, (i) based on a tentative map or other development plan, were expected to be Taxable Property and, (ii) based on this expectation, Maximum Special Taxes were assigned to the Parcels in prior Fiscal Years.

"Undeveloped Property" means, in any Fiscal Year, all Parcels of Taxable Property within CFD No. 2016-2 that are not Developed Property.

B. DATA FOR SPECIAL TAX LEVY

Each Fiscal Year, the Administrator shall identify the current Assessor's Parcel Numbers for all Parcels of Taxable Property within the CFD. The Administrator shall also determine: (i) whether each Parcel of Taxable Property is Developed Property or Undeveloped Property, (ii) which Parcels are Commercial Property, Single Family Residential Property, and Multi-Family Property, (iii) the Acreage of each Parcel of Commercial Property and Multi-Family Property, and (iv) the Special Tax Requirement for the then-current Fiscal Year.

In any Fiscal Year, if it is determined that (i) a Final Map or parcel map for a portion of property in the CFD was recorded after the last date upon which the Assessor will incorporate the newly-created Parcels into the then current tax roll, (ii) because of the date the Final Map or parcel map was recorded, the Assessor does not yet recognize the new Parcels created by the Final Map or parcel map, and (iii) one or more of the newly-created Parcels meets the definition of Taxable Property, the Administrator shall calculate the Special Tax for the property affected by recordation of the Final Map or parcel map by determining the Special Taxes that apply separately to each newly-created Parcel, then applying the sum of the individual Special Taxes to the Parcel that was subdivided by recordation of the Final Map or parcel map.

C. MAXIMUM SPECIAL TAXES

Table 1 below identifies the Maximum Special Tax assigned to all Parcels of Taxable Property.

TABLE 1
MAXIMUM SPECIAL TAXES
FISCAL YEAR 2015-16

	Land Use Category	*Fiscal Year 2015-16 Maximum Special Tax**
Developed Property	Single Family Residential Property	$326 per SFR Lot
	Multi-Family Property	$300 per Acre
	Commercial Property	$300 per Acre
Undeveloped Property	Single Family Residential Property	$1,950 per Acre
	Multi-Family Property	$300 per Acre
	Commercial Property	$300 per Acre

** On January 1, 2016 and each January thereafter, the Maximum Special Tax rates shall be adjusted by the Escalation Factor. Each annual adjustment of the Maximum Special Tax shall become effective on the subsequent July 1*

D. METHOD OF LEVY OF SPECIAL TAXES

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

Step 1: The Special Tax shall be levied Proportionately on each Parcel of Developed Property within the CFD up to 100% of the Maximum Special Tax for each Parcel of Taxable Property for such Fiscal Year;

Step 2: If additional revenue is needed after Step 1, the Special Tax shall be levied Proportionately on each Assessor's Parcel of Undeveloped Property that is not Commercial Property within the CFD, up to 100% of the Maximum Special Tax for each Parcel of Taxable Property for such Fiscal Year;

Step 3: If additional revenue is needed after applying the first two steps, the Special Tax shall be levied Proportionately on each Assessor's Parcel of Taxable Public Property, up to 100% of the Maximum Special Tax assigned to each Parcel of Taxable Public Property.

E. COLLECTION OF SPECIAL TAXES

The Special Tax shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, that the City may directly bill, collect at a different time or in a different manner, and/or collect delinquent Special Taxes through foreclosure or other available methods. The Special Tax shall be levied and collected in perpetuity unless and

until the City determines that the Special Tax no longer needs to be levied to pay Authorized Services and Administrative Expenses.

F. EXEMPTIONS

Notwithstanding any other provision of this RMA, no Special Tax shall be levied on Parcels of Commercial Property that are Undeveloped Property and Parcels of Public Property, except Taxable Public Property, as defined herein.

G. INTERPRETATION OF SPECIAL TAX FORMULA

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

H. ENFORCEMENT

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

ATTACHMENT B

OFFICIAL BALLOT

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 2016-2 (THE VINTAGE)

MARCH 8, 2016

SPECIAL ELECTION

This ballot is for a special, landowner election. You must return this ballot in the enclosed envelope to the office of the City Clerk of the City of Modesto no later than 5:30 p.m. on March 1, 2016, either by mail or in person. The City Clerk's offices are located at 1010 Tenth Street, Modesto, California 95353.

INSTRUCTIONS TO VOTERS:

To vote on the measure, make a "+," "x" or other distinguishing mark on the line after the word "Yes" or on the line after the word "No." If you wrongly mark, tear or deface this ballot, return it to the City Clerk and obtain another.

MEASURE SUBMITTED TO VOTE OF VOTERS: Shall City of Modesto Community Facilities District No. 2016-2 (The Vintage) (the "Community Facilities District") be authorized to levy special taxes in accordance with a rate and method of apportionment as provided in the Resolution of Formation to finance (i) the costs of maintaining, repairing and replacing parkways, landscaped medians, storm drainage facilities including, but not limited to, catch basins, manholes, underground infiltration trenches and pipes, landscaped bio-swale lots and medians, storm water treatment devices and filters, shrubs, vines, ground cover and irrigation systems, and related facilities all as further provided in the resolution of the Council of the City of Modesto establishing the Community Facilities District (the "Resolution of Formation") and (ii) certain administrative expenses and shall the annual appropriations limit of Community Facilities District No. 2016-2 (The Vintage) be established in the amount of $1,000,000.

YES_____

NO_____

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-96

RESOLUTION CALLING A SPECIAL ELECTION FOR THE CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2016-2 (THE VINTAGE)

WHEREAS, on this date, this City Council adopted a resolution entitled "A Resolution Declaring Formation of City of Modesto Community Facilities District No. 2016-2 (The Vintage), Authorizing the Levy of Special Taxes Therein and Establishing an Annual Appropriations Limit" (the "Resolution of Formation"), which established the City of Modesto Community Facilities District No. 2016-2 (The Vintage) (the "Community Facilities District"), authorized the levy of special taxes therein, and established an annual appropriations limit, and

WHEREAS, pursuant to the provisions of said resolution, propositions to authorize the levy of special taxes within the Community Facilities District and to establish an appropriations limit of the Community Facilities District are to be submitted to the qualified electors of the Community Facilities District as required by the Mello-Roos Community Facilities Act of 1982, as amended (the "Act"),

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto, acting as the legislative body of the City of Modesto Community Facilities District No. 2016-2 (The Vintage), hereby finds and determines as follows:

SECTION 1. Pursuant to the Act the propositions to authorize the levy of special taxes within the Community Facilities District and establish an appropriations limit of the Community Facilities District shall be combined into one ballot proposition and submitted to the qualified electors of the Community Facilities District as provided herein.

SECTION 2. The City Council has heretofore found that fewer than twelve (12) persons have been registered to vote within the territory of the Community Facilities District for the ninety (90) days preceding the close of the public hearing heretofore held by the City Council for the purposes of these proceedings. Accordingly, the vote shall be by the land owners of the Community Facilities District, and each owner of record at the close of such public hearing, or the authorized representative thereof, shall have one (1) vote for each acre or portion of an acre that he or she owns within the Community Facilities District.

SECTION 3. The date of the election shall be March 8, 2016, and the City Clerk shall conduct the election. The election shall be conducted by personally delivered or mailed ballots and in accordance with the provisions of law regulating elections of the City insofar as such provisions are determined by the City Clerk to be applicable. The voted ballots shall be returned to the City Clerk no later than 5:30 p.m. on March 8, 2016; provided that if all of the qualified electors have voted prior to such time, the election may be closed by the City Clerk.

SECTION 4. The form of the ballot for the election is attached hereto as Attachment A and by this reference incorporated herein. The City Clerk shall cause to be delivered to each of the qualified electors of the Community Facilities District a ballot in said form. Each ballot shall indicate the number of votes to be voted by the respective elector based upon the number of acres of land owned by such elector as set forth above. The identification envelope for return of the ballot shall be enclosed with the ballot, shall have the postage prepaid and shall contain (a) the name and address of the landowner, (b) a declaration, under penalty of perjury, stating that the elector is the owner of record,

or the authorized representative thereof, and is the person whose name appears on the identification envelope, (c) the printed name, signature and address of the elector, (d) the date of signing and place of execution of the declaration described above and (e) a notice that the envelope contains an official ballot and is to be opened only by the canvassing board. Analysis and arguments with respect to the ballot proposition are hereby waived.

SECTION 5. The City Clerk shall accept the ballots of the qualified electors in the office of the City Clerk to and including 5:30 p.m. on March 8, 2016, whether said ballots shall be personally delivered or received by mail.

SECTION 6. There is on file with the City Clerk a written instrument executed by each qualified elector of the Community Facilities District requesting a shortening of the time for the special election in order to expedite the process of formation of the Community Facilities District and waiving any requirement for analysis and arguments in connection therewith.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of March, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

ATTACHMENT A

OFFICIAL BALLOT

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 2016-2 (THE VINTAGE)

MARCH 8, 2016

SPECIAL ELECTION

This ballot is for a special, landowner election. You must return this ballot in the enclosed envelope to the office of the City Clerk of the City of Modesto no later than 5:30 p.m. on March 1, 2016, either by mail or in person. The City Clerk's offices are located at 1010 Tenth Street, Modesto, California 95353.

INSTRUCTIONS TO VOTERS:

To vote on the measure, make a "+," "x" or other distinguishing mark on the line after the word "Yes" or on the line after the word "No." If you wrongly mark, tear or deface this ballot, return it to the City Clerk and obtain another.

MEASURE SUBMITTED TO VOTE OF VOTERS: Shall City of Modesto Community Facilities District No. 2016-2 (The Vintage) (the "Community Facilities District") be authorized to levy special taxes in accordance with a rate and method of apportionment as provided in the Resolution of Formation to finance (i) the costs of maintaining, repairing and replacing parkways, landscaped medians, storm drainage facilities including, but not limited to, catch basins, manholes, underground infiltration trenches and pipes, landscaped bio-swale lots and medians, storm water treatment devices and filters, shrubs, vines, ground cover and irrigation systems, and related facilities all as further provided in the resolution of the Council of the City of Modesto establishing the Community Facilities District (the "Resolution of Formation") and (ii) certain administrative expenses and shall the annual appropriations limit of Community Facilities District No. 2016-2 (The Vintage) be established in the amount of $1,000,000.	YES_____ NO_____

or the authorized representative thereof, and is the person whose name appears on the identification envelope, (c) the printed name, signature and address of the elector, (d) the date of signing and place of execution of the declaration described above and (e) a notice that the envelope contains an official ballot and is to be opened only by the canvassing board. Analysis and arguments with respect to the ballot proposition are hereby waived.

SECTION 5. The City Clerk shall accept the ballots of the qualified electors in the office of the City Clerk to and including 5:30 p.m. on March 8, 2016, whether said ballots shall be personally delivered or received by mail.

SECTION 6. There is on file with the City Clerk a written instrument executed by each qualified elector of the Community Facilities District requesting a shortening of the time for the special election in order to expedite the process of formation of the Community Facilities District and waiving any requirement for analysis and arguments in connection therewith.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-97

RESOLUTION DECLARING THE RESULTS OF THE MARCH 8, 2016, SPECIAL ELECTION AND APPROVING CERTAIN RELATED ACTIONS PERTAINING TO CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2016-2 (THE VINTAGE)

WHEREAS, this City Council, acting as the legislative body of the City of Modesto Community Facilities District No. 2016-2 (The Vintage) (the "Community Facilities District"), called and duly held an election of the Community Facilities District pursuant to resolutions adopted by the City Council on March 8, 2016, for the purpose of presenting to the qualified electors within the Community Facilities District a proposition (the "Proposition") for (a) the levy of special taxes in accordance with the rate and method of apportionment of special tax set forth in the resolution forming the Community Facilities District and (b) the establishment of an appropriations limit for the Community Facilities District, and

WHEREAS, a Certificate of the City Clerk as to the Results of the Canvass of the Election Returns has been presented to City Council, a copy of which is attached hereto as Attachment A;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto, acting as the legislative body of the City of Modesto Community Facilities District No. 2016-2 (The Vintage), hereby finds and determines as follows:

SECTION 1. The above recitals are true and correct.

SECTION 2. Two-thirds or more of the votes cast by the qualified electors of the Community Facilities District at the special election held on March 8, 2016, on the Proposition were cast in favor of the Proposition, and the Proposition

carried. The City Council, acting as the legislative body of the Community Facilities District, is hereby authorized to take the necessary steps to levy the special taxes authorized by the Proposition.

SECTION 3. The City Clerk is hereby authorized and directed to execute and cause to be recorded in the office of the County Recorder of Stanislaus County a notice of special tax lien in the form required by law, said recording to occur no later than fifteen days following adoption of this Resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of March, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

ATTACHMENT A

CERTIFICATE OF CITY CLERK

AS TO RESULTS OF THE CANVAS OF ELECTION RETURNS

STATE OF CALIFORNIA)

) ss.

COUNTY OF STANISLAUS)

As City Clerk of the City of Modesto, I do hereby certify that I have examined the returns of the special election for City of Modesto Community Facilities District No. 2016-2 (The Vintage) (the "Community Facilities District"). With my concurrence, the election was conducted on March 8, 2016. On or prior to said date I had mailed or personally delivered a ballot to the landowner listed on the latest equalized assessment roll prepared by the Stanislaus County Assessor prior to March 8, 2016 or otherwise known by me to own the property within the boundaries of the Community Facilities District. The landowner was given one vote for each acre, or portion thereof, that the landowner owns within the Community Facilities District.

I further certify that the results of said election and the number of votes cast for and against the Proposition are as follows:

YES: X

NO: __

TOTAL NUMBER OF VOTES CAST: 46

Dated this 8th day of March, 2016.

Stephanie Lopez,
City Clerk of the City of Modesto

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-98

RESOLUTION APPROVING AN AGREEMENT WITH CGI GROUP FOR THE SOLE SOURCE PROCUREMENT OF A NEW BUDGET SOFTWARE SYSTEM FOR A FIRST YEAR CONTRACT PRICE IS $610,780 WITH SUBSCRIPTION COSTS OF $102,000 FOR YEARS TWO THROUGH TEN, FOR A TOTAL COST OF $1,528,780 OVER 10 YEARS, TO REPLACE THE OUTDATED EXISTING SOFTWARE, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE SAID AGREEMENT

WHEREAS, the current budget software used by the City of Modesto, CGI's Budget Reporting and Analysis Support System (BRASS), is outdated and reaching the end of its lifecycle in terms of functionality and sustainability. Finance and the Information Technology Department have been researching viable solutions for a replacement budget software/system for BRASS. This process began over one year ago and has had more developments in the past five to six months, and

WHEREAS, the focus in the City's strategic plan has shifted to one of transparency and communicating outcomes of set goals to the citizens, a need for a stronger more advanced reporting tool in the form of the City's budget software/system has become a necessity for reaching obtaining this objective, and

WHEREAS, two major vendors have been narrowed down from the many possible solutions as viable candidates for providing a new budget software/system for the City of Modesto. These two vendors are Oracle and the CGI Group, and

WHEREAS, the City of Modesto currently uses a budget software/system that is outdated and is no longer supported with updates by the software company. The software has been in use for over 15 years and is struggling to meet the necessary requirements to bring forth a stronger empirical representation of the many elements of the strategic plan,

and

WHEREAS, a new budget software/system will be critical for the City of Modesto as it moves forward with its new strategic plan and mission to provide transparent and meaningful data to its citizens, and

WHEREAS, since May of 2015, the City has hired consultants from Macias, Gini & O'Connell LLP (MGO) to assist in a two-step procurement process which would help determine of the most qualified budget solution that would meet all of the technical and functional needs that have been identified by City staff for a new budget software/system. Through the guidance of MGO, and both Finance and IT staff, three software demonstrations were held where key staff members from the Information Technology Department (IT) and the Finance Department were able to see the two different solutions from Oracle and the CGI Group first hand. This was a critical component in determining which system could best meet the City's requirements for a new performance based budgeting system. Both vendors were also asked to complete functional requirements overviews of their respective proposed software solutions along with proposed implementation plans included project teams and proposed timelines. The Purchasing Division requested Best and Final pricing offers to complete the two-step procurement process, and

WHEREAS, Modesto Municipal Code (MMC) Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. However, there are exceptions to the rule set forth in the Modesto Municipal Code. One exception, MMC Section 8-3.204(d), is available where the Purchasing Manager, in his or her discretion, determines that a process other than the

usual formal bid procedure set forth in MMC Section 8-3.203 will result in procurement for the City at the lowest possible cost commensurate with the desired quality. Acting within his discretion, the Purchasing Manager invoked that exception for this purchase due to time constraints and the limited number of competitors available to provide a viable solution which would meet the City's needs. The award of a contract to CGI Technologies and Solutions Inc., Fairfax, VA for the purchase and implementation of a performance based budgeting system will conform to MMC Section 8-3.204(d), and

WHEREAS, the CGI first year contract price is $610,780 with subscription costs of $102,000 for years two through ten, for a total cost of $1,528,780 over 10 years. The project will include a 10% contingency for training and other miscellaneous costs. The first year costs of $671,858 will be fronted by the IT Fund and upon completion of the project, departments will reimburse the IT Fund for the actual costs. The annual subscription fee of $102,000 for years two through ten will be funded by the IT Fund and recovered through the IT Internal Service Fees.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves authorizes the award of bid for the purchase of the budget software to CGI Group, Fairfax, VA, for a total cost of $1,528,780.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of March, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following votes:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-99

RESOLUTION AUTHORIZING THE DIRECTOR OF FINANCE, OR HER DESIGNEE, TO AMEND THE FY 2015-16 CAPITAL IMPROVEMENT BUDGET TO CREATE CAPITAL PROJECT 100947 AND APPROPRIATE EXPENDITURES OF $671,858 FOR THE IT DEPARTMENT'S PURCHASE AND IMPLEMENTATION OF THE BUDGET SOFTWARE FROM THE CGI GROUP

WHEREAS, the City has approved the agreement with CGI Group for the new budget software to replace the outdated existing system, and,

WHEREAS, a new capital project is necessary because the project will overlap fiscal years and be creating a capital asset for the City, and

WHERAS, the budget for the purchase of the new budget software's initial costs must be established ($610,780), as well as the 10% contingency costs ($61,078) for a total project budget of $671,858.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves authorizing the Director of Finance, or her designee, to amend the Fiscal Year 2015-16 Capital Improvement Budget to appropriate expenditures of $671,858 for the IT Department's purchase of the new budget software.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of March, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following votes:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-100

RESOLUTION APPROVING THE MODESTO FIRE DEPARTMENT'S 2015 STRATEGIC AND MASTER PLANS

WHEREAS, the current Modesto Fire Department's (MFD) Strategic Plan was approved by the Modesto City Council on August 14, 2007. This plan was developed for a four-year period of 2008-2012; and

WHEREAS, the previous Master Plan was completed was in 1990; and

WHEREAS, the new Master Plan provides long-term (10-year) planning, projections and opportunities while the Strategic Plan will serve as a short-term, annually updated implementation tool that will aid in the establishment of MFD's mission, vision, goals and objectives; and

WHEREAS, the Modesto Fire Department Strategic Plan is the result of a collaborative effort between our citizens, Fire Operations staff, Administrative staff and Modesto City Fire Fighters Association members; and

WHEREAS, the implementation of goals and strategies identified in the plan will help us move forward with our commitment to provide the City and its citizens with exceptional and efficient service; and

WHEREAS, the support of the City, the community and our personnel is critical to our goal and we appreciate all the effort that has gone into the development of this plan therefore Staff recommends Council adopt this document so that it may serve as a guide for the short term future; and

WHEREAS, the Master Plan will assist the Department's efforts to protect the residents of Modesto in an efficient and cost effective manner while providing safe and

acceptable standards of cover levels. The Plan will guide the future development of the department, with the goal of serving as a guide to the City Council to identify proper levels of service for Fire Protection, EMS, Fire Prevention, and support services; and

WHEREAS, the Master Plan addresses the maintenance and replacement of fire stations and apparatus, and other fire department responsibilities. In addition to identifying needs for capital and operational expenses as demands for services increase; and

WHEREAS, the Great Safe Neighborhoods Committee reviewed this item on February 8, 2016 and recommended it be forwarded to Council for approval;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Modesto Fire Department's 2015 Strategic and Master Plans.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of March, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-101

RESOLUTION APPROVING A NEW ADMINISTRATIVE DIRECTIVE POLICY ENTITLED WHISTLEBLOWER PROCEDURES

WHEREAS, a 2012-13 study conducted by Moss-Adams into organizational effectiveness and efficiency recommended that a Whistleblower Hotline methodology be developed for those members of the public and / or employees to raise concerns of improper or illegal activities on the job, and

WHEREAS, it was also determined that the investigation of these reports should be done by a third party to keep the process impartial and separate from the City's direct involvement.

WHEREAS, to be effective and trusted, the Whistleblower Hotline is to be administered independently of the City of Modesto.

WHEREAS, employees who might be fearful of reprisal or retaliation for reporting suspected wrongdoing can utilize the Hotline to make reports, and

WHEREAS, to provide a basis for the whistleblower process, City has developed an Administrative Directive, **attached** hereto, to provide guidance to employees wishing to raise a concern, and

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

SECTION I. ADMINISTRATIVE DIRECTIVE 8.8. Whistleblower Procedures **attached** hereto as **Exhibit** A is hereby approved.

SECTION II. EFFECTIVE DATE. This resolution shall become effective on and after March 8, 2016.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of March, 2016, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO **CITY OF MODESTO** **ADMINISTRATIVE DIRECTIVE**	Original Effective Date: March 8, 2016 Latest Revision Date: March 8, 2016 Policy Number: Approved By: _____ City Manager

Subject: WHISTLEBLOWER PROCEDURES

Revised:

PURPOSE:

The purpose of this policy is to implement procedures for employees to provide information on possible improper or criminal activity on the job.

BACKGROUND:

City Employees who have reasonable cause to suspect improper or criminal activity on the job have a duty to report any such incidents of improper or illegal activity. This includes information that would disclose a violation of state or federal statute, or a violation of or noncompliance with a local, state, or federal rule or regulation, regardless of whether disclosing the information is part of the employee's job duties.

To provide an independent analysis of an employee's reported concern, the City of Modesto shall provide for a third-party vendor to receive the reports of suspected improper or criminal activity on the job and to investigate such reports.

Reports of improper of criminal activity that are substantiated by the third-party vendor will be forwarded to the City Attorney's Office for further action.

DRAFT

PROCEDURE;

Except as may be authorized in the course of employment, employees should never confront an employee or contractor whom they suspect is involved in illegal or criminal activity. Instead, they should discuss the matter with their supervisor, the Human Resources Department, the City Manager, a manager, or the City Attorney.

Employees who wish to report improper or criminal activity, but who are not comfortable reporting to their supervisor, Human Resources, the City Manager, a manager, or the City Attorney, may do so by calling the Whistleblower Hotline telephone number published on the City of Modesto's Intranet.

Any supervisor or manager who receives a report of suspected improper or criminal activity must notify the City Attorney's office immediately. Failure to do so is a violation of this Policy and may result in appropriate discipline, up to and including termination.

The City will not retaliate against nor tolerate retaliation against employees for reporting activity that the employee reasonably and in good faith suspects is improper or criminal. Nor will the City retaliate against or tolerate retaliation against employees for providing information to, or testifying before any government or law enforcement agency or public body conducting an investigation, hearing, or inquiry about the alleged improper or criminal activity.

In addition, the City will not retaliate against nor tolerate retaliation against an employee for refusing to participate in an activity that would result in a violation of state or federal statute, or a violation of or noncompliance with a local, state, or federal rule or regulation.

Any retaliation in violation of this Policy will result in appropriate discipline, up to and including termination.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-102

RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH O'DELL ENGINEERING, INC. OF MODESTO, TO DEVELOP A MASTER PLAN, DESIGN DEVELOPMENT REPORT AND CONSTRUCTION DOCUMENTS FOR THE RALSTON TOWER PARK SENIOR PLAYGROUND PROJECT IN AN AMOUNT NOT TO EXCEED $54,550 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $5,455 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF $60,005, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto's Ralston Tower Park opened in the mid-1970's and there have been minor updates to the facility since then, and

WHEREAS, Ralston Tower Park serves the adjacent Ralston Tower affordable housing retirement community and surrounding residential neighborhoods, and

WHEREAS, in 2014 the City of Modesto approved the allocation of funds to construct a senior playground, and

WHEREAS, the City of Modesto has identified a need to develop a master plan, design development report and construction documents for the Ralston Tower Park Senior Playground Project, and

WHEREAS, the City Council, on December 2, 2014, by Resolutions No. 2014-515 and 2014-516, approved an amendment to the FY 2014-2015 Community Development Block Grant (CDBG) Annual Action Plan to create project #100866 (Senior Playground 2014).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Professional Services Agreement with O'Dell Engineering, Inc. of Modesto, to develop a master plan, design development report and construction documents for the Ralston Tower Park Senior Playground in an amount not to exceed

$54,550 for the identified scope of services, plus $5,455 for additional services (if needed), for a maximum total amount of $60,005, and authorizes the City Manager, or his designee, to execute the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of March, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-103

RESOLUTION ACCEPTING GRANT FROM SHANE'S INSPIRATION AND ENTERING INTO A GRANT AND LICENSE AGREEMENT FOR DESIGN SERVICES RELATED TO THE DEVELOPMENT OF AN INCLUSIVE PLAYGROUND AT BEYER COMMUNITY PARK, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the play equipment at Beyer Community Park was installed in 1986, and

WHEREAS, Beyer Community Park is one of the parks identified for playground improvements, and

WHEREAS, the current playground layout is not in the best location within the park and moving it to the northern edge of the park is recommended, and

WHEREAS, the City does not have an inclusive playground which is a playground designed for citizens of all abilities to be able to play side by side in its park inventory, and

WHEREAS, Shane's Inspiration has agreed to assist the City with development of a conceptual design for a new inclusive playground at Beyer Community Park, and

WHEREAS, staff recommends that Beyer Community Park would be a good location for an inclusive playground as community parks are designed for higher use facilities such as this, and

WHEREAS, a group of residents have requested development of an inclusive playground and have expressed interest in leading a fund-raising effort to fund the development of the playground, and

WHEREAS, the initial design phase of the project will have minimal direct costs due to staff time being charged to the Park Partners Program, and

WHEREAS, at their February 8, 2016, meeting the Great Safe Neighborhoods Committee recommended forwarding the grant and license agreement to the City Council for approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Grant and License Agreement with Shane's Inspiration for design services related to the development of an inclusive playground at Beyer Community Park.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of March, 2016, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-104

RESOLUTION APPROVING AN AGREEMENT WITH PACIFIC DESIGN ASSOCIATES, INC. FOR DESIGN SERVICES RELATED TO THE REPLACEMENT OF SEATING AT MACINI BOWL, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, Graceada Park is one of the original parks in Modesto, and

WHEREAS, Mancini Bowl was opened in Graceada Park in the mid-1950's and has had various renovations since then, and

WHEREAS, the most recent renovation was to the Mancini Bowl stage area in the late 1980's, and

WHEREAS, the original seating capacity in Mancini Bowl was 1,500 and currently, due to deterioration of the benches and seats, capacity has been reduced to fewer than 1,200, and

WHEREAS, Graceada Park and Mancini Bowl host many signature events annually including Earth Day, MoBand and Movies at Mancini, and

WHEREAS, representatives of MoBand and City staff have partnered together to create the Night at the Bowl fundraising event in an effort to develop funds to refurbish Mancini Bowl, and

WHEREAS, Council adopted Resolution No. 2015-317 identifying this project as a Parks Partner project excluding it from going through the formal bid process, and

WHEREAS, sufficient funds have been raised to cover the costs relating to preparing design and construction documents to renovate seating at the Manicni Bowl, and

WHEREAS, said funds are available at the Stanislaus Community Foundation for this project, and

WHEREAS, Pacific Design Associates, Inc. are providing their services at a reduced cost not to exceed $8,750 by donating a portion of their cost for time and materials on this project, and

WHEREAS, the development of construction documents for this project will have minimal direct costs due to staff time being charged to the Park Partners Program, and

WHEREAS, this project qualifies as a Parks Partners project due to the fundraising received, use of in-kind donations and volunteer efforts by MoBand.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Pacific Design Associates, Inc. of Modesto for design services related to the replacement of seating at Mancini Bowl in an amount not to exceed $8,750.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of March, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-105

RESOLUTION AMENDING THE FISCAL YEAR 2015-2016 ANNUAL OPERATING AND CAPITAL IMPROVEMENT BUDGET

WHEREAS, a financial analysis has been completed and it has been determined that a budget adjustment is required to the Annual and Capital Improvement Budgets of the City of Modesto for Fiscal Year 2015-2016,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2015-2016 Annual Operating and Capital Improvement budget as shown in **Exhibit A**, which is **attached** hereto and incorporated by reference herein.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of March, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following votes:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT A

FISCAL YEAR 2015-16

CITY ATTORNEY

The City Attorney's Office is requesting a budget adjustment in the General Fund -- City Attorney's Office (0100-04010) FY 2015-2016 Operating Budget in the amount of $384,555. As explained below, total attorney expenses for FY 15/16 are still projected to be consistent with the total FY 14/15 budget, but with greater expenses in the General Fund and less in Non-General Fund sources.

The City Attorney's Office budget was reduced from $2,383,592 for FY 14/15, to $1,777,558 for FY 15/16. $505,605 was moved from the City Attorney's Office budget to line items in certain Departments' budgets to pay for Non-General Fund legal services. The intent was not to change the net amount available to pay for legal services, but rather to increase transparency and improve accounting. The City Attorney's Office now tracks attorney time and provides detailed time reports and charges the Departments directly. Year to date, the City Attorney's Office has only charged $86,988 of the funds that were provided back to the Departments for these services, substantially under the $505,605 budget transfer. Annualized, this would leave $331,629 in the Departments' budgets that were designated for Non-General Fund legal services.

While attorney services on Non-General Fund matters have been below budgeted levels, the demand for General Fund legal services has been higher. The City Attorney's Office was called upon to prepare a number of unbudgeted new ordinances related to public safety, to assist in drafting and defending the lawsuit challenging the sales tax measure, and other unexpected General Fund services.

The City Attorney's Office FY 15/16 budget was also inadvertently reduced $100,000 due to reductions the City Attorney's Office was able to make from books, supplies, programs and equipment that are no longer necessary due to the reorganization and modernization of the Office. The intent was to reallocate the $100,000 to actual legal advice/services.

The requested additional $384,555 is less than the sum of $331,629 that has not been spent on legal service in Departments' budgets and the $100,000 that should have been relocated within the City Attorney's Office budget.

POLICE DEPARTMENT

A budget adjustment is necessary to recognize unbudgeted revenue in the amount of $203,000 in the Stanislaus Drug Enforcement Agency Asset Forfeiture account from seized forfeitures, and reallocate said funds for the purchase of new vehicles.

PUBLIC WORKS

A budget adjustment is necessary to; 1) decrease the transfer out of the Airport Operating Fund, Fund 4310, to the General Fund, Fund 0100, in the amount of $240,000 due to a modification in the Fire Department's contract caused by the dissolution of MRFA; 2) establish a transfer in the amount of $240,000 from Fund 4310, Airport Operating Fund Reserves, to the Special Aviation Fund, Fund 4320, for the creation of the Passenger Facility Charge Capital Improvement Project #100936, and establish the revenue budget.

On December 29, 2014, the StanCOG Policy Board approved a Local Transportation Fund (LTF) non-transit claim which included $529,131 for Streets. A budget adjustment is necessary to establish a transfer from the LTF Streets and Road Fund, Fund 1510, to the Streets LTF Fund, Fund 1720.

A budget adjustment is necessary to establish a transfer in the amount of $881,406 from the Transportation CTR Fund, Fund 4530, to the Fleet Management Fund, Fund 5400, to fund Capital Improvement Project #100451, Fleet Maintenance Facility, for Phase II of this project.

A budget adjustment is necessary within the Streets CIP Fund (3160) to establish Capital Improvement Project #100939, Upgrade Traffic Signals 2015, in the amount of $100,000 as funds have been authorized per an E-76 from the California Department of Transportation. This adjustment will establish both the revenue and expense budgets for this project.

A budget adjustment is necessary within the Streets CIP Fund (3160) to establish Capital Improvement Project #100940, Synchronize Traffic Signals, in the amount of $400,000 as funds have been authorized per an E-76 from the California Department of Transportation. This adjustment will establish both the revenue and expense budgets for this project.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-106

RESOLUTION AUTHORIZING AWARD OF PROPOSAL FOR THE PURCHASE OF MOBILE DATA COMPUTERS FOR THE MODESTO POLICE DEPARTMENT TO DELL MARKETING L.P., ROUND ROCK, TX, AND AUTHORIZING THE PURCHASING MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE ORDER FOR AN ESTIMATED TOTAL COST OF $404,209

WHEREAS, The City Manager authorized the Purchasing Manager to issue formal Request for Proposals (RFP) for the purchase of mobile data computers, and

WHEREAS, the Purchasing Division issued RFP 1516-03 Mobile Data Computers on the City's website under the commodity code for mobile data laptop / notebook computers, and

WHEREAS, prospective proposers were noticed online of the proposal opportunity, and

WHEREAS, ten (10) companies chose to download the RFP document, none of which were local companies, and

WHEREAS, no local company provides this product, and

WHEREAS, proposals were formally opened in the City Clerk's office. Four (4) companies chose to respond, and

WHEREAS, all four (4) companies responding provided a responsive and responsible proposal, and

WHEREAS, an evaluation committee comprised of seven (7) City staff members evaluated the proposals, and

WHEREAS, based on being ranked highest in total evaluation criteria the evaluation committee recommends the award of proposal for the purchase of mobile data

computers to Dell Marketing L.P., Round Rock, TX, for an estimated total cost of $404,209, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of proposal for the purchase of mobile data computers to Dell Marketing L.P., Round Rock, TX, conforms to the Modesto Municipal Code, 8-3.203, and

WHEREAS, funds are budgeted in Fiscal Year 2015-16, in Appropriation Units: 5410-53241-57003 and 0100-19320-57005 (Fleet Fund and General Fund).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of proposal for the purchase of mobile data computers to Dell Marketing L.P., Round Rock, TX.

BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, is hereby authorized to issue a purchase order for an estimated total cost of $404,209.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of March, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-107

RESOLUTION ACCEPTING THE SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT (SJVAPCD) FUNDING IN THE AMOUNT OF $81,943.11 IN PUBLIC BENEFIT GRANTS PROGRAM, NEW ALTNERATIVE FUEL VEHICLE PURCHASE FUNDS, FOR THE PURCHASE OF FIVE (5) ELECTRIC CLUB CARS FROM GOLD COUNTRY GOLF AND UTILITY, JAMESTOWN, CA; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE NECESSARY DOCUMENTS

WHEREAS, the San Joaquin Valley Air Pollution Control District announced available grant funding for New Alternative Fuel Vehicle purchase, and

WHEREAS, applicants are able to apply for up to $20,000 for each new vehicle with a maximum funding of $100,000 per applicant, per calendar year, and

WHEREAS, on August 5, 2015, the City Council, by Resolution 2015-270, approved the submittal of the grant application for five (5) Electric Club Cars at $16,388.62 each, and

WHEREAS, three Club Cars will be for the Modesto Police Department and two will go to the Fire Department, and

WHEREAS, Modesto Municipal Code (MMC) Section 8-3.203 generally requires all purchases, which meet or exceed $50,000.00 for material, equipment or contractual services to be formally bid. However, there are exceptions to the rule set forth in the Modesto Municipal Code. One exception, MMC Section 8-3.204(d), is available where the Purchasing Manager, in his or her discretion, determines that a process other than the usual formal bid procedure set forth in MMC Section 8-3.203 will result in procurement for the City at the lowest possible cost commensurate with the desired quality, and

WHEREAS, acting within his discretion, the Purchasing Manager invoked that "piggybacking" exception for this purchase due to the cost savings of staff time and the limited number of competitors, and

WHEREAS, the purchase of five (5) electric club cars from Gold Country Golf and Utility, Jamestown, CA, by piggybacking from a competitively bid US Communities contract will conform to both MMD Section 8-3.204(d) and Public Contract Code (PCC) 20118, which authorizes public entities to rely on terms "piggyback" that have been competitively bid, and

WHEREAS, on February 3, 2016, the Modesto Police Department received a letter from the San Joaquin Valley Air Pollution Control District accepting our request for funding along with an executed agreement, and

WHEREAS, the new alternative fuel vehicles must be purchased, placed into service and submit all final claims no later than nine (9) months from execution date of agreement, and

WHEREAS, the City of Modesto must own and operate the new alternative vehicles for no less than three (3) years form date in which vehicles are first placed into service, and

WHEREAS, agreement obligations also require annual reporting and record keeping for the three year grant term, and

WHEREAS, this grant opportunity will give the City of Modesto a chance to help the environment and save money.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the San Joaquin Valley Air Pollution Control District (SJVAPCD)

funding in the amount of $81,943.11 in Public Benefit Grants Program, New Alternative Fuel Vehicle Purchase funds for the purchase of five (5) Electric Club Cars from Gold Country Golf and Utility, Jamestown, CA.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of March, 2016, by Councilmember Kenoyer who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-108

RESOLUTION AMENDING THE FISCAL YEAR 2015/2016 MULTI- YEAR OPERATING BUDGET TO REFLECT REVENUE AND EXPENSES IN THE AMOUNT OF $81,943.11 RELATED TO THE SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT (SJVAPCD), NEW ALTERNATIVE FUEL VEHICLE PURCHASE FUNDS FOR THE PURCHASE OF FIVE (5) ELECTRIC CLUB CARS FROM GOLD COUNTRY GOLF AND UTILITY, JAMESTOWN, CA; AND AUTHORIZING THE DIRECTOR OF FINANCE, OR HER DESIGNEE, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the San Joaquin Valley Air Pollution Control District announced available grant funding for New Alternative Fuel Vehicle purchase, and

WHEREAS, applicants are able to apply for up to $20,000 for each new vehicle with a maximum funding of $100,000 per applicant, per calendar year, and

WHEREAS, on August 5, 2015, the City Council, by Resolution 2015-270, approved the submittal of the grant application for five (5) Electric Club Cars at $16,388.62 each, and

WHEREAS, three Club Cars will be for the Modesto Police Department and two will go to the Fire Department, and

WHEREAS, Modesto Municipal Code (MMC) Section 8-3.203 generally requires all purchases, which meet or exceed $50,000.00 for material, equipment or contractual services to be formally bid. However, there are exceptions to the rule set forth in the Modesto Municipal Code. One exception, MMC Section 8-3.204(d), is available where the Purchasing Manager, in his or her discretion, determines that a process other than the usual formal bid procedure set forth in MMC Section 8-3.203 will result in procurement for the City at the lowest possible cost commensurate with the desired quality, and

WHEREAS, acting within his discretion, the Purchasing Manager invoked that "piggybacking" exception for this purchase due to the cost savings of staff time and the limited number of competitors, and

WHEREAS, the purchase of five (5) electric club cars from Gold Country Golf and Utility, Jamestown, CA, by piggybacking from a competitively bid US Communities contract will conform to both MMD Section 8-3.204(d) and Public Contract Code (PCC) 20118, which authorizes public entities to rely on terms "piggyback" that have been competitively bid, and

WHEREAS, on February 3, 2016, the Modesto Police Department received a letter from the San Joaquin Valley Air Pollution Control District accepting our request for funding along with an executed agreement, and

WHEREAS, the new alternative fuel vehicles must be purchased, placed into service and submit all final claims no later than nine (9) months from execution date of agreement, and

WHEREAS, the City of Modesto must own and operate the new alternative vehicles for no less than three (3) years form date in which vehicles are first placed into service, and

WHEREAS, agreement obligations also require annual reporting and record keeping for the three year grant term, and

WHEREAS, this grant opportunity will give the City of Modesto a chance to help the environment and save money.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Fiscal Year 2015/2016 Multi-Year Operating Budget is hereby adjusted as indicated on budget adjustment **attached**.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of March, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Exhibit A

Project Name: Alt. Fuel Vehicle Purchase
Project Fund: 1341 – Grants – Operations Grants Reimbursed

The Multi-Year 2015/2016 Operating Budget will be amended as follows:

	Revenues	Increase/(Decrease)	Description
To:	MY-1341-19998-42440-100895	$81,944	San Joaquin Valley Air Pollution Control
	Expenses		
To:	MY-1341-57003-100895	$81,944	Vehicles >$5K
		$81,944	

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-109

RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC WORKS, OR HIS DESIGNEE, TO ISSUE PAYMENT TO STORER TRANSIT SYSTEMS (STORER) IN THE AMOUNT OF $435,875 FOR FIXED COST ADJUSTMENTS FOR THE FISCAL YEAR 2014/2015 OPERATION OF THE MODESTO AREA DIAL-A-RIDE (MADAR)

WHEREAS, the City entered into an Agreement dated May 13, 2014, with Storer Transit Systems (Storer) to operate Modesto Area Dial-A-Ride (MADAR), a demand response transit service, and

WHEREAS, Storer is paid on the basis of the number of vehicle service hours its vans operate in service ($69.98 per vehicle service hour) and the Agreement assumes a base number of vehicle service hours of 42,600 for a twelve month period, and

WHEREAS, Section 23 (G) of the Agreement includes a provision that requires the City to compensate Storer for "significant differences between the number of vehicle service hours actually operated by [Storer] and the base number of vehicle service hours (42,600 hours)," and

WHEREAS, at the end of a twelve month period, the City must determine if there is a difference in vehicle service hours (either positive or negative) between the actual vehicle service hours billed and the base number of vehicle service hours. If the difference between the actual service hours and 42,600 is greater than 4,620 (ten percent (10%) of 42,600), then the consideration paid to Storer must be adjusted according to the mathematical formula set forth in Section 23 (G) of the Agreement, and

WHEREAS, for the first year of the Agreement Storer operated 6,185 hours less than the specified 42,600 hours, and

WHEREAS, as provided for by the Agreement, the City and Storer agreed upon the amount of fixed expenses Storer incurred during the first year of the Agreement, and

WHEREAS, the result of the fixed cost adjustment calculation performed pursuant to Section 23 (G) of the Agreement totals $435,875, and

WHEREAS, the definition of "vehicle service hour" included in the May 13, 2014 Agreement is significantly different from the definition of that term in previous agreements, and

WHEREAS, the definition of vehicle service hour was changed to be consistent with a newly adopted Federal Transit Administration (FTA) definition of vehicle service hour, and

WHEREAS, this new definition is the main reason for the reduction in the number of VSH billed, as compared with previous agreements, since the new definition does not include the time it takes a driver to travel to a destination after a break or meal, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Director of Public Works, or his designee, to issue payment to Storer Transit Systems in the amount of $435,875 for fixed cost adjustments for the fiscal year 2014/2015 operation of Modesto Area Dial-A-Ride.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of March, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-110

RESOLUTION AMENDING THE FISCAL YEAR 2015-2016 OPERATING BUDGET IN THE AMOUNT OF $435,875 TO FUND PAYMENT ISSUED TO STORER TRANSIT SYSTEMS (STORER) AS REQUIRED BY SECTION (G) OF THE CITY'S MAY 13, 2014 AGREEMENT REQUIRING THE CITY TO COVER CERTAIN FIXED COSTS INCURRED BY STORER

WHEREAS, the City entered into an Agreement dated May 13, 2014, with Storer Transit Systems (Storer) to operate Modesto Area Dial-A-Ride (MADAR), a demand response transit service, and

WHEREAS, Storer is paid on the basis of the number of vehicle service hours its vans operate in service ($69.98 per vehicle service hour) and the Agreement assumes a base number of vehicle service hours of 42,600 for a twelve month period, and

WHEREAS, Section 23 (G) of the Agreement includes a provision that requires the City to compensate Storer for "significant differences between the number of vehicle service hours actually operated by [Storer] and the base number of vehicle service hours (42,600 hours)," and

WHEREAS, at the end of a twelve month period, the City must determine if there is a difference in vehicle service hours (either positive or negative) between the actual vehicle service hours billed and the base number of vehicle service hours. If the difference between the actual service hours and 42,600 is greater than 4,620 (ten percent (10%) of 42,600), then the consideration paid to Storer must be adjusted according to the mathematical formula set forth in Section 23 (G) of the Agreement, and

WHEREAS, for the first year of the Agreement Storer operated 6,185 hours less than the specified 42,600 hours, and

WHEREAS, as provided for by the Agreement, the City and Storer agreed upon the amount of fixed expenses Storer incurred during the first year of the Agreement, and

WHEREAS, the result of the fixed cost adjustment calculation performed pursuant to Section 23 (G) of the Agreement totals $435,875, and

WHEREAS, the definition of "vehicle service hour"(VSH) included in the May 13, 2014 Agreement is significantly different from the definition of that term in previous agreements, and

WHEREAS, the definition of VSH was changed to be consistent with a newly adopted Federal Transit Administration (FTA) definition of VSH, and

WHEREAS, this new definition is the main reason for the reduction in the number of VSH billed, as compared with previous agreements, since the new definition does not include the time it takes a driver to travel to a destination after a break or meal, and WHEREAS, pursuant to Section 23 (G) of the Agreement the City is obligated to issue payment to Storer in the amount of $435,875, and

WHEREAS certain budgetary transactions are necessary in the amount of $435,875, to fund the payment to be issued to Storer as required by Section 23 (G), and

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

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

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of March, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Exhibit A

Amend the FY 15/16 Operating Budget for Dial-A-Ride to fund the fixed expenses Storer incurred during the first year of its contract to operate Modesto Dial-A-Ride (MADAR) that were not otherwise covered by the City payments for hours Storer operated vehicles to provide MADAR service.

1- **Increase Dial-A-Ride's Transportation Operating Contract Expense budget in the amount of $435,875.**
2- **Recognize Deferred Local Transportation Funds revenue to fund the operating expenses incurred in the amount of $217,938.**
3- **Recognize Federal Transportation Administration (FTA) funds to fund the operating expenses in the amount of $217,937**

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-111

RESOLUTION APPROVING AMENDMENT NO. 1 TO THE FIXED-ROUTE TRANSIT SYSTEM OPERATIONS AGREEMENT WITH TRANSDEV SERVICES, INC. (TRANSDEV) AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE AMENDMENT NO. 1 AND MAKE ALL APPROPRIATE AND NECESSARY PAYMENTS TO TRANSDEV

WHEREAS, the City entered into an Agreement on August 8, 2012, with Veolia Transportation Services on August 8, 2012 entitled Fixed-Route Transit System Operations Agreement to provide drivers, driver supervision and other services related to the operation of the Modesto Area Express (MAX) fixed route transit system, and

WHEREAS, Veolia changed its name to Transdev in 2014, and

WHEREAS, under the original Agreement, Transdev is paid a specific rate (currently $49.81) for each hour a MAX bus is scheduled to operate in revenue service, and

WHEREAS, Paragraph 23 (k) of the Agreement includes a provision that requires the City to negotiate adjustments to Transdev's rate if new laws are implemented that increase Transdev's costs, and

WHEREAS, the Affordable Care Act and the Healthy Workplaces, Healthy Families Act of 2014, were implemented after the original Agreement was approved by the City, and

WHEREAS, pursuant to the requirements of Paragraph 23 (k) of the original Agreement, the City and Transdev negotiated a rate increase to cover Transdev's expense of implementing the new laws, which is included in Amendment No. 1, and

WHEREAS, in addition to the increase in expenses in implementing new laws, Transdev has also experienced unexpected expenses due to extra time worked by bus drivers, and

WHEREAS, drivers are frequently late arriving at the destination where their shifts are scheduled to end through no fault of Transdev due to delays in bus operations resulting from heavy traffic, railroad crossings blocked by passing trains, and passenger incidents, which would include scenarios whereby passengers do something illegal on the bus that forces the driver to stop and call for police help, passengers who have health emergencies and other problems that are not preventable by the driver, and traffic accidents where Transdev is not at fault, and,

WHEREAS, drivers who arrive late at shift end destinations are due extra wages and benefits from Transdev, and

WHEREAS, Transdev could not have foreseen the additional expense when it submitted its best and final offer for the operation of the fixed route transit system and therefore did not budget for the level of excess driver work hours they have been experiencing since the beginning of operation under the original Agreement, and

WHEREAS, Transdev drivers are anticipated to continue to work, and the City shall not be responsible for, hours in excess of that which could have been reasonably foreseen by Transdev such as preventable accidents and passenger incidents , which would include scenarios whereby drivers initiated problems with passengers that should have been preventable, would not be reimbursable, and

WHEREAS, to help ensure the continuation of high quality transit service and maintain Transdev's stability it is important to ensure Transdev is fully compensated for its costs, and

WHEREAS, Amendment No. 1 would reimburse Transdev for the actual expense of labor and benefits incurred when drivers arrive at their destination more than ten minutes after the time their shift is scheduled to end.

WHEREAS, the total increase in City payments to Transdev is estimated at $167,000 per year to cover the reimbursement costs for the new laws and the payment for delays in bus operations.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves Amendment No. 1 to Fixed-Route Transit System Operations Agreement with Transdev Services, Inc. (Transdev).

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized and designated to make appropriate payments to Transdev that may be necessary, under the terms of the Agreement and Amendment No. 1, during the remainder of the Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of March, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-112

RESOLUTION ADOPTING THE DESIGNATION OF A SURFACE TRANSPORTATION ASSISTANCE ACT (STAA) TRUCK ROUTE ON MORGAN ROAD BETWEEN NELSON WAY AND WHITMORE AVENUE AND OATES COURT AND UPDATING THE EXISTING CITY OF MODESTO TRUCK ROUTE MAP

WHEREAS, Section 3-2.1301- Truck Routes and Section 3-2.1302 – Interstate Truck Routes of the Modesto Municipal Code of the City of Modesto authorizes the Council to determine and designate truck routes and interstate truck routes by resolution, which designation shall become effective when appropriate signs are placed giving notice of said designations to the public, and

WHEREAS, the Surface Transportation Assistance Act (STAA) network provides safe highway access routes for over dimensional vehicles, and

WHEREAS, by Resolution No. 2003-651 adopted on December 11, 2003, the City Council designated truck routes in the City of Modesto, and

WHEREAS, Stanislaus County has requested inclusion of Morgan Road between Nelson Way and Whitmore Avenue and Oates Court in the STAA network, and

WHEREAS, the City of Modesto Traffic Engineering Division investigates and responds to requests for inclusion of specific routes in the STAA network and recommends that inclusion of Morgan Road between Nelson Way and Whitmore Avenue and Oates Court as an STAA Truck Route, and

WHEREAS, the City Council now desires to designate interstate truck routes in the City of Modesto to include Morgan Road between Nelson Way and Whitmore Avenue and Oates Court as an STAA Truck Route.

NOW, THEREFORE, BE IT RESOLVED the Council of the City of Modesto hereby authorizes and adopts the designation of a Surface Transportation Assistance Act (STAA) Truck Route on Morgan Road between Nelson Way and Whitmore Avenue and Oates Court, (ii) updating the existing City of Modesto Truck Route.

BE IT FURTHER RESOLVED that Truck Routes are hereby designated as shown on the **attached** maps entitled "Modesto Truck Routes," marked and hereinafter incorporated by reference as **Exhibit** "A".

BE IT FURTHER RESOLVED that the Public Works Director is hereby directed to cause the truck routes to be marked and designated in accordance with the provisions of this resolution.

BE IT FURTHER RESOLVED that the provisions of this resolution shall be subject to the provisions of Section 3-2.815 of the Modesto Municipal Code requiring the approval of Caltrans as far as they pertain to the regulations of traffic upon State highways within the City.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of March, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

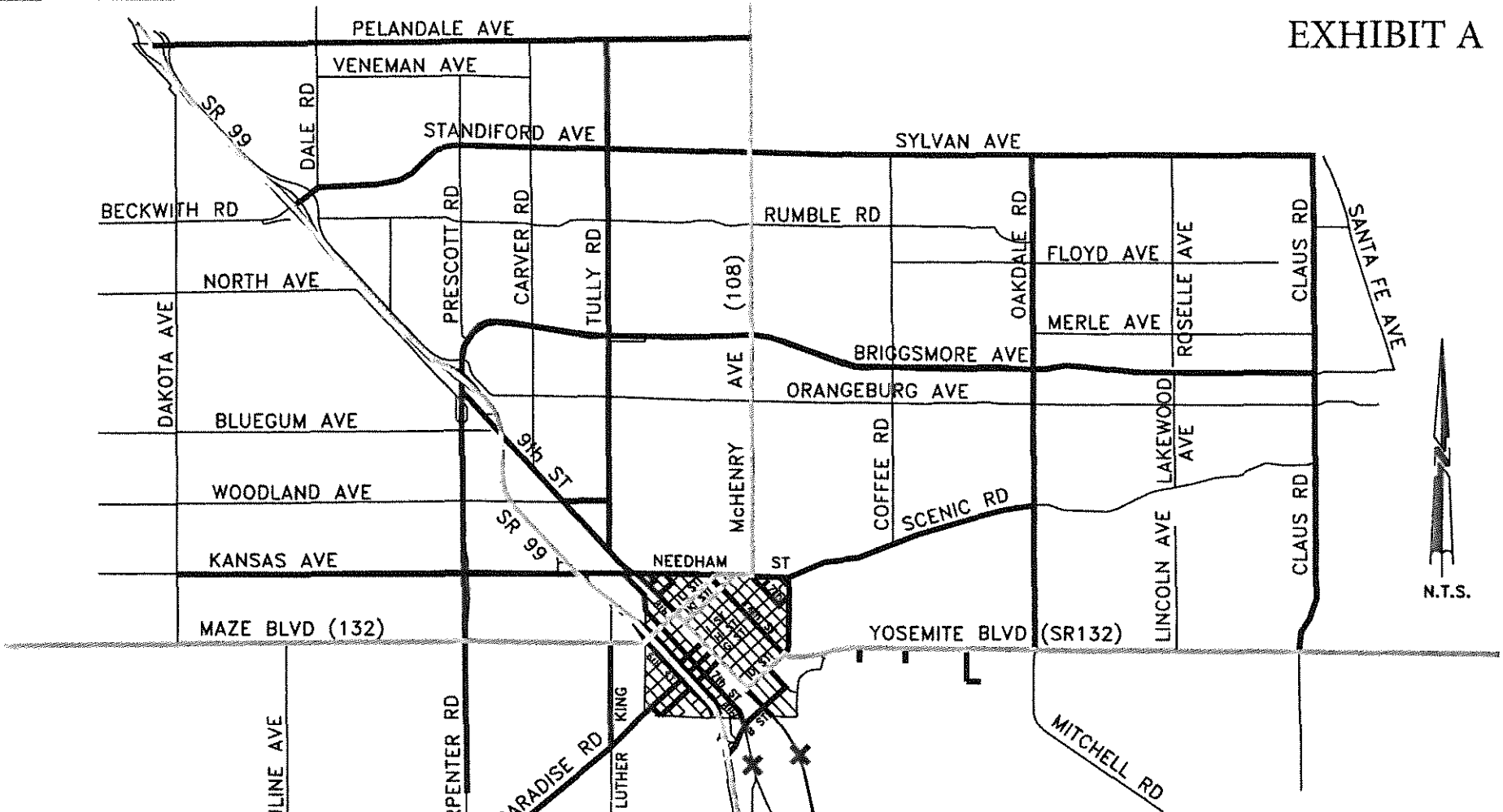
ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT A



CITY OF MODESTO TRUCK ROUTE MAP

ENGINEERING AND TRANSPORTATION DEPARTMENT

- DESIGNATED TRUCK ROUTE
- STATE HIGHWAY–REQUIRES STATE PERMIT
- DESIGNATED STAA TRUCK ROUTE
- RESTRICTED ACCESS–SEE PERMIT FOR RESTRICTIONS

RESOLUTION NO. 2016–XXX

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-113

RESOLUTION (i) APPROVING THE PLANS AND SPECIFICATIONS, (ii) ACCEPTING THE BID, AND (iii) APPROVING A CONTRACT BETWEEN THE CITY AND CARL JOSEPH BARTALDO CONSTRUCTION OF PALO CEDRO, CA, IN THE AMOUNT OF $280,350 FOR THE EXPANSION OF ATMS AND CCTV ALONG BRIGGSMORE AVENUE FROM OAKDALE ROAD TO CLAUS ROAD, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, plans and specifications have been prepared for the Expand Advanced Traffic Management System (ATMS) and Closed Circuit Television (CCTV) Along Briggsmore Avenue Project, and City staff recommends approval by the City Council, and

WHEREAS, bids received for the Expand ATMS and CCTV Along Briggsmore Avenue Project were opened at 11 a.m. on February 16, 2016, and later tabulated by the Public Works Director for the consideration of the Council, and

WHEREAS, this Project will be funded 100% with zero local match by Congestion Mitigation and Air Quality (CMAQ) money, and

WHEREAS, this Project will provide fiber optics along the south side of Briggsmore Avenue between Oakdale Road and Claus Road and closed circuit TV cameras at the intersections of Briggsmore Avenue at Roselle Avenue and Briggsmore Avenue at Claus Road for the City, and

WHEREAS, the Public Works Director has recommended that the bid of $280,350 received from Carl Joseph Bartaldo Construction of Palo Cedro, CA be accepted as the lowest responsible bid, and the contract be awarded to Carl Joseph Bartaldo Construction of Palo Cedro, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications of the Expand ATMS and CCTV Along Briggsmore Avenue Project, accepts the bid from Carl Joseph Bartaldo Construction of Palo Cedro, CA in the amount of $280,350, and awards Carl Joseph Bartaldo Construction of Palo Cedro, CA the contract for the Expand ATMS and CCTV Along Briggsmore Avenue Project.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of March, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-114

RESOLUTION AUTHORIZING THE AWARD OF PROPOSAL FOR THE FURNISHING OF AFTER-HOURS ON-CALL ANSWERING SERVICES FOR THE UTILITIES DEPARTMENT, WASTEWATER DIVISION AND WATER DIVISION, TO HARTLEY AND ASSOCIATES, SANTA MONICA, CA, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE AGREEMENT FOR AN ESTIMATED ANNUAL COST OF $30,600, AND OVER FIVE (5) YEARS, A TOTAL COST OF $153,000

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Proposals (RFP) for the furnishing of after hour on-call answering services for the Utilities Department, Wastewater Division and Water Division, and

WHEREAS, the Purchasing Division issued RFP 1516-08 After Hour On-Call Answering Services on the City's website under the commodity code for answering/paging services, and

WHEREAS, prospective proposers were noticed online of the proposal opportunity, and

WHEREAS, eleven (11) companies chose to download the RFP document, none of which were local companies, and

WHEREAS, no local company provides this product, and

WHEREAS, proposals were formally opened in the City Clerk's office. Three (3) companies chose to respond, and

WHEREAS, all three (3) companies responding provided a responsive and responsible proposal, and

WHEREAS, an evaluation committee comprised of five (5) City staff members evaluated the proposals, and

WHEREAS, based on being ranked highest in total evaluation criteria the evaluation committee recommends the award of proposal for the furnishing of after hour on-call answering services to Hartley and Associates, Santa Monica, CA, for an estimated annual cost of $30,600, and over five (5) years of $153,000, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of proposal for the furnishing of after hour on-call answering services to Hartley and Associates, Santa Monica, CA, conforms to the Modesto Municipal Code, 8-3.203, and

WHEREAS, funds are budgeted in Fiscal Year 2015-16, in Appropriation Units: 4100-45060-53300 and 4210-44211-53300 (Wastewater Fund and Water Fund).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of proposal for the furnishing of after hour on-call answering services to Hartley and Associates, Santa Monica, CA.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to issue a purchase agreement for an estimated annual cost of $30,600, and over five (5) years of $153,000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of March, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-115

RESOLUTION RESCINDING RESOLUTION NO. 2011-459 AND TERMINATING A MEMORANDUM OF UNDERSTANDING BETWEEN THE PUBLIC WORKS DEPARTMENT AND PARKS, RECREATION AND NEIGHBORHOODS DEPARTMENT TO REPAY FUNDS FOR THE RELOCATION OF THE SOLID WASTE COMPOST FACILITY

WHEREAS, pursuant to the discharge permit issued by the Regional Water Quality Control Board in April 2008, the City of Modesto was required to reduce discharge limits of some constituents into the San Joaquin River; and

WHEREAS, as a result of the new discharge permit requirements, the City's Wastewater Operations initiated Phase 2 BNR/Tertiary Treatment Project to expand the City's capacity to comply with the new requirements by operating a tertiary-level treatment process at the existing Jennings Road Wastewater Treatment and Disposal Facility (Jennings Road Facility); and

WHEREAS, the location of the City's Solid Waste Compost Facility, managed by the City's Solid Waste Compost Operations (then a division of the Parks, Recreation and Neighborhoods Department) was proposed as the new site of the Phase 2 Tertiary Facility; and

WHEREAS, the City's Wastewater Operations (then a division of Public Works Department) obtained a loan from the Clean Water State Revolving Fund ("SRF") to finance the construction of the Phase 2 Tertiary Facility, including the costs associated with moving the Compost Facility and relocating it to a new site; and

WHEREAS, on December 6, 2011, the City Council adopted Resolution No. 2011-459, approving a Memorandum of Understanding ("MOU") between the Public Works Department and the Parks, Recreation and Neighborhoods Department ("PRN")

regarding the repayment of funds from the Compost Fund to the Wastewater Fund to cover the costs associated with the relocation of the Solid Waste Compost Facility; and

WHEREAS, based on further review of the relevant documents, including the SRF loan agreement, it has been determined that the relocation of the Compost Facility was properly paid for by the SRF loan and that the MOU between Public Works Department and the Parks, Recreations, and Neighborhoods Department was unnecessary. The relocation costs were within the scope of the SRF loan and an obligation incurred by the Wastewater Fund in order to comply with state requirements that the Compost Fund should not be responsible for repaying; and

WHEREAS, this Resolution will terminate the MOU and release the Compost Fund from any repayment obligations to the Wastewater Fund.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Resolution No. 2011-459, approving a MOU between the Public Works Department and PRN regarding the repayment of costs associated with relocating the Solid Waste Compost Facility as part of the Phase 2 Tertiary Project, is hereby rescinded.

BE IT FURTHER RESOLVED the MOU between the Public works Department and PRN, dated December 6, 2011, regarding the funding obligations for the relocation of the Solid Waste Compost Facility as part of the Phase 2 Tertiary Project, is hereby terminated. Any and all obligations under such MOU are hereby terminated.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of March, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-116

RESOLUTION APPROVING A SOLE SOURCE AGREEMENT WITH KLEINFELDER, INC., MODESTO, CA FOR GEOPHYSICAL INVESTIGATION SERVICES FOR WELL 274, IN AN AMOUNT NOT TO EXCEED $75,000 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $7,500 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF $82,500, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

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

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

WHEREAS, nitrate concentrations have been an issue at Well 274, which is currently treated at the Well 295/Tank 9 site, and

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

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

WHEREAS, a test boring is needed to assess the subsurface for design of a replacement well, and

WHEREAS, a hydrogeologist will provide direction for testing and sampling, and analyze the results of a test bore hole, which must be performed by a licensed driller, and

WHEREAS, recent well projects have indicated that local licensed drillers capable of performing test bore hole services have a backlog of work ranging from 18 to 24 months, and

WHEREAS, Kleinfelder, Inc. (Kleinfelder) has unique qualifications, as it has geologists and hydrogeologists on staff, a C-57 driller license, and agreements with local drillers, and

WHEREAS, Kleinfelder has performed similar work on previous City projects (Tivoli Well-Mary Grogan Park site); therefore, City staff requested a proposal from Kleinfelder to perform geophysical investigation services for this project, and

WHEREAS, the scope of work includes a licensed driller able to begin work approximately 7 to 10 days after receiving a notice to proceed, and

WHEREAS, there are no other known local consultants with Kleinfelder's unique qualifications in geophysical investigations, and

WHEREAS, based on the findings that Kleinfelder is the only vendor qualified to perform this service, staff finds that the justification meets the City's sole source criteria as required under the Modesto Municipal Code, and

WHEREAS, to save time and reduce project costs, City staff recommends approving an agreement with Kleinfelder to perform the geophysical investigation services for Well 274,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a sole source Agreement with Kleinfelder, Inc., Modesto, CA for Geophysical Investigation Services for Well 274, in an amount not to exceed $75,000 for

the identified scope of services, plus $7,500 for additional services (if needed), for a maximum total amount of $82,500.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of March, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-117

RESOLUTION APPROVING THE FIRST AMENDMENT TO AGREEMENT WITH HORIZON WATER AND ENVIRONMENT, LLC, OAKLAND, CA FOR PROJECT LEVEL ENVIRONMENTAL IMPACT REPORT FOR THE DEL RIO TANK AND WELL PROJECT IN AN AMOUNT NOT TO EXCEED $117,238 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $9,136 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF $126,374, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE FIRST AMENDMENT TO AGREEMENT

WHEREAS, the City owns and operates the outlying water system in the community of Del Rio, located in Stanislaus County, and

WHEREAS, a hydraulic assessment of this water system has identified necessary upgrades to correct existing supply and pressure deficiencies, and

WHEREAS, the major components of the upgrades include the construction of two new domestic water wells, a storage tank, and booster pump station, and

WHEREAS, the City was obligated to provide these improvements by January 31, 2014 in accordance with the amended terms of a Settlement Agreement between the City and the Del Rio Community Association, and

WHEREAS, project delays have occurred due to litigation, while staff continues to work with the Del Rio Community Association to extend the deadline, and

WHEREAS, prior Council actions for this project include: 1) On April 5, 2011, by Resolution No. 2011-118, the Council approved an agreement with URS Corporation to perform groundwater impacts analysis for the Del Rio well project; 2) On March 13, 2012, by Resolution No. 2012-100, the Council adopted the project's environmental analysis; 3) On December 4, 2012, by Resolution No. 2012-496, the Council accepted a Preliminary Design Report for the new tank, booster pump, and well; 4) On December 20, 2012, a lawsuit was filed against the City by the North Modesto Groundwater

Alliance (Stanislaus County Superior Court Case No. 680381); 5) On November 12, 2013, by Resolution No. 2013-413, the Council rescinded the previous March 13, 2012 adoption of the project's environmental analysis, and directed staff to prepare a new environmental analysis pursuant to California Environmental Quality Act (CEQA) requirements. Concurrently, by Resolution No. 2013-414, City Council also rescinded the previous December 4, 2012 acceptance of the Preliminary Design Report for the tank, pump station, and new well; and 6) On April 1, 2014, by Resolution No. 2014-116, Council approved an agreement with Horizon Water and Environment, LLC (Horizon) for Project Level Environmental Impact Report (EIR) for the Del Rio Water System Improvements Project. Concurrently, by Resolution No. 2014-117, Council approved an agreement with URS Corporation for Groundwater Impacts Analysis for Del Rio Water System Improvements Project, and

WHEREAS, in accordance with CEQA requirements, a Notice of Preparation was prepared in July, 2015, followed by a 30-day public comment period, and

WHEREAS, an administrative draft of the project level EIR was prepared in November, 2015 and was reviewed by the City Attorney and staff, and

WHEREAS, the City Attorney advised that additional documents and technical evaluations be prepared pursuant to CEQA Guidelines, and

WHEREAS, Horizon developed a proposal for the additional work, which includes field surveys and data review, AB52 Compliance, new sections added to the draft EIR and preparation of an initial study, and

WHEREAS, City staff recommends approving a first amendment to agreement with Horizon to complete the necessary CEQA requirements, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a First Amendment to Agreement with Horizon Water and Environment, LLC, Oakland, CA for Project Level Environmental Impact Report for the Del Rio Tank and Well Project in an amount not to exceed $117,238 for the identified scope of services, plus $9,136 for additional services (if needed), for a maximum total amount of $126,374.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the First Amendment to Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of March, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-118

RESOLUTION AMENDING THE FISCAL YEAR 2015-2016 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $127,238 TO BE TRANSFERRED INTO THE PROJECT FROM WATER FUND RESERVES IN ORDER TO FULLY FUND THE FIRST AMENDMENT TO AGREEMENT WITH HORIZON WATER AND ENVIRONMENT, LLC, OAKLAND, CA FOR PROJECT LEVEL ENVIRONMENTAL IMPACT REPORT FOR THE DEL RIO TANK AND WELL PROJECT, INCLUDING SUPPORT BY CITY STAFF

WHEREAS, certain budgetary transactions are necessary in the amount of $127,238, in order to fund the Project Level Environmental Impact Report (EIR) first amendment to agreement, including support by City staff for the Del Rio Tank and Well Project, and

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

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

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of March, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Exhibit A

Due to the increase of estimated environmental costs for the first amendment to agreement, including support by City staff for CIP Account #100473-"Del Rio Water Tank", the project costs need to be increased by $127,238. This would be done by adjusting Environmental (ENV) in CIP Account #100473-"Del Rio Water Tank" by $127,238.

To fund the above account, $127,238 will be transferred from Water Fund Reserves into CIP Project #100473-"Del Rio Water Tank" project.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-119

RESOLUTION ACCEPTING THE 2014 HUD CURB RAMPS AND STORM DRAIN IMPROVEMENTS PROJECT AS COMPLETE, AND AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, AND RELEASE SECURITIES AND PAYMENTS TOTALING $914,522.15 TO GEORGE REED, INC., OF MODESTO, CALIFORNIA

WHEREAS, the HUD Curb Ramp and Storm Drain Improvements Project has been completed by George Reed Inc. of Modesto, CA in accordance with the contract agreement dated July 14, 2015,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the HUD Curb Ramp and Storm Drain Improvements Project is hereby accepted as complete from said contractor, George Reed Inc. of Modesto, CA, and that the City Clerk is authorized to complete all necessary steps to file with the County Recorder, release securities and payments totaling $914,522.15, as is authorized and provided in the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of March, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-120

RESOLUTION AUTHORIZING AN INCREASE TO THE DIRECTOR OF UTILITIES AUTHORITY FOR CHANGE ORDERS FOR THE 2014 HUD CURB RAMPS AND STORM DRAIN IMPROVEMENTS PROJECT WASTEWATER FUNDED PORTION OF WORK IN THE TOTAL AMOUNT OF $61,111 (10.3% OF THE ORIGINAL WASTEWATER PORTION OF THE CONTRACT PRICE)

WHEREAS, on July 14, 2015, the City Council, by Resolution No. 2015-253, awarded a $842,092 contract to George Reed, Inc. of Modesto, California for the construction of the 2014 HUD Curb Ramps and Storm Drain Improvements project, and

WHEREAS, a portion of the scope of this project ($592,180) was funded by the Wastewater Fund, and

WHEREAS, the Director's Authority of an additional 10 percent ($59,218) for change orders was authorized for the portion funded by the Wastewater Fund, and

WHEREAS, the cost of the change order work for the portion of work funded by the Wastewater Fund has been estimated to be $61,111, an amount which exceeds the Director's authority for the project as established by the Council's Change Order Approval Policy adopted by Resolution No. 94-443, on July 19, 1994, and

WHEREAS, the Director of Utilities currently has authority to approve change orders up to a cumulative amount of $59,218,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Director of Utilities to issue change orders on the 2014 HUD Curb Ramps and Storm Drain Improvements project in the total amount of $61,111 (10.3% of the original contract price).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of March, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-121

RESOLUTION ACCEPTING THE TRANSIT BUILDING RESTROOM REMODEL PROJECT AS COMPLETE, AND AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASE SECURITIES, AND RELEASE PAYMENTS TOTALING $290,940 TO RMC ENTERPRISES, INC., OF FRESNO, CA

WHEREAS, the Transit Building Restroom Remodel Project has been completed by RMC Enterprises, Inc., of Fresno, CA in accordance with the contract agreement dated November 4, 2014

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Transit Building Restroom Remodel Project is hereby accepted as complete from said contractor, RMC Enterprises, Inc., of Fresno, CA, and that the City Clerk is authorized to complete all necessary steps to file with the County Recorder, release securities and payments totaling $290,940.00, as is authorized and provided in the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of March, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-122

RESOLUTION ACCEPTING THE WELLHEAD TREATMENT AT WELL NO. 3 PROJECT AS COMPLETE, AND AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASE SECURITIES, AND RELEASE PAYMENTS TOTALING $1,015,582 TO W.M. LYLES CO., OF FRESNO, CA

WHEREAS, the Wellhead Treatment at Well No.3 Project has been completed by W.M. Lyles Co. of Fresno, CA in accordance with the contract agreement dated July 1, 2014,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Wellhead Treatment at Well No. 3 Project is hereby accepted as complete from said contractor, W.M. Lyles Co. of Fresno, CA, and that the City Clerk is authorized to complete all necessary steps to file with the County Recorder, release securities and payments totaling $1,015,582, as is authorized and provided in the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of March, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)
APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-123

RESOLUTION AUTHORIZING AN INCREASE OF THE DIRECTOR OF UTILITIES AUTHORITY TO ISSUE CHANGE ORDERS ONTHE 2014-2015 STORM DRAIN IMPROVEMENT PROJECT FROM 10 PERCENT ($56,317) TO APPROXIMATELY 27.1 PERCENT ($153,536) OF THE ORIGINAL CONSTRUCTION CONTRACT PRICE OF $566,317 WITH ROLFE CONSTRUCTION, INC., OF ATWATER, CA

WHEREAS, the City Council, on December 8, 2015, by Resolution No. 2015-476, awarded a $566,317 contract to Rolfe Construction for the construction of the 2014-2015 Storm Drain Improvements project, and

WHEREAS, the originally authorized construction administration budget was 12 percent ($67,958), and

WHEREAS, additional change order work not included in the original bid needed to be added to the project to allow completion of the project, and

WHEREAS, the administrative and field inspection costs associated with ensuring the additional change order work conforms to the City's standards of construction and quality,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby an increase in the construction administration budget for the 2014-2015 Storm Drain Improvements Project from 12 percent ($67,958) to approximately 13.7 percent ($77,650).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of March, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-124

RESOLUTION ACCEPTING THE PRELIMINARY DESIGN REPORT DATED SEPTEMBER 2015 FOR THE RIVER TRUNK REALIGNMENT, BEARD BROOK SIPHON, AND CANNERY SEGREGATION LINE IMPROVEMENT PROJECT AS COMPLETE

WHEREAS, the 2007 Wastewater Collection System Treatment Master Plan (WWCSMP) identified key hydraulic and condition deficiencies in the City's wastewater collection system, and

WHEREAS, this project will address deficiencies in the River Trunk, Sutter Trunks and Beard Brook Siphon, and

WHEREAS, the River Trunk consists of a pipeline that ranges from 24-inches to 60-inches in diameter that conveys flow from the Beard Industrial Park to the Sutter Avenue Wastewater Treatment Plant, and

WHEREAS the total length of the River Trunk is approximately five miles and conveys approximately 24 percent of the City's domestic wastewater flow, , and

WHEREAS, the Beard Brook Siphon consists of a 48-inch diameter trunk that starts at the west end of Oregon Drive, at the Gallo facility, and crosses under Beard Brook Park to Morton Boulevard, and

WHEREAS, the current location of the River Trunk, adjacent to the Tuolumne River, poses access limitations to operations staff and could be subject to catastrophic damage in the event of elevated river flows, and

WHEREAS, the Beard Brook Siphon also poses access limitations, and

WHEREAS, as City staff evaluated these projects, consideration was given to realigning the River Trunk away from its current location to an alternate route within the public right-of-way and replacing the Beard Brook Siphon with a gravity system, and

WHEREAS, additional consideration was given to realigning the Sutter Trunk to connect to the new River Trunk, and

WHEREAS, the River Trunk Realignment will essentially combine the identified projects into one project, and

WHEREAS, on April 1, 2014, by Resolution No. 2014-121, the City Council approved an agreement with Carollo Engineers, Inc. (Carollo) for preparation of a Preliminary Design Report (PDR), which serves as the basis of design for these projects, and

WHEREAS, the PDR evaluated improvements necessary, determined the most economical and beneficial approach, and evaluated different alternatives to address the existing deficiencies, and

WHEREAS, staff recommends acceptance of the Preliminary Design Report as complete, and

WHEREAS, upon acceptance of the report by City Council, Carollo is intended to proceed with the preparation of final design documents, as well as bidding and construction phase services,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Preliminary Design Report dated September 2015 for the River Trunk Realignment, Beard Brook Siphon, and Cannery Segregation Line Improvement Project as complete.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of March, 2016, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-125

RESOLUTION APPROVING AN AGREEMENT WITH CAROLLO ENGINEERS, INC. FOR FINAL DESIGN SERVICES FOR RIVER TRUNK REALIGNMENT PROJECT, IN AN AMOUNT NOT TO EXCEED $4,276,692 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $427,669 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF $4,704,361, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the 2007 Wastewater Collection System Treatment Master Plan (WWCSMP) identified key hydraulic and condition deficiencies in the City's wastewater collection system, and

WHEREAS, this project will address deficiencies in the River Trunk, Sutter Trunks and Beard Brook Siphon, and

WHEREAS, the River Trunk consists of a pipeline that ranges from 24-inches to 60-inches in diameter that conveys flow from the Beard Industrial Park to the Sutter Avenue Wastewater Treatment Plant, and

WHEREAS the total length of the River Trunk is approximately five miles and conveys approximately 24 percent of the City's domestic wastewater flow, , and

WHEREAS, the Beard Brook Siphon consists of a 48-inch diameter trunk that starts at the west end of Oregon Drive, at the Gallo facility, and crosses under Beard Brook Park to Morton Boulevard, and

WHEREAS, the current location of the River Trunk, adjacent to the Tuolumne River, poses access limitations to operations staff and could be subject to catastrophic damage in the event of elevated river flows, and

WHEREAS, the Beard Brook Siphon also poses access limitations, and

WHEREAS, as City staff evaluated these projects, consideration was given to realigning the River Trunk away from its current location to an alternate route within the public right-of-way and replacing the Beard Brook Siphon with a gravity system, and

WHEREAS, additional consideration was given to realigning the Sutter Trunk to connect to the new River Trunk, and

WHEREAS, the River Trunk Realignment will essentially combine the identified projects into one project, and

WHEREAS, on April 1, 2014, by Resolution No. 2014-121, the City Council approved an agreement with Carollo Engineers, Inc. (Carollo) for preparation of a Preliminary Design Report (PDR), which serves as the basis of design for these projects, and

WHEREAS, the PDR evaluated improvements necessary, determined the most economical and beneficial approach, and evaluated different alternatives to address the existing deficiencies, and

WHEREAS, considering the technical complexity of these projects and current staff workload, City staff is recommending the continued use of Carollo to complete the final design as their work on the PDR was satisfactorily completed, and

WHEREAS, Carollo's final negotiated cost is $4,276,692, and

WHEREAS, this scope includes the design of a major lift station and forcemains, gravity sewer crossing under Beard Brook, gravity system along Colorado Avenue, and pump station for the Shackelford Crossing, and

WHEREAS, upon completion of this project, the former River Trunk will be available as a redundant system for domestic and cannery waste flows, and

WHEREAS, the scope of services to be provided under this agreement includes: 1) Project Management: administration, meetings and quality assurance; 2) Final Design: documents, utility location, public outreach, permit coordination, modeling, surveying, cost estimate, and scheduling; 3) Bid Period Services: addenda, meetings and bid summary, and

WHEREAS, staff recommends approving Carollo's agreement to proceed in completing the final design of the River Trunk Realignment Project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with with Carollo Engineers, Inc., Walnut Creek, CA for Final Design Services for River Trunk Realignment Project, in an amount not to exceed $4,276,692 for the identified scope of services, plus $427,669 for additional services (if needed), for a maximum total amount of $4,704,361.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of March, 2016, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-126

RESOLUTION AMENDING FISCAL YEAR 2015-2016 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $3,970,948 TO BE TRANSFERRED INTO THE PROJECT FROM WASTEWATER FUND RESERVES IN ORDER TO FULLY FUND THE AGREEMENT WITH CAROLLO ENGINEERS, INC., WALNUT CREEK, CA, FOR FINAL DESIGN SERVICES FOR THE RIVER TRUNK REALIGNMENT PROJECT, INCLUDING SUPPORT BY CITY STAFF

WHEREAS, certain budgetary transactions are necessary in the amount of $3,970,948, in order to fund final design services, including engineering, design, and administrative support by City staff, for the River Trunk Realignment Project, and

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

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

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of March, 2016, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Exhibit A

Due to final design costs being higher than initially budgeted for the project, a line item increase is necessary for CIP Account #100646 "River Trunk Realignment", and the engineering/design/administration costs need to be increased by $3,970,948. This would be done by adjusting Engineering/Design/Administration by $3,970,948.

To fund the above account, $3,970,948 will be transferred from Wastewater Fund Reserves into CIP Project 100646 for the River Trunk Realignment Project.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-127

RESOLUTION APPROVING THE FORMATION OF AND APPOINTMENTS TO THE MAYOR'S 100 DAYS COMMITTEE

WHEREAS, Section 601(h) of Article VI of the Modesto City Charter grants the Mayor the authority to appoint, with the advice and consent of the City Council, such advisory boards and committees as may be necessary or desirable to advise and assist in the work of the Council; and

WHEREAS, the Mayor desires to form a "100 Days Committee" to make recommendations to the full City Council on the 2016-2017 City budget and hereby seeks to the consent of the City Council for his appointments to such committee.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MODESTO, as follows:

Section 1. Formation of Mayor's 100 Days Committee

The City Council hereby approves the formation of the Mayor's 100 Days Committee, which shall make recommendations to the full City Council on the 2016-2017 City budget and which shall hold open and public meetings. The committee will dissolve on July 1, 2016, unless its term is extended with the advice and consent of the City Council.

Section 2. Committee Appointments

The City Council hereby consents to the Mayor's appointments to the 100 Days Committee, which shall be:

Mayor Ted Brandvold
City Council Member Kristi Ah You
City Council Member Mani Grewal
Patricia Gillum, a certified public accountant
Ralph A. Juarez, a certified public accountant
Michelle Funk, a certified public accountant

Charles L. Bryant, a member of the public
David Benn, a member of the public
Rick Dahlseid, a member of the public
Ron Jackson, a member of the public
Warren Kirk, a member of the public
Dave Thomas, a member of the public
Eric Tobias, a member of the public
Michael P. Zagaris, a member of the public

The City Council further consents to the Mayor's designation of any of the other four Council Members as an alternate to the Council Member appointees to the 100 Days Committee.

Section 3. Effective Date

This resolution shall take effect immediately upon its adoption.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of March, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-128

RESOLUTION DECLARING COUNCIL'S FISCAL PRIORITIES FOR THE REMAINDER OF THIS FISCAL YEAR 2015-2016 AND PROVIDING GUIDANCE TO CITY STAFF AND THE COMMUNITY REGARDING ITS INTENT TO PRIORITIZE EXPENDITURES ON ONLY ESSENTIAL MATTERS

WHEREAS, the 2008 economic crisis has had and continues to have a severe impact on Modesto's growth that the City has not yet overcome; and

WHEREAS, the City is challenged each year to balance its General Fund budget and achieve fiscal sustainability; and

WHEREAS, the City is currently experiencing negative sales tax growth coupled with built-in cost increases within existing services; and

WHEREAS, whereas $84 million of the current $115 million FY 2015-2016 Budget is committed to public safety; and

WHEREAS, the City of Modesto experienced a 12% increase in Part One crimes in 2015 compared to 2014; and

WHEREAS, Part One crimes include violent crimes such as homicide, rape, robbery, aggravated assault, and property crimes including burglary, larceny, and auto theft; and

WHEREAS, the City of Modesto has significant unmet needs in public safety; and

WHEREAS, the City Council has approved the establishment of a temporary Committee, composed of members of the City Council and the public, to review the draft 2016-2017 departmental budgets to identify potential funds that could be reallocated to public safety and other essential services; and

WHEREAS, the Committee will complete its work before July 1, 2016, the end of the current fiscal year; and

WHEREAS, the City Council, consistent with the objectives of the Committee, wants to generally limit its expenditures for the remainder of the current fiscal year to those expenditures that are necessary and essential to maintaining the City's current operations, facilities, and services; and

WHEREAS, the City Council hereby desires by this Resolution to indicate its general policy, for the remainder of this fiscal year, to prioritize expenditures for essential matters, and to disapprove matters that that would authorize additional discretionary expenditures; and

WHEREAS, discretionary, or non-essential expenditures, do not include any expenditures that are needed to maintain current operations, facilities, or services, or any other expenditures relating to existing obligations including those necessary to pay for services that have already been provided, are already required by contract, are needed to comply with Federal, State, or local laws, or are required in order to secure a significant amount of non-City funding such as matching allocations required for the receipt of State or Federal funds; and

WHEREAS, this Resolution serves as policy guidance to City staff and the community about the Council's priorities and to assist City staff in efficiently managing their departmental affairs and priorities; and

WHEREAS, this Resolution does not prohibit requests for discretionary expenditures to be presented to the Council, but directs that any such request shall be well-documented, analyzed, and vetted prior to presentation to the Council.

NOW, THEREFORE, the City Council hereby expresses that, as a general matter for the remainder of the 2015-2016 fiscal year, it will prioritize expenditures on essential matters and not approve additional discretionary expenditures by the City. Discretionary, or non-essential expenditures, do not include any expenditures that are needed to maintain current operations, facilities or services, or any other expenditures relating to existing obligations including those necessary to pay for services that have already been provided, are already required by contract, are needed to comply with Federal, State, or local laws, or are required in order to secure a significant amount of non-City funding such as matching allocations required for the receipt of state or federal funds. This Resolution provides only a general indication of the City Council's prioritization of the matters addressed herein. It is not legally binding on the City Council, or any of its members, and does not create any right of action to third parties. It may be revised or amended by a majority vote of the City Council. In the event of any conflict between this Resolution and any provision of an existing contract or Federal, State or local law, this Resolution shall not control. This Resolution is only intended to express the City Council's current priorities.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of March, 2016, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-129

RESOLUTION REAPPOINTING NORMA REED, TAMMY MAISETTI, AND STEVE RANK TO THE DOWNTOWN IMPROVEMENT DISRICT ADVISORY BOARD FOR A FOUR-YEAR TERM TO EXPIRE JANUARY 1, 2020

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

WHEREAS, the Downtown Improvement District Board of Directors are recommending the reappointments of Norma Reed, Tammy Maisetti, and Steve Rank to a term ending January 1, 2020 to the Downtown Improvement District Advisory Board.

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

SECTION 1. Norma Reed, Tammy Maisetti, and Steve Rank are hereby reappointed to the Downtown Improvement District Advisory Board.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this Resolution to the reappointed members of Downtown Improvement District Advisory Board, and as Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of April, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Stephanie Lopez
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Adam Lindgren
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-130

Print

RESOLUTION ACCEPTING THE RESIGNATION OF JESSICA SELF FROM THE CITY OF MODESTO BOARD OF ZONING ADJUSTMENT

WHEREAS, Jessica Self was appointed to serve as a member of the Board of Zoning Adjustment (BZA) on October 13, 2015, and

WHEREAS, Jessica Self has tendered her resignation from the BZA, and

NOW, THEREFORE, BE IT RESOLVED that the resignation of Jessica Self from the BZA be, and hereby is accepted with regret.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of April, 2016, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-131

Print

RESOLUTION APPROVING THE AMENDED AND RESTATED JOINT POWERS AGREEMENT ESTABLISHING THE STANISLAUS COUNCIL OF GOVERNMENTS AND AMENDED AND RESTATED BYLAWS

WHEREAS, Stanislaus Council of Governments ("StanCOG") was created as a result of the continued growth and development within the incorporated and unincorporated areas of Stanislaus County to address any regional transportation issues or problems, and

WHEREAS, StanCOG is a council of city and county governments comprised of the Cities of Ceres, Hughson, Modesto, Newman, Oakdale, Patterson, Riverbank, Turlock and Waterford, and the County of Stanislaus, that was established in 1971 as the Stanislaus Area Association of Governments, and

WHEREAS, a Revised Joint Powers Agreement was approved on May 28, 1974, to which the City of Modesto was a signatory, and

WHEREAS, a Joint Powers Agreement ("JPA") establishing the Stanislaus Council of Governments was approved on June 5, 2001, and

WHEREAS, the Joint Powers Agreement was amended on December 12, 2007, and

WHEREAS, on March 18, 2015, the StanCOG Policy Board approved an amendment to the JPA updating standing committee descriptions and composition information, clarifying the selection process for the Executive Committee of the StanCOG Policy Board, and adjusting the term of office for the Chair and Vice-Chair of the Policy Board from a fiscal year to a calendar year to correspond with elected officials terms of office, and

WHEREAS, it was also determined that the Bylaws of the JPA also needed to be amended to be consistent with the JPA, and

WHEREAS, pursuant to Section 13 of the JPA of the December 12, 2007 JPA, the Bylaws of the Stanislaus Council of Governments are those annexed to the JPA as **Exhibit A** and amendments to all or a portion of the Bylaws may be made in the manner prescribed in the Bylaws, and

WHEREAS, Section 26 (B) of the December 12, 2007 JPA requires that any amendment to the JPA be ratified by resolution of 75% of the member agencies representing 75% of the population of the County of Stanislaus as determined by the most recent Decennial Census.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Amended and Restated Joint Powers Agreement establishing the Stanislaus Council of Governments and the Amended and Restated Bylaws, and authorizes the Mayor to execute the same.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of April, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT "A"

STANISLAUS COUNCIL OF GOVERNMENTS

AMENDED AND RESTATED BYLAWS

RECITALS:

WHEREAS, it is deemed prudent to amend and restate the Bylaws of The Stanislaus Council of Governments. These Amended Bylaws, dated _____, shall supersede the previous Bylaws as amended April 10, 1974; July 10, 1974; November 10, 1976; and _____.

ARTICLE I
NAME

This joint powers agency shall be known as the STANISLAUS COUNCIL OF GOVERNMENTS ("StanCOG") and shall exercise its powers within the geographical area of the County of Stanislaus as set forth in the joint powers agreement entered into by the County and the Cities ("Party or collectively "Parties") establishing StanCOG.

ARTICLE II
MEETINGS

Section 1: Regular and Special Meetings.

A. The StanCOG Policy Board shall hold a regular meeting on the third Wednesday of each month, at 6:00 p.m., or at a time, specified by the StanCOG Policy Board. Such regular meetings shall be for considering reports of the affairs of StanCOG and for transacting such other business as may be properly brought before the meeting. Any regular meeting may be rescheduled on an individual basis as to date, time and place, by motion of the StanCOG Policy Board, in the event of a conflict with holidays, Director's schedules, or similar matters, or, in the event of a lack of a quorum, as specified below. Notice of regular meetings shall be given to each representative and alternate representative at least ten (10) days prior to each meeting.

B. Special meetings may be called in accordance with the California Ralph M. Brown Act. Special meetings may be called by the Chairperson. No business except that specified in the notice shall be discussed at a special meeting.

C. All meetings shall be conducted in accordance with the Ralph M. Brown Act.

Section 2: Closed Sessions.

A. All information presented in closed session shall be confidential. Ex-Officio non-voting members shall not be permitted to attend closed sessions.

B. Under Government Code Section 54956.96, StanCOG adopts a joint powers agency limited disclosure policy as follows:

1. All information received by the legislative body of the local agency member in a closed session related to the information presented to StanCOG in closed session shall be confidential. However, a member of the legislative body of a member local agency may disclose information obtained in a closed session that has directed financial or liability implications for that local agency to the following individuals:

a) Legal counsel of that member local agency for purposes of obtaining advise on whether the matter has direct financial or liability implications for that member local agency.

b) Other members of the legislative body of the local agency present in a closed session of that member local agency.

2. Any designated alternate member of the legislative body of the joint powers agency who is also a member of the legislative body of a local agency member and who is attending a properly noticed meeting of the joint powers agency in lieu of a local agency member's regularly appointed member to attend closed sessions of the joint powers agency.

Section 3: Cancellation of Meetings.

The StanCOG Executive Director or the Chairperson of the StanCOG Policy Board may cancel any regular or special meeting of StanCOG except upon objection by any representative.

Section 4: Notice of Meetings.

A. Notice of regular meetings shall be in accordance with the Ralph M. Brown Act. The StanCOG Executive Director or the Chairperson of the StanCOG Policy Board shall direct the publication of notices of all meetings, public hearings, etc., as required by the California Government Code. Such notices shall specify the place, the day, and the hour of the meeting and accompanying the notice shall be a copy of the agenda for that meeting.

B. In the case of special meetings, the written notice shall specify the specific nature of the business to be transacted and shall be in accordance with the Ralph M. Brown Act.

Section 5: Committee Meetings.

Except as herein or otherwise provided, the Standing Committees of StanCOG shall meet on the call of their Chairperson. Notice of committee meetings shall be in accordance with the Ralph M. Brown Act.

Section 6. Quorum.

A quorum for conducting all matters of business shall be the presence of at least one (1) representative, or the alternate, from a majority of the Member Agencies. A two-thirds majority of those present shall be required to approve all expenditures.

Section 7. Voting.

A. Voting shall only be conducted at properly noticed meetings where a quorum has been established and members are physically present, except as provided in Government Code Section 54953 for teleconferencing.

B. Voting shall be by voice, show of hands, or roll call vote. Any Director may request a roll call vote.

C. In all cases, a vote to "abstain" shall be counted as an "aye" vote unless there is a majority vote to defeat the motion and then the vote to abstain shall be counted as a "no" vote.

Section 8: Lack of a Quorum.

A. If less than a quorum of the Directors are present at any properly called regular, adjourned regular, special, or adjourned special meeting, the member(s) who are present may adjourn the meeting to a time and place specified in the order of adjournment. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the meeting was to have been held within 24 hours after adjournment.

B. If all the members are absent from any regular or adjourned regular meeting, the Executive Director may so adjourn the meeting and post the order or notice of adjournment as provided, and additionally shall cause a written notice of the adjournment to be given in the same manner as for a notice of a special meeting.

C. If the notice or order of adjournment fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for the regular meeting of StanCOG.

Section 9. Agenda.

Any Director or the Executive Director may cause an item to be placed on the agenda.

Section 10. Adjournment.

Except as provided in Section 8 above, a meeting may be adjourned by the presiding officer's own action; however, any Director may object to such adjournment by the presiding officer and then a motion and action is required in order to adjourn the meeting in accordance with Robert's Rules of Order.

ARTICLE III
CONDUCT OF MEETINGS

Section 1: General Conduct.

Except as herein or otherwise provided, ROBERTS RULES OF ORDER shall govern all proceedings of the Council. In any event, all proceedings and conduct of the meetings shall be in full compliance with the State of California Government Code.

Section 2. Decorum

All Directors, and staff, shall conduct themselves in accordance with Robert's Rules of Order and in a civil and polite manner toward other board members, employees, and the public. Using derogatory names, interrupting the speaker having the floor, or being disorderly or disruptive, are prohibited actions. If any meeting is willfully interrupted by any individual so as to render the orderly conduct of that meeting infeasible, that individual may be removed from the meeting. If any group or groups of persons willfully interrupts a meeting so as to render the orderly conduct of that meeting infeasible, the presiding officer, or a majority of the Board, may clear the meeting room in accordance with Government Code Section 54957.9.

Section 3: Voting Authorization.

All votes shall be cast by the person or persons authorized to do so by the member which they represent. Such authorization shall be made known to the Executive Director of StanCOG at least twenty-four hours prior to the meeting. No proxy, absentee, or fractional votes may be cast.

ARTICLE IV
EXECUTIVE SESSIONS

Section 1: Executive Sessions.

Executive sessions shall be held in conformance with the Government Code of the State of California.

ARTICLE V
OFFICERS

Section 1: Chair.

A. The representatives of StanCOG shall elect from among their members a Chair of the Policy Board. The Chair shall serve a one-year term of office beginning at the first regular meeting of each calendar year. The Chair may serve more than one (1) term if re-elected by the Policy Board.

B. The Chair shall preside at all meetings of the Policy Board and such other meetings approved by the Policy Board.

C. The Chair shall serve as the official spokesperson for the Policy Board.

D. The Chair shall appoint such committees and other working groups as prescribed by the Policy Board.

E. The Chair shall designate Directors or others to represent the Policy Board at various meetings, hearings, and conferences.

F. The Chair shall perform such other duties as necessary to carry out the work of the Policy Board or as prescribed by law.

Section 2: Vice-Chair.

A. The representatives of StanCOG shall elect from among their members a Vice-Chair of the Policy Board. The Vice-Chair shall serve a one-year term of office beginning at the first regular meeting in each calendar year. The Vice-Chair may serve more than one (1) term if re-elected by the Policy Board.

B. The Vice-Chair shall act in the place of and have all the powers and duties of the Chair in the absence of the Chair.

Section 3: Absences.

In the absence of both the Chair and the Vice-Chair, a majority of the Policy Board shall select a Director to serve as Chair Pro Tem.

Section 4: Secretary.

The Executive Director shall serve as the Secretary of the StanCOG Policy Board. The Secretary shall maintain a public record of the Policy Board's resolutions, transactions, findings, and determinations, and shall prepare agendas and minutes of each Regular and Special meeting of StanCOG.

Section 5: Vacancy.

Upon a vacancy occurring in the office of the Chair, the Vice-Chair shall assume the office of Chair for the balance of the unexpired term. Upon a vacancy occurring in the office of the Vice-Chair the representatives shall elect, from among their members, a Vice-Chair to serve the balance of the unexpired term.

ARTICLE VI
COMMITTEES

Section 1: Standing Committees.

The Standing Committees of the Council shall be:

A. Executive Committee.

The Executive Committee shall consist of five (5) members of the StanCOG Policy Board: Two of the representatives from the Stanislaus County Board of Supervisors, to be appointed by and serve at the pleasure of the Stanislaus County Board of Supervisors; One of the representatives from the City of Modesto, to be appointed by and to serve at the pleasure of the City of Modesto City Council, and; Two representatives from among the other Cities, said representatives to be chosen each year by the Policy Board members representing the cities other than Modesto, and serve at the pleasure of these other cities. The Chairperson and Vice-Chairperson of the Policy Board shall be ex officio two of the five members of the Executive Committee, representing their respective Member Agencies, and shall serve as the Chairperson and Vice-Chairperson of the Executive Committee.

The Executive Committee shall be operated in accordance with the Bylaws of the Policy Board.

B. Management and Finance Committee.

The Management and Finance Committee shall consist of the Chief Administrative Official for the County of Stanislaus, or his or her designee; and the City Manager/Administrator for the Cities of Ceres, Hughson, Modesto, Newman, Oakdale, Patterson, Riverbank, Turlock, and Waterford.

The Management and Finance committee shall be operated in accordance with the Bylaws of the Policy Board.

C. Social Services Transportation Advisory Council.

The Social Services Transportation Advisory Council shall consist of the following members who are residents of Stanislaus County:

1. One representative of potential transit users who is 60 years of age or older.

2. One representative of potential transit users who is handicapped.

3. Two representatives of the local social service providers for seniors, including one representative of a social service transportation provider, if one exists.

4. Two representatives of local social service providers for the handicapped, including one representative of a social service transportation provider, if one exists.

5. One representative of a local social service provider for persons of limited means.

6. Two representatives from the local consolidated transportation service agency, designated pursuant to Subdivision (a) of Section 15975 of the Government Code, if one exists, including one representative from an operator, if one exists.

7. Up to two (2) additional representatives, if desired by StanCOG and appointed by the Executive Committee.

The Social Services Transportation Advisory Committee shall be operated in accordance with the Bylaws of the Social Services Transportation Advisory Committee.

D. Citizens Advisory Committee.

The Citizens Advisory Committee shall be comprised of ten (10) residents of Stanislaus County, one (1) from each of the Member Agencies.

The Citizens Advisory Council shall be operated in accordance the Bylaws of the Citizens Advisory Council.

D. Bicycle / Pedestrian Advisory Committee .

The Bicycle/Pedestrian Advisory Committee shall be comprised of ten (10) residents of Stanislaus County, one (1) from each of the Member Agencies.

The Bicycle/Pedestrian Advisory Committee shall be operated in accordance with the Bylaws of the Bicycle/Pedestrian Advisory Committee.

F. Valley Vision Stanislaus Steering Committee.

The Valley Vision Stanislaus Steering Committee shall be comprised of up to twenty-one (21) members which shall consist of Tier I and Tier II members as follows:

Tier I Members: One representative (Planning Director or his/her designee) from each of the ten (10) Member Agencies (Cities of Ceres, Hughson, Modesto, Newman, Oakdale, Patterson, Riverbank, Turlock, Waterford, and Stanislaus County); one (1) representative (Executive Officer or his/her designee) from LAFCO; one (1) representative from the Policy Board.

Tier II Members: One representative may be appointed as needed from each of the following: Citizens Advisory Committee, Health Industry, Agriculture Industry, Environment/Conservation, Economic Development, Building Industry, Transit User/Provider, Education and Environmental Justice.

The Valley Vision Stanislaus Steering Committee shall be operated in accordance with the Bylaws of the Valley Vision Stanislaus Steering Committee.

Section 2: Special Committees.

The Chair of the Policy Board or Directors may appoint additional committees as may be necessary or desirable.

ARTICLE VII
FINANCIAL DETERMINATIONS

Section 1: Withdrawal.

A member of the Council that withdraws from the Council shall not have its financial contribution refunded.

Section 2: Newly Incorporated Cities.

Any newly incorporated city which becomes a member of the Council after the commencement of a fiscal year shall not be required to contribute financially to the Council until the subsequent fiscal year, providing that the said newly incorporated city becomes a member of the Council within one (1) year of its incorporation date.

Section 3: Other Political Entities.

Any other political entity which becomes a member of StanCOG after the commencement of a fiscal year shall contribute to the Council that amount which it would have contributed had it been a member at the commencement of the fiscal year.

ARTICLE VIII
REFERRALS

StanCOG may accept by letter or resolution referrals for study and report from any duly constituted advisory or legislative body or their representatives. Reports will be made and returned to the referring body within a reasonable time.

ARTICLE IX
REPORTS

StanCOG shall render a written report on its activities at the end of each fiscal year of operation to each legislative body which is a Member Agency of StanCOG.

ARTICLE X
INITIATIVE

StanCOG may, upon its own initiative, institute action to carry out any routine or special study or project.

ARTICLE XI
COORDINATION

It is the policy of StanCOG to establish technical and advisory liaison with all other agencies and bodies seeking to improve the quality of planning, health, safety, welfare and governmental services for the Stanislaus Regional Area.

ARTICLE XII
TRANSMITTAL OF PLANNING INFORMATION

StanCOG hereby approves as a regular operating procedure the transmittal of planning information to the individual Boards of Supervisors, City Councils, County and City Planning Commissions, the California State Office of Planning, and any other duly constituted regional area, metropolitan, or other Planning Commission which may request in writing such information.

ARTICLE XIII
AMENDMENTS

Section 1: These Bylaws may be amended by a two-thirds vote of those representatives voting at a Regular Meeting of the StanCOG Policy Board.

Section 2: Amendments to these Bylaws may be proposed by any representative of StanCOG.

Section 3: In no case shall a vote on a proposed amendment be conducted unless the proposed amendment has been submitted in writing by the Secretary to the representatives and alternate representatives at least fifteen (15) days prior to the meetings.

APPENDIX I

STANISLAUS COUNCIL OF GOVERNMENTS

SOCIAL SERVICES TRANSPORTATION ADVISORY COUNCIL

BYLAWS

ARTICLE I
FUNCTION

Section 1: The Social Services Transportation Advisory Council (SSTAC) shall be a standing committee of the Stanislaus Council of Governments. The Committee shall advise the StanCOG Policy Board and have the following responsibilities:

1. Annually participate in the identification of transit needs in the jurisdiction, including unmet transit needs that may exist within the jurisdiction of the Stanislaus Council of Governments, and that may be reasonable to meet by establishing or contracting for new public transportation or specialized transportation services or by expanding existing services.

2. Annually review and recommend action by StanCOG for the area within StanCOGs jurisdiction which finds by resolution, that:

   A. there are no unmet transit needs; or

   B. there are no unmet transit needs that are reasonable to meet; or

   C. there are unmet transit needs, including needs that are reasonable to meet.

3. Advise StanCOG on any other major transit issues, including the coordination and consolidation of specialized transportation services.

ARTICLE II
MEMBERSHIP

Section 1: The Social Services Transportation Advisory Council shall consist of the following members who are residents of Stanislaus County:

1. One representative of potential transit users who is 60 years of age or older.

2. One representative of potential transit users who is handicapped.

3. Two representatives of the local social service providers for seniors, including one representative of a social service transportation provider, if one exists.

4. Two representatives of local social service providers for the handicapped, including one representative of a social service transportation provider, if one exists.

5. One representative of a local social service provider for persons of limited means.

6. Two representatives from the local consolidated transportation service agency, designated pursuant to Subdivision (a) of Section 15975 of the Government Code, if one exists, including one representative from an operator, if one exists.

7. Up to two (2) additional representatives, if desired by StanCOG and appointed by the Executive Committee.

Section 2: A quorum shall constitute one-half (1/2) plus one (1) of the current membership.

Section 3: Any qualified resident of Stanislaus County may apply for membership on the Social Services Transportation Advisory Council. The Secretary of StanCOG shall maintain a current list of all applicants. Each application for membership on the Social Services Transportation Advisory Council shall be valid for a period of two years. After this time, the applicant's name may be removed from the list of applicants.

Section 4: The Executive Committee of StanCOG shall appoint, from the list of applicants, the members of the Social Services Transportation Advisory Council.

ARTICLE III
TERM OF OFFICE

Section 1: Of the initial appointments to the Social Services Transportation Advisory Council, one-third of them shall be for a one-year term, one-third shall be for a two-year term, and one-third shall be for a three-year term.

Section 2: Subsequent to the initial appointment, the term of appointment shall be for three years, which may be renewed for additional three-year terms.

ARTICLE IV
MEETINGS

Section 1: The Policy Board shall establish a regular place and time for meetings of the Social Services Transportation Advisory Council, in consultation of the Committee members.

Section 2: The Executive Director may designate agenda items for any meetings of the Committee. The members of the Committee may also designate agenda items for consideration by the Committee.

ARTICLE V
ATTENDANCE

The members of the Social Services Transportation Advisory Council will be expected to attend the meetings of the Council on a regular basis. Any member of the Council who has three consecutive un-notified absences, four consecutive notified absences, or five absences in any one calendar year, may be dismissed from the Council.

ARTICLE VI
REMOVAL

The Executive Committee of StanCOG may, at any time, recommend the removal of any member of the Social Services Transportation Advisory Council. A majority vote of the members of the Policy Board Executive Committee shall be required to approve any removal.

ARTICLE VII
OFFICERS, RULES, AND PROCEDURES

Section 1: The Social Services Transportation Advisory Council shall elect from among its membership a Chair, and a Vice-Chair. The term of office shall be for one year.

Section 2: The Social Services Transportation Advisory Council shall adopt rules and procedures for its meetings. These rules and procedures shall be subject to approval by the StanCOG Policy Board. The Social Services Transportation Advisory Council shall conduct all proceedings in conformity with Robert's Rules of Order and the Brown Act.

Section 3: All references to "year" shall refer to the StanCOG fiscal year, July 1 through June 30.

ARTICLE VIII
STAFF

The Executive Director of StanCOG, or his or her appointee, shall serve as the Secretary of the Social Services Transportation Advisory Council and shall provide the Social Services Transportation Advisory Council with appropriate staff assistance.

ARTICLE IX
FINANCING

Section 1: Except as specifically provided by the StanCOG Policy Board, the members of the Social Services Transportation Advisory Council shall receive no compensation for their service.

Section 2: The Policy Board shall provide the Committee with the financial support StanCOG deems necessary for the successful functioning of the Social Services Transportation Advisory Council.

ARTICLE X
AMENDMENT OF BYLAWS

Changes or amendments to these Bylaws shall be approved by two-thirds (2/3) of the members of the Social Services Transportation Advisory Council present and voting at a regular meeting of the Social Services Transportation Advisory Council, and shall be subject to the majority approval of the Stanislaus Council of Governments Policy Board members present and voting at a regular meeting of the StanCOG Policy Board. In no case shall a vote on a proposed amendment be conducted unless the said proposed amendment has been submitted in writing to the members of the Social Services Transportation Advisory Council at least fifteen (15) days prior to the meeting at which a vote is to be taken.

APPENDIX II

STANISLAUS COUNCIL OF GOVERNMENTS

CITIZENS ADVISORY COMMITTEE BYLAWS

ARTICLE I
FUNCTION

Section 1: The Citizens Advisory Committee (CAC) shall be a standing committee of the Stanislaus Council of Governments. The Committee shall advise the StanCOG Policy Board on matters related to transportation from the public's perception and transportation activities affecting the general public.

ARTICLE II
MEMBERSHIP

Section 1: The Citizens Advisory Committee shall be comprised of ten (10) residents of Stanislaus County. A quorum shall constitute one-half (1/2) plus one (1) of the current membership.

Section 2: The ten members of the Committee shall consist of one representative from each of the following jurisdictions:

City of Ceres	City of Hughson
City of Modesto	City of Newman
City of Oakdale	City of Patterson
City of Riverbank	City of Turlock
City of Waterford	Stanislaus County

Section 3: Any resident of Stanislaus County may apply for membership on the Citizens Advisory Committee. The Secretary of StanCOG shall maintain a current list of all applicants. Each application for membership on the Committee shall be valid for a period of two (2) years. After this time, the applicant's name may be removed from the list of applicants.

Section 4: The Policy Board's Executive Committee shall appoint from the list of applicants the members of the Citizens Advisory Committee.

Section 5: When making Citizen's Advisory Committee appointments, the Policy Board's Executive Committee shall attempt to fill vacancies on the Committee by appointing members from an agency or jurisdiction that is not already represented on the Committee. The Executive Committee shall also consider obtaining a balance of views and a cross-section of county interests.

ARTICLE III
TERM OF OFFICE

Section 1: Each appointment to the Committee shall be for a term of four (4) years.

Section 2: In no case shall any member of the Committee serve on the Committee longer than eight (8) consecutive years.

ARTICLE IV
MEETINGS

Section 1: The Policy Board shall establish a regular place and time for meetings of the Committee, in consultation of the Committee members.

Section 2: The Executive Director may designate agenda items for any meetings of the Committee. The members of the Committee may also designate agenda items for consideration by the Committee.

ARTICLE V
ATTENDANCE

The members of the Citizens Advisory Committee will be expected to attend the meetings of the Committee on a regular basis. Any member of the Committee who has three consecutive un-notified absences, four consecutive notified absences, or five absences in any one calendar year, may be dismissed from the Committee.

ARTICLE VI
REMOVAL

The Executive Committee may, at any time, recommend the removal of any member of the Citizens Advisory Committee. A majority vote of the members of the Policy Board Executive Committee shall be required to approve any removal.

ARTICLE VII
OFFICERS, RULES, AND PROCEDURES

Section 1: The Citizens Advisory Committee shall elect from among its membership a Chair, and a Vice-Chair. The term of office shall be one year.

Section 2: The Citizens Advisory Committee shall adopt rules and procedures for its meetings. These rules and procedures shall be subject to approval by the StanCOG Policy Board.

The Committee shall conduct all proceedings in conformity with Robert's Rules of Order and the Brown Act.

Section 3: All references to "year" shall refer to the StanCOG fiscal year, July 1 through June 30.

ARTICLE VIII
STAFF

The Executive Director of StanCOG, or his or her appointee, shall serve as the Secretary of the Citizens Advisory Committee and shall provide the Committee with appropriate staff assistance.

ARTICLE IX
FINANCING

Section 1: Except as specifically provided by the Policy Board, the members of the Citizens Advisory Committee shall receive no compensation for their service.

Section 2: The Policy Board shall provide the Committee with the financial support deemed necessary for the successful functioning of the Committee.

ARTICLE X

AMENDMENT OF BYLAWS

Changes or amendments to these Bylaws shall be approved by two-thirds (2/3) of the members of the Committee present and voting at a regular meeting of the Committee, and shall be subject to the majority approval of the Stanislaus Council of Governments Policy Board members voting at a regular meeting of the StanCOG Policy Board. In no case shall a vote on a proposed amendment be conducted unless the proposed amendment has been submitted in writing to the members of the committee at least fifteen (15) days prior to the meeting at which a vote is to be taken.

APPENDIX III

STANISLAUS COUNCIL OF GOVERNMENTS

BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE BYLAWS

ARTICLE I
FUNCTION

The Bicycle and Pedestrian Advisory Committee (BPAC) shall be a standing committee of the Stanislaus Council of Governments. The Committee shall advise the StanCOG Policy Board on matters related to bicycle and pedestrian needs or concerns and advise on the development of the StanCOG Non-motorized Transportation Plan.

ARTICLE II
MEMBERSHIP

Section 1: The Bicycle and Pedestrian Advisory Committee shall be comprised of ten (10) residents of Stanislaus County. A quorum shall constitute one-half (1/2) plus one (1) of the current membership.

Section 2: The ten members of the Committee shall consist of one representative from each of the following jurisdictions:

City of Ceres	City of Hughson
City of Modesto	City of Newman
City of Oakdale	City of Patterson
City of Riverbank	City of Turlock
City of Waterford	Stanislaus County

Section 3: Any resident of Stanislaus County may apply for membership on the Bicycle and Pedestrian Advisory Committee. The Secretary of StanCOG shall maintain a current list of all applicants. Each application for membership on the Committee shall be valid for a period of two (2) years. After this time, the applicant's name may be removed from the list of applicants.

Section 4: The Policy Board's Executive Committee shall appoint from the list of applicants the members of the Bicycle and Pedestrian Advisory Committee.

Section 5: When making Bicycle and Pedestrian Advisory Committee appointments, the Policy Board's Executive Committee shall attempt to fill vacancies on the Committee by appointing members from an agency or jurisdiction that is not already represented on the Committee. The Executive Committee shall also consider obtaining a balance of views and a cross-section of county interests.

Section 6: The following agencies are invited to have members attend meetings of the BPAC and share their expertise, as non-voting members.

- Various City agencies having an interest in non-motorized transportation
- Stanislaus County [Department of Public Works, Traffic Engineering, or related departments]
- California Department of Transportation [CalTrans]
- Stanislaus County-based bicycling or pedestrian organizations

Section 7: Any appointment term shall commence as of the date of appointment.

ARTICLE III
TERM OF OFFICE

Section 1: Each appointment to the Committee shall be for a term of four (4) years.

Section 2: In no case shall any member of the Committee serve on the Committee longer than eight (8) consecutive years.

ARTICLE IV
MEETINGS

Section 1: The Policy Board shall establish a regular place and time for meetings of the Committee, in consultation of the Committee members.

Section 2: The Executive Director may designate agenda items for any meetings of the Committee. The members of the Committee may also designate agenda items for consideration by the Committee.

ARTICLE V
ATTENDANCE

The members of the Bicycle and Pedestrian Advisory Committee are expected to attend the meetings of the Committee on a regular basis. Any member of the Committee who has three consecutive un-notified absences, four consecutive notified absences, or five absences in any one calendar year may be dismissed from the Committee.

ARTICLE VI
REMOVAL

The Policy Board Executive Committee may, at any time, recommend the removal of any member of the Bicycle and Pedestrian Advisory Committee. A majority vote of the members of the Policy Board Executive Committee shall be required to approve any removal.

ARTICLE VII
OFFICERS, RULES, AND PROCEDURES

Section 1: The BPAC shall elect from among its membership a Chair and a Vice-Chair. The term of office for each shall be one year.

Section 2: The BPAC shall adopt rules and procedures for its meetings. These rules and procedures shall be subject to approval by the StanCOG Policy Board. The Committee shall conduct all proceedings in conformity with Robert's Rules of Order and the Brown Act.

Section 3: All references to "year" shall refer to the California fiscal year, July 1 through June 30.

ARTICLE VIII
STAFF

The Executive Director of StanCOG, or his or her appointee, shall serve as the Secretary of the Bicycle and Pedestrian Advisory Committee and shall provide the Committee with appropriate staff assistance.

ARTICLE IX
FINANCING

Section 1: Except as specifically provided by the Policy Board, the members of the Bicycle and Pedestrian Advisory Committee shall receive no compensation for their service.

Section 2: The Policy Board shall provide the BPAC with the financial support deemed necessary for the successful functioning of the Committee.

ARTICLE X
AMENDMENT OF BYLAWS

Changes or amendments to these Bylaws shall be approved by two-thirds (2/3) of the members of the BPAC voting at a regular meeting of the Committee, and shall be subject to the

majority approval of the Stanislaus Council of Governments Policy Board members voting at a regular meeting of the StanCOG Policy Board. In no case shall a vote on a proposed amendment be conducted unless the proposed amendment has been submitted, in writing, to the members of the BPAC at least fifteen (15) days prior to the meeting at which a vote is to be taken.

APPENDIX IV

STANISLAUS COUNCIL OF GOVERNMENTS

VALLEY VISION STANISLAUS STEERING COMMITTEE BYLAWS

ARTICLE I
FUNCTION

The Valley Vision Stanislaus Steering Committee (VVS) shall be a standing committee of the Stanislaus Council of Governments. The Committee shall advise the StanCOG Policy Board on issues related to the development of the Sustainable Communities Strategy (SCS) as part of the Regional Transportation Plan (RTP).

ARTICLE II
MEMBERSHIP

Section 1: The Valley Vision Stanislaus Steering Committee shall be comprised of up to twenty-one (21) members. A quorum shall consist of one-half (1/2) plus 1 (1) of the current membership.

Section 2: The twenty-one (21) members of the Committee shall consist of Tier I and Tier II members.

Tier I Members:

One representative (Planning Director or his/her designee) from each of the 10 Member Agencies:

City of Ceres	City of Hughson
City of Modesto	City of Newman
City of Oakdale	City of Patterson
City of Riverbank	City of Turlock
City of Waterford	Stanislaus County

One representative (Executive Officer or his/her designee) from LAFCO

One representative from the Policy Board

Tier II Members:

One representative may be appointed as needed from each of the following:

Citizens Advisory Committee
Health Industry
Agriculture Industry
Environment/Conservation
Economic Development
Building Industry
Transit User/Provider
Education
Environmental Justice

ARTICLE III
TERM OF OFFICE

Section 1: Tier I appointments shall not be subject to term restrictions or limits. Each Tier II appointment to the Committee shall be for a term of four (4) years.

Section 2: In no case shall any Tier II member of the Committee serve on the Committee longer than eight (8) consecutive years.

Section 3: Any appointment term shall commence as of the date of appointment.

ARTICLE IV
MEETINGS

Section 1: The Policy Board shall establish a regular place and time for meetings of the Committee.

Section 2: The Executive Director may designate agenda items for any meetings of the Committee. The members of the Committee may also designate agenda items for consideration by the Committee.

ARTICLE V
ATTENDANCE

The members of the Valley Vision Stanislaus Steering Committee are expected to attend the meetings of the Committee on a regular basis. Any Tier II member of the Committee who has three consecutive un-notified absences, four consecutive notified absences, or five absences in any one calendar year may be dismissed from the Committee.

ARTICLE VI
REMOVAL

The Policy Board Executive Committee may, at any time, recommend the removal of any Tier II member of the Valley Vision Stanislaus Steering Committee. A majority vote of the members of the Policy Board Executive Committee shall be required to approve any removal.

ARTICLE VII
OFFICERS, RULES, AND PROCEDURES

Section 1: The VVS shall elect from among its membership a Chair and a Vice-Chair. The term of office for each shall be one year.

Section 2: The VVS shall adopt rules and procedures for its meetings. These rules and procedures shall be subject to approval by the StanCOG Policy Board. The Committee shall conduct all proceedings in conformity with Robert's Rules of Order and the Brown Act.

Section 3: All references to "year" shall refer to the California fiscal year, July 1 through June 30.

ARTICLE VIII
STAFF

The Executive Director of StanCOG, or his or her appointee, shall serve as the Secretary of the Valley Vision Stanislaus Steering Committee and shall provide the Committee with appropriate staff assistance.

ARTICLE IX
FINANCING

Section 1: Except as specifically provided by the Policy Board, the members of the Valley Vision Stanislaus Steering Committee shall receive no compensation for their service.

Section 2: The Policy Board shall provide the VVS with the financial support deemed necessary for the successful functioning of the Committee.

ARTICLE X
AMENDMENT OF BYLAWS

Changes or amendments to these Bylaws shall be approved by two-thirds (2/3) of the members of the VVS voting at a regular meeting of the Committee, and shall be subject to the majority approval of the Stanislaus Council of Governments Policy Board members voting at a regular meeting of the StanCOG Policy Board. In no case shall a vote on a proposed amendment be conducted unless the proposed amendment has been submitted, in writing, to the members of the VVS at least fifteen (15) days prior to the meeting at which a vote is to be taken.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-132

A RESOLUTION APPROVING AMENDMENT NO. 3 TO AN AGREEMENT FOR SERVICES BETWEEN THE CITY OF MODESTO AND DISABILITY ACCESS CONSULTANT, INC. TO ASSIST THE CITY IN UPDATING THE 1992 SELF EVALUATION AND TRANSITION PLAN, IN AN AMOUNT NOT TO EXCEED $ 9,550, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA), approved on July 26, 1990, prohibits discrimination against people with disabilities, and

WHEREAS, the ADA requires state and local government to prepare a Self-Evaluation and Transition Plan, and

WHEREAS, the City of Modesto completed a Self-Evaluation and Transition Plan in 1992, and

WHEREAS, the City of Modesto is updating the 1992 Self-Evaluation and Transition Plan, and

WHEREAS, a Request for Proposal was prepared seeking a qualified consultant to train, guide, and assist the City Staff in updating the 1992 Self-Evaluation and Transition Plan, and

WHEREAS, four consultants were interviewed and Disabilities Access Consultant, Inc. (DAC) was selected as the most qualified consultant, and

WHEREAS, on February 5, 2013, the City Council approved an agreement with DAC in the amount of $55,000 to train, guide, and assist City Staff in updating the Self-Evaluation and Transition Plan including the survey of some buildings and facilities

under the Parks, Recreation and Neighborhood Department to determine compliance with ADA Standards and the California Building code, and

WHEREAS, on September 9, 2014, the City Council approved Amendment No. 1 to the agreement with DAC in the amount of $96,823 to survey buildings and facilities under Public Works and Utilities Departments to determine compliance with ADA Standards and the California Building code and to train city staff on how to survey Arterial and Collector streets, and,

WHEREAS, on April 28, 2015, Staff approved Amendment No. 2 to the agreement with DAC in the amount of $7,400, but does not exceed the $96,823 approved by Amendment No. 1 due to saves in another task, to survey Tenth Street Place to determine compliance with ADA Standards and the California Building code, and,

WHEREAS, the City now desire that DAC to survey of additional priority facilities with high public use that include Modesto Centre Plaza, McHenry Mansion, Senior Center, Maddux Center, James Marshall Center, and King Kennedy Center to determine compliance with ADA Standards and the California Building code;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves Amendment No. 3 to an Agreement for services between the City of Modesto and Disability Access Consultant, Inc. to assist the City with surveys of Modesto Centre Plaza, McHenry Mansion, Senior Center, Maddux Center, James Marshall Center, and King Kennedy Center, in an amount not to exceed $9,550.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Amendment No. 3 to the Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of April, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-133

Print

RESOLUTION AUTHORIZING CITY STAFF TO SUBMIT AN APPLICATION TO THE CALIFORNIA STATE TRANSPORTATION AGENCY FOR $1,000,000 IN FUNDING UNDER THE 2016 TRANSIT AND INTERCITY RAIL CAPITAL PROGRAM FOR THE PURPOSE OF OBTAINING THE FINAL DESIGN AND ENGINEERING DOCUMENTS FOR A DOWNTOWN PASSENGER RAIL STATION

WHEREAS, the Modesto General Plan includes policies that support the extension of passenger rail service to downtown Modesto, and

WHEREAS, at its regularly scheduled meeting of February 12, 2013, City Council approved the Downtown Passenger Rail Feasibility Study, including the preferred location of a Downtown Passenger Rail Station, and

WHEREAS, San Joaquin Regional Rail Commission is preparing preliminary design documents and environmental review for a Downtown Passenger Rail Station in Modesto, and

WHEREAS, the California State Transportation Agency has issued a Call for Projects dated February 5, 2016, under its 2016 Transit and Intercity Rail Capital Program (TIRCP),and

WHEREAS, the City of Modesto desires to apply for a TIRCP grant for the purpose of obtaining Final Design and Engineering documents for a Downtown Passenger Rail Station.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that City staff is hereby authorized to submit an application to the California State Transportation Agency for $1,000,000 under the 2016 Transit and Intercity Rail Capital Program.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of April, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-134

RESOLUTION ACCEPTING AN INFORMATIONAL MID-YEAR GENERAL FUND REVENUE REPORT AND AMENDING THE FISCAL YEAR 2015-16 OPERATING BUDGET TO APPROVE ADJUSTMENTS TO GENERAL FUND REVENUES AS DESCRIBED IN EXHIBT B

WHEREAS, the Budget Division within the Finance Department has prepared an informational report to be presented to the City Council on the state of the General Fund revenues at mid-year of Fiscal Year 2015-16, and

WHEREAS, the Mid-Year General Fund Revenue Report contains the following documents which are **attached** hereto and referenced as "**Exhibit A**" the Mid-Year General Fund Revenue Report, and

WHEREAS, the informational Mid-Year General Fund Revenue Report contains recommended mid-year adjustments to the General Fund operating revenue budgets for Fiscal Year 2015-16 **attached** to the item as "**Exhibit B**", and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the informational Mid-Year General Fund Revenue Report for the City of Modesto for Fiscal Year 2015-16.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of April, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following votes:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Staff has completed a mid-year review of the FY 2015-16 operating revenue budgets. This report summarizes the activities of the City's General Fund major revenues. It is intended to provide the Finance Committee and the public with a general overview of the fiscal conditions at slightly over mid-year, January 31, 2015.

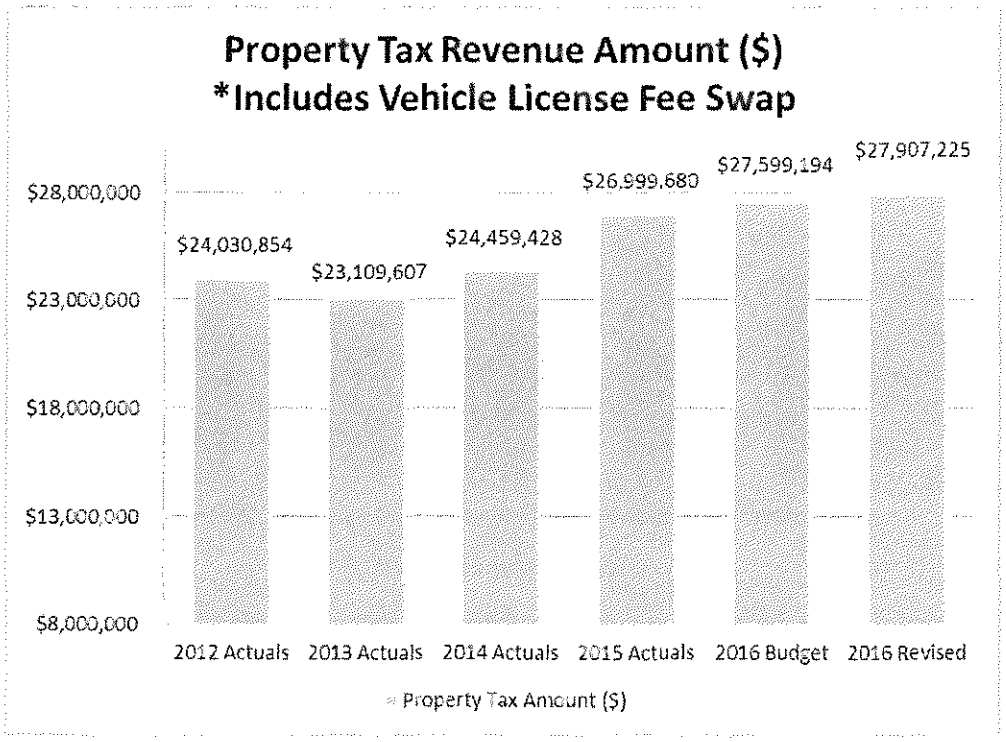
General Fund Revenues:

General Fund revenues are classified into three categories: major, construction and other. Major revenues include revenues such as property tax, sales tax, utility user tax, etc. Construction revenues are those revenues received by the City's Building and Planning Divisions. Other revenues contain all other departmental revenues across the City's various departments. At mid-year, the total operating revenue budget for FY 2015-16 is $113 million. This amount does not include Transfer In revenues ($994 thousand) or one-time revenues from MRFA (Modesto Regional Fire Authority) dissolution Funds ($1.6 million)

Major Revenues: Major revenues represent 80.3% of the total General Fund revenue budget at $90.8 million and are detailed below.

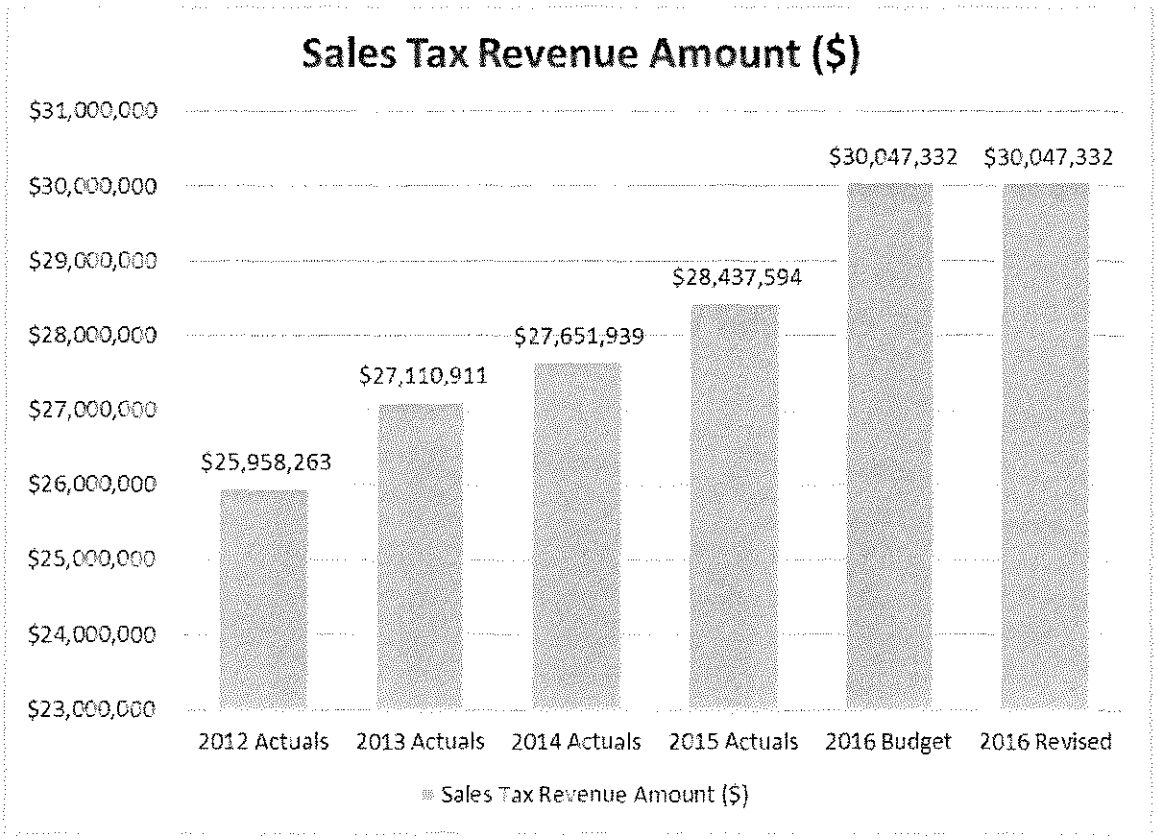
Property Tax: The first installments of secured and unsecured property tax revenue, which are the largest portions of property tax revenue, were received in January 2016. Factoring those receipts into the mid-year analysis, property tax revenues received are trending higher than the prior fiscal year. This is consistent with information that has been provided by the County Assessor's Office and trends that have been seen in assessed valuations throughout the Central Valley.

Staff is recommending an increase of $300,000 to the existing budget of $27.6 million for FY 2015-16 Property Tax revenues. This will bring the combined total of Property Tax revenues budgeted up to $27.9 million for FY 2015-16.



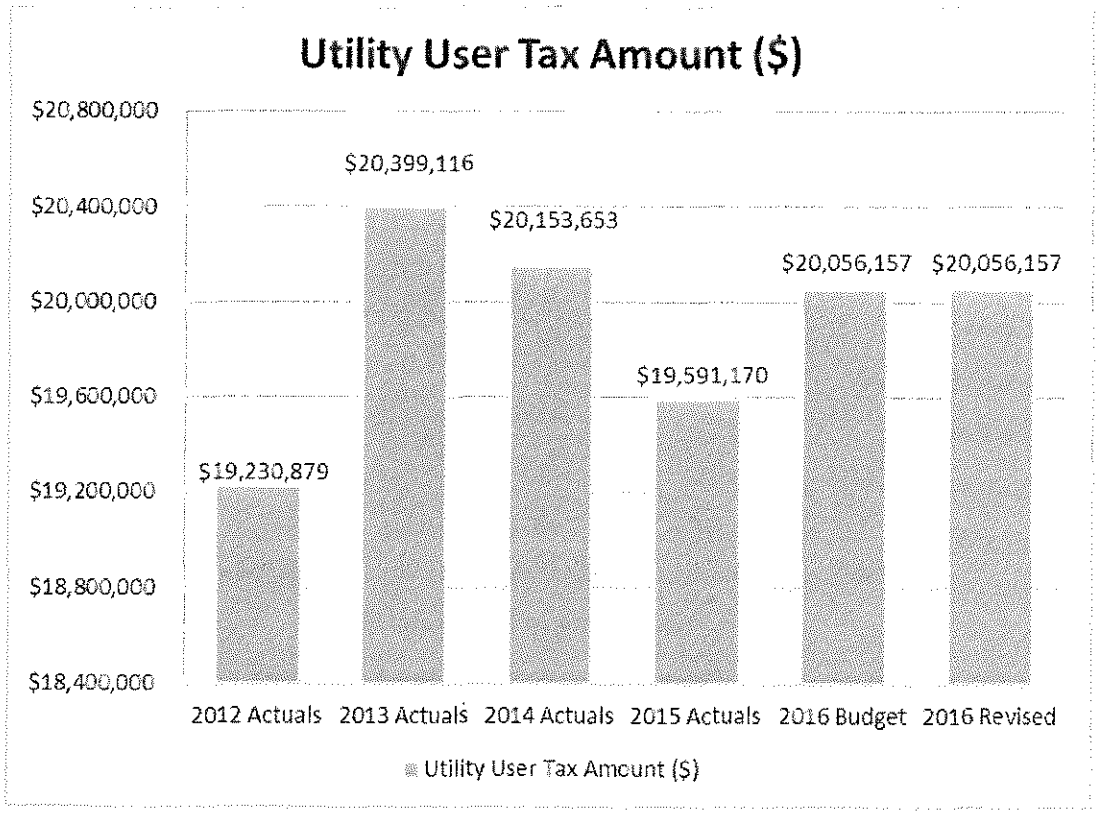
Sales and Use Tax: The December 2016 payment has not been received at the time this report was completed. Factoring the estimated receipt into the mid-year analysis for FY 2015-16, sales tax revenue is trending lower than FY 2014-15 actuals and FY 2015-16 projections mainly due to substantially lower, sustained fuel prices as well as an increase in consumer spending via online purchases over the holiday seasons throughout the region. While we still have not received the December 2015 Sales Tax payment, we anticipate that any offset from a stronger holiday shopping season via brick and mortar stores will be countered by the lower fuel prices that have been seen throughout Stanislaus County for the past 4-6 months. While sales tax revenues had begun to show signs of improvement, the growth will be tested over the next few months to a year as the low fuel prices have really taken a bite out of any consumer spending increases. We do anticipate that some of the sustained savings at the fuel pump will eventually be realized as return through sales tax as consumers gain confidence and begin to spend more in the local economy.

Staff is not recommending any adjustment to Sales and Use Tax revenue at this time. We may elect to bring a further revision at a later date once we receive the December and January payments as well as the first Triple Flip payment from the state.



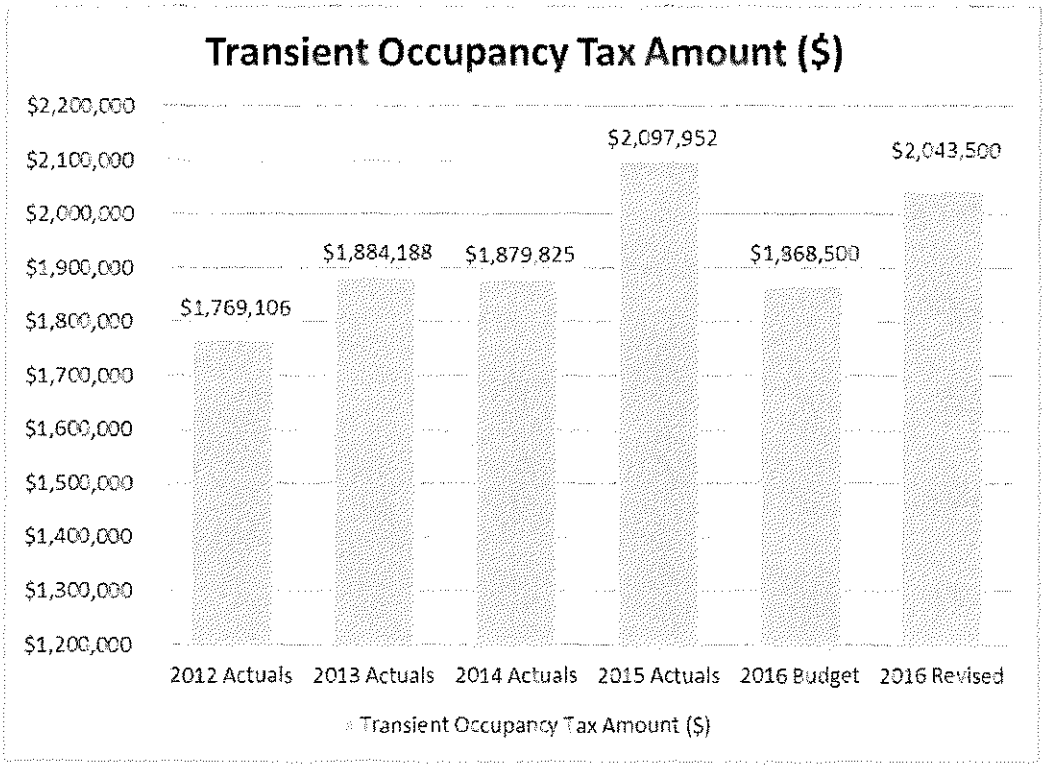
Utility User Tax: At mid-year, utility user tax revenue is trending slightly below FY 2014-15. Due to the mild temperatures that the Stanislaus County has experienced so far this Winter and since MID and PG&E are the largest remitters of this type of revenue, Utility Users Tax remains one of the harder revenue sources to estimate accurately. Staff will continue to monitor this revenue and may recommend an adjustment after the 3rd quarter of FY 2015-16. The actuals for Users Utility Tax has consistently come in over $19 million for the past six fiscal years and we do not anticipate a drastic change from this trend.

Staff is not recommending any adjustment to the Utility Users Tax revenue and its existing budget of $20 million at this time. After further analyses through the third quarter revenues received, staff may bring forward an adjustment depending upon the outcome of the figures at that time.



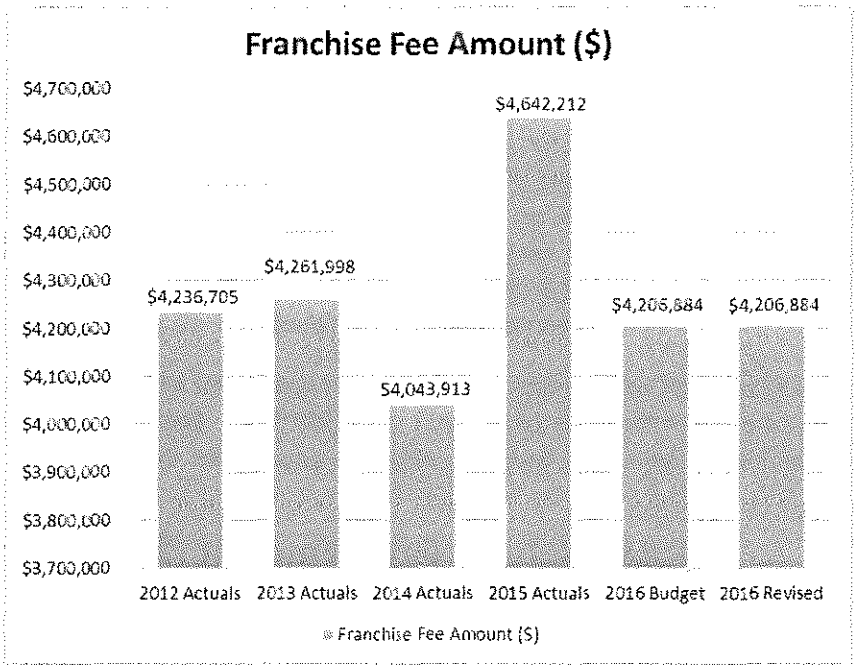
Transient Occupancy Tax – At mid-year, transient occupancy tax revenue is trending up by about $100,000 when compared to prior year and the current projections for FY 2015-16. This is a good positive trend as this revenue source is collected when rooms are rented in hotels, inns, or motels around Modesto. This increase can mean that more people are coming to events in Modesto and possibly spending dollars within the City, thus increasing other revenue sources for the City such as Sales and Use Tax.

Staff is recommending an increase to Transient Occupancy Tax revenue of $175,000 to the existing budget of $1.8 million for FY 2015-16.



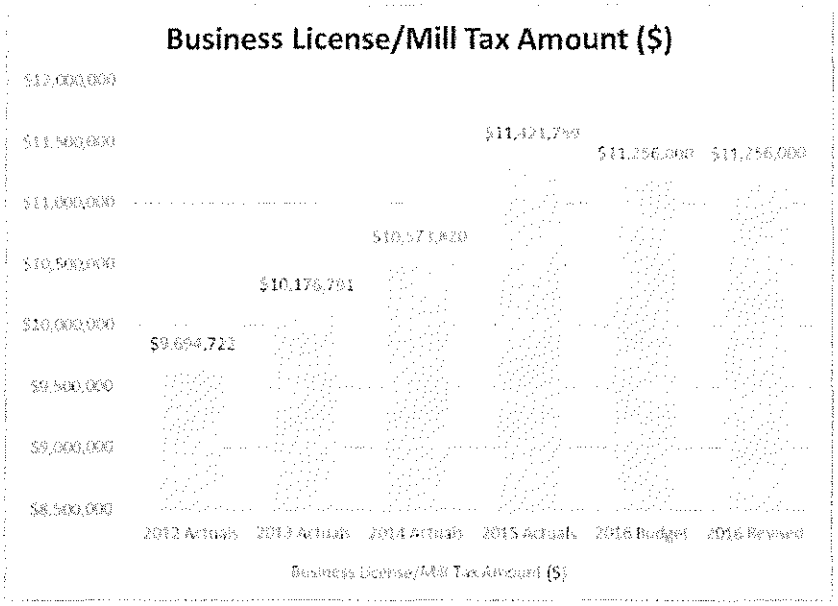
Franchise Fees – At mid-year, franchise fee revenue is trending slightly higher than prior year and in line with current projections for FY 2015-16. The higher trending amounts are being caused by slightly higher payments being received through January for Cable TV Franchise Fees, Garbage Franchise Fees, and City Towing Franchise Fees. Should the trends continue through the third quarter, staff may come back to with an adjustment to increase the Franchise Fee budgeted revenue amounts for these areas.

Staff is not recommending any adjustments to Franchise Fees at this time. Should the slightly higher trends continue through the third quarter, staff will bring back an adjustment to the Franchise Fee budgeted revenues for Cable TV, Garbage and City Towing Franchise Fees.



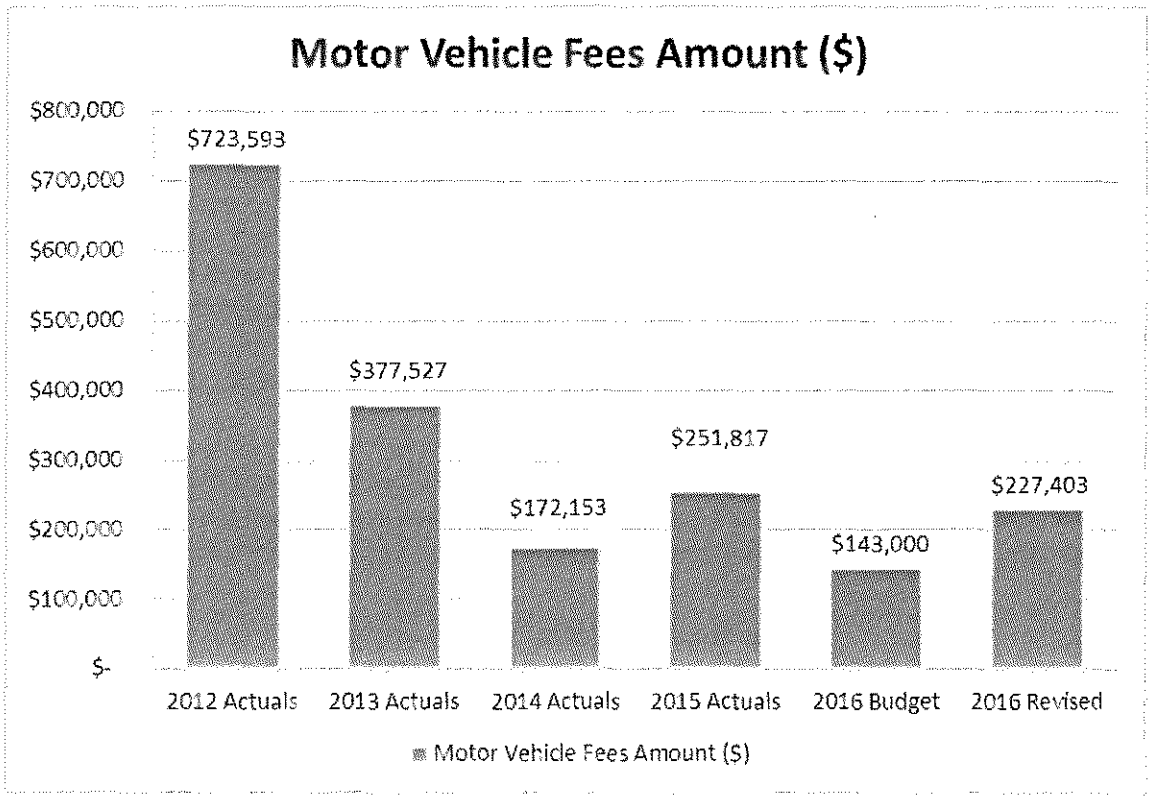
Business License/Mill Tax – At mid-year, business license/mill tax revenue is trending down from prior year. As of January 2016, revenues were also slightly behind budgeted amounts in FY2015-16 but this was caused by not yet receiving the large mil tax payment that the City will typically receive early February. Continued enforcement and collection efforts contribute to the stability of this business license side of this revenue source.

Staff is not recommending any adjustments to the Business License/Mill Tax revenue for FY 2015-16. Staff will continue to watch the trends in this revenue source over the next two quarters but does not anticipate any large deviations from the budgeted amounts.



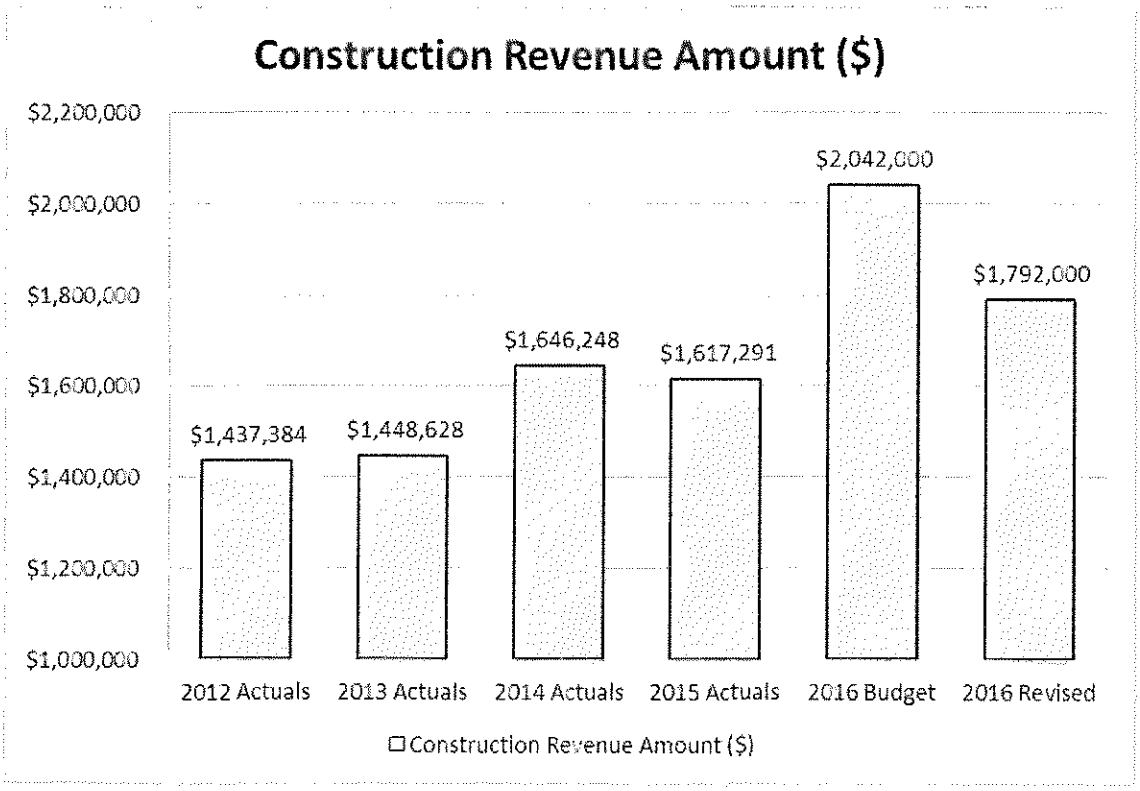
Motor Vehicle License Fee: At mid-year, motor vehicle license fee revenue is trending up from current projections for FY 2015-16. It is important to note that the City had been notified in FY 2011-12 that it should no longer expect motor vehicle license fee revenue in starting in FY 2012-13, unless there is a change in the law at the State level. However, each year since then we have received some small amounts of revenue from this source. In FY 2014-15 the amount was the smallest yet at $86 thousand, so we had not anticipated receiving any funds for FY 2015-16. That was not the case and we did receive $84 thousand from the Motor Vehicle License Fees fund from the state. The other budgeted funds in this revenue source are made up from abandoned motor vehicle fees collected by the Modesto Police Department.

Staff is recommending that we increase the budgeted revenue for Motor Vehicle License Fees by the amount received from the state of $84,403 in FY 2015-16. These funds have already been received and this will adjust the revenue budget to account for those funds.



Construction Revenue: Construction revenues include all revenues for the Building Safety and Planning divisions in the Community & Economic Development (CED) Department and represent 1.8% or $2.04 million of the total operating revenue budget for the General Fund. At mid-year, construction revenues are trending down from current year projections for FY 2015-16, having only received $1.04 million through January 2016.

Staff is recommending a decrease in Construction revenue in the amount of $250,000 for FY 2015-16. The decrease in revenue has mainly been caused by some major construction projects not materializing as quickly as was initially anticipated.



Other Revenue: Other revenue includes any revenue source that is not included in the major or construction revenue categories and represents 14% or $15.8 million of the total operating revenue budget for the General Fund. The revenues are accounted for under the generating department and include a wide range of revenue sources such as miscellaneous revenue (all departments), contract police services (Police Department), youth services program fees (Parks, Recreation & Neighborhoods) and general City fines (General).

Staff is recommending one change to one revenue source under this category. The recommendation is to increase the existing budget in FY 2015-16 for the McHenry Tax Sharing Agreement by $100,000. This will bring the new budget amount for this revenue source to $1.4 million. This revenue source is trending higher than the prior fiscal year and staff feels that this adjustment should capture that additional revenue that is anticipated to be received.

All other departmental revenues are on track and staff recommends no change in their budgeted amounts at this time.

Revenue

Account Number	Account Name	Department	Current Budget	Adjustment	Revised Budget
0100-90001-41101	Property Taxes - CY Secured Taxes	General	$ 12,333,150	$ 208,031	$ 12,541,181
0100-90001-41141	Property Taxes - Suppl Roll	General	$ 127,042	$ 100,000	$ 227,042
0100-90001-41204	Transient Occupancy Tax	General	$ 1,868,500	$ 175,000	$ 2,043,500
0100-90001-42121	Intergov - State - Motor Vehicle License Fee	General	$ -	$ 84,403	$ 84,403
0100-90001-42420	Intergov - Local - McHenry Tax Sharing Agreement	General	$ 1,300,000	$ 100,000	$ 1,400,000
0100-14210-43263	CS - CD - Commercial Permits	CEDD	$ 369,000	$ (250,000)	$ 119,000

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MODESTO CITY COUNCIL
RESOLUTION NO. 2016-135

RESOLUTION AMENDING THE FISCAL YEAR 2015-16 POSITION ALLOCATION TO ELIMINATE THE MRFA FINANCE MANAGER AND MRFA INFORMATION TECHNOLOGY POSITIONS AND ADD ONE ADMINISTRATIVE ANALYST II AND ONE SENIOR ADMINISTRATIVE OFFICE ASSISTNANT IN THE FIRE DEPARTMENT IN THE GENERAL FUND AND TO REALLOCATE THE EXECUTIVE ASSISTANT POSITION IN THE UTILITIES ADMINISTRATION DIVISION TO AN OFFICE SUPERVISOR IN THE WATER FUND

WHEREAS, the Human Resources Department has worked with the Fire Department and the Utilities Department to identify changes needed within their respective position allocations for Fiscal Year 2015-16, and

WHEREAS, the MRFA Finance Manager and MRFA Information Technology Technician were established in 2013, as a step towards the Modesto Regional Fire Authority (MRFA) becoming a stand-alone agency, and

WHEREAS, it has been identified that as the Fire Department has transitioned back to the City of Modesto, these classifications are no longer necessary since some of the functions of these classifications are performed by City staff in other departments. Therefore, these positions are being eliminated from the Classification Plan and the Position Allocation for the Modesto Fire Department, and

WHEREAS, Human Resources and the Modesto Fire Department recognize the need to continue to provide a high level of service from the Administration Division of the department, it is recommended that for staff to perform administrative and analytical functions, there is a need to allocate one (1) Administrative Analyst II and one (1) Senior Administrative Office Assistant, and

WHEREAS, in October of 2015, a classification study was completed for the Executive Assistant position in the Utilities Department. The analysis included a review and analysis of the incumbent's Position Inventory Questionnaire (PIQ), a desk audit with the incumbent, meeting with department management, and a review of the duties and responsibilities assigned to the position. Once the data collection was completed, allocation factors were carefully and consistently applied to the positions, resulting in the appropriate classification determination, and

WHEREAS, the study determined that there have been several changes to the duties and responsibilities of this position, resulting in a significant change of duties performed and an increase in the level of responsibility and authority. As a result, it is the recommendation to reallocate this position to an Office Supervisor and reclassify the incumbent accordingly from the current position classification of Executive Assistant.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the recommendations brought forward by Human Resources, the Modesto Fire Department, and the Utilities Department to amend the Fiscal Year 2015-16 position allocation to eliminate the MRFA Finance Manager and MRFA Information Technology positions and add one Administrative Analyst II and one Senior Administrative Office Assistant in the Fire Department and reallocate one Executive Assistant to an Office Supervisor in the Utilities Department.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto, held on the 5th day of April, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following votes:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-136

RESOLUTION AUTHORIZING THE AWARD OF PROPOSAL AND CONTRACT FOR THE PURCHASE AND INSTALLATION OF A CONSTRUCTION PROJECT MANAGEMENT SOFTWARE SYSTEM FOR THE UTILITIES DEPARTMENT TO E-BUILDER, INC., PLANTATION, FL, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT FOR AN ESTIMATED TOTAL COST OF $559,628

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Proposals (RFP) for the purchase and installation of a construction project management software system, including equipment training and five (5) years of software support, and

WHEREAS, the Purchasing Division issued RFP 1415-24 for the purchase and installation of a construction project management software system on the City's website under the commodity code for software management, and

WHEREAS, prospective proposers were noticed online of the proposal opportunity, none of which were local companies, and

WHEREAS, no local companies provide this system, and

WHEREAS, twenty-two (22) companies chose to download the RFP document, and

WHEREAS, proposals were formally opened in the City Clerk's office and four (4) companies chose to respond, and

WHEREAS, all four (4) companies responding provided responsive and responsible proposals, and

WHEREAS, an evaluation committee comprised of six (6) City staff members evaluated and graded the proposals, and

WHEREAS, based on being ranked highest in total evaluation criteria the evaluation committee recommends the award of proposal and contract for the purchase and installation of a construction project management software system to e-Builder, Inc., Plantation, FL, for an estimated total cost of $559,628, and

WHEREAS, The Chief Information Officer approved this purchase in accordance with Administrative Directive Policy number 1.18 Information Technology Acquisition Policy, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of proposal and contract for the purchase and installation of a construction project management software system to e-Builder, Inc., Plantation, FL, conforms to the Modesto Municipal Code, 8-3.203, and

WHEREAS, funds are budgeted in Fiscal Year 2015-16, in Appropriation Units: 4210-41310-57005 and 4100-41410-57005 (Wastewater Fund and Water Fund).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of proposal and contract for the purchase and installation of a construction project management software system to e-Builder, Inc., Plantation, FL.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the contract for an estimated total cost of $559,628.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of April, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-137

RESOLUTION AUTHORIZING SUBMITTAL OF APPLICATION(S) TO THE CALIFORNIA DEPARTMENTOF RESOURCES, RECYCLING AND RECOVERY (CALRECYCLE) FOR RECYCLE PAYMENT PROGRAMS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL RELATED DOCUMENTS AND AUTHORIZATIONS AND RESCINDING CITY COUNCIL RESOLUTION NO. 2015-69

WHEREAS, pursuant to Public Resources Code sections 48000 et seq., 14581, and 42023.1(g), the Department of Resources Recycling and Recovery (CalRecycle) has established various payment programs to make payments to qualifying jurisdictions, and

WHEREAS, in furtherance of this authority CalRecycle is required to establish procedures governing the administration of the payment programs, and

WHEREAS, CalRecycle's procedures for administering payment programs require, among other things, an applicant's governing body to declare by resolution certain authorizations related to the administration of the payment program such as approval of applications and acceptance of awards, and

WHEREAS, the City benefits from CalRecycle payment programs by receiving funding for advertising, beverage container collection programs, litter clean-up, recycling education and personnel related to recycling under the conditions of the payment program, and

WHEREAS, due to the benefits that the City derives from the CalRecycle City/County Payment Program approval of applications, accepting awards and amending the annual budgets for all City/County Payment Programs to CalRecycle shall be on an ongoing basis until Council rescinds said authorization.

NOW, THEREFORE, BE IT RESOLVED the Council of the City of Modesto authorizes the submittal of application(s) to CalRecycle for any and all payment programs offered for which the City qualifies, acceptance of the awards, and amendment of the annual budgets for all City/County Payment Programs to CalRecycle.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized as Signature Authority to execute all documents necessary to implement and secure payment.

BE IT FURTHER RESOLVED that this authorization is effective until rescinded by the Council of the City of Modesto.

BE IT FURTHER RESOLVED that Resolution No. 2015-69 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of April, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-138

RESOLUTION AUTHORIZING THE SUBMISSION OF THE CITY'S LOCAL TRANSPORTATION FUND (LTF) FY 2015/16 CLAIM FOR NON-MOTORIZED PURPOSES IN THE AMOUNT OF $153,047 TO THE STANISLAUS COUNCIL OF GOVERNMENTS (STANCOG)

WHEREAS, the Stanislaus Council of Governments (StanCOG) has informed the City that Local Transportation Funds (LTF) funds have been apportioned by StanCOG for allocation to the City, and

WHEREAS, this Claim for Non-motorized Purposes is the formal request by the City to StanCOG to release its apportionment of LTF funds for non-motorized purposes during the coming fiscal year, and

WHEREAS, LTF funds provide the required local match for Federal funds received for the purpose of non-motorized projects, and

WHEREAS, two percent (2%) of all LTF funds available to StanCOG are designated to be used for bicycle and pedestrian projects, and

WHEREAS, the City has prepared its LTF Claim for Fiscal Year 2015-2016 pursuant to Articles 4 and 8 of Chapter 4 of Part 11, Division 10 of the California Public Utilities Code, and

WHEREAS, Council action authorizing submission of the claim is required by StanCOG Resolution 14-50 "Approving the Transportation Development Act Apportionments for FY 2015-16 for Transit and Other Purposes" before any LTF funding can be released to the City.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes submission of the City's Local Transportation Fund Claim for

Fiscal Year 2015-2016 Non-motorized Funds, in the amount of $153,047, to the Stanislaus Council of Governments.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of April, 2016, by Council member Kenoyer, who moved its adoption, which motion being duly seconded by Council member Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-139

Print

RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE PURCHASE OF TWO PACKER TRUCKS TO WESTERN TRUCK CENTER, WEST SACRAMENTO, CA, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASING ORDER FOR AN ESTIMATED TOTAL COST OF $424,003

WHEREAS, the replacement packer trucks for the Public Works Department, Green Waste Division, have been subjected to a thorough evaluation and have met or exceeded the replacement criteria before being placed on the replacement list , and

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

WHEREAS, The Purchasing Division issued RFB 1516-23 for the purchase of two non- brand specific packer trucks on the City's website under the commodity codes for trucks one-ton or less and specialized bodies. Prospective bidders were given notice online of the bid opportunity. Fourteen companies chose to download the RFB document, and

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

WHEREAS, based on providing the overall lowest responsive and responsible bid, City staff recommends the award of bid for the purchase of two packer trucks to Western Truck Center, West Sacramento, CA, for a total estimated cost of $424,003, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases which meet or exceed $50,000 for material, equipment or contractual services

to be formally bid. The award of bid for the purchase of two packer trucks to Western Truck Center, West Sacramento, CA, conforms to the Modesto Municipal Code, 8-3.203, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid for the purchase of two packer trucks to Western Truck Center, West Sacramento, CA, for an estimated total cost of $424,003.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of April, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-140

RESOLUTION APPROVING AN AGREEMENT WITH O'DELL ENGINEERING, INC., DBA O'DELL ENGINEERING OF MODESTO, CA TO PROVIDE SURVEY SERVICES FOR EAST MORRIS SEWER IMPROVEMENTS, IN AN AMOUNT NOT TO EXCEED $140,200 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $14,020 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF $154,220, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, after completing a comprehensive closed circuit television (CCTV) evaluation on the six and eight-inch sewer mains in the East Morris neighborhood, design and operations staff determined the area to be a high priority for rehabilitation, and

WHEREAS, City design staff will be preparing improvement plans for the replacement or rerouting of severely damaged and/or hydraulically inefficient sewer mains in the East Morris neighborhood, and

WHEREAS, the purpose of this agreement is to procure surveying services that are needed to complete the design, and

WHEREAS, a Request for Proposal (RFP) was sent out in September 2015 to the list of prequalified local consultants, and

WHEREAS, the project limits encompass 465 acres, approximately 91,000 linear feet of pipe, and 325 manholes, and

WHEREAS, O'Dell Engineering (O'Dell) was the only consultant to submit a proposal, and

WHEREAS, staff reviewed the proposal, met with the consultant, and negotiated the scope and fee, and

WHEREAS, the scope of services to be provided under this agreement includes: 1) Topographical survey of the sewer in the Project Area; 2) Traffic control; 3) Caltrans coordination; and 4) Project meetings, and

WHEREAS, therefore, City staff recommends approving an agreement with O'Dell Engineering to perform the survey services for East Morris Sewer Improvements,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with O'Dell Engineering, Inc., dba O'Dell Engineering of Modesto, CA for Survey Services for East Morris Sewer Improvements, in an amount not to exceed $140,200 for the identified scope of services, plus $14,020 for additional services (if needed), for a maximum total amount of $154,220.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of April, 2016, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-141

RESOLUTION ACCEPTING THE SHACKELFORD SEWER CROSSING PROJECT AS COMPLETE AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, AND RELEASE SECURITIES AND PAYMENTS TOTALING $2,065,706 TO MOZINGO CONSTRUCTION INC., OF OAKDALE, CA

WHEREAS, the Shackelford Sewer Crossing Project has been completed by Mozingo Construction Inc. of Oakdale, CA in accordance with the contract agreement dated July 1, 2014,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Shackelford Sewer Crossing Project is hereby accepted as complete from said contractor, Mozingo Construction Inc. of Oakdale, CA, and that the City Clerk is authorized to complete all necessary steps to file with the County Recorder, release securities and payments totaling $2,065,706, as is authorized and provided in the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of April, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-142

RESOLUTION APPROVING A DONATION AGREEMENT WITH JANOPAUL PROPERTIES, LLC, FOR DONATION OF A PUBLIC UTILITY EASEMENT LOCATED AT 615 JANOPAUL AVENUE (APN: 038-019-017), CONSISTING OF 31,320 SQUARE FEET, FOR THE STRENGTHEN AND REPLACE WATER SYSTEM—SOUTH 9TH STREET INDUSTRIAL AREA PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ALL RELATED DOCUMENTS REQUIRED TO CLOSE ESCROW

WHEREAS, the City of Modesto is continuing to make improvements to the efficiency of the water distribution system, and

WHEREAS, the improvements in this project include installing new water lines, upgrading existing water lines, and replacing old water lines, in addition to also installing new fire hydrants for added fire protection, and

WHEREAS, these improvements will allow for an increase of water pressure delivery for fire flows, and

WHEREAS, City staff is recommending acquisition of Public Utilities Easements for installation of the water improvements, and

WHEREAS, Janopaul Properties, LLC has agreed to donate the Public Utility Easement, without compensation, and

WHEREAS, an agreement is needed for the donation of the easement and City staff recommends approving the Donation Agreement for the Public Utility Easement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Donation Agreement with Janopaul Properties, LLC for the acquisition of a 31,320 square foot Public Utility Easement, located at 615 Janopaul

Avenue (APN 038-019-017), for the Strengthen and Replace Water System—South 9th Street Industrial Area Project.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of April, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Stephanie Lopez
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Adam Lindgren
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-143

RESOLUTION APPROVING A DONATION AGREEMENT WITH SERRAO PROPERTIES, LLC FOR DONATION OF A PUBLIC UTILITY EASEMENT LOCATED AT 820 JANOPAUL AVENUE (APN: 038-019-018), CONSISTING OF 16,176 SQUARE FEET, FOR THE STRENGTHEN AND REPLACE WATER SYSTEM—SOUTH 9TH STREET INDUSTRIAL AREA PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ALL RELATED DOCUMENTS REQUIRED TO CLOSE ESCROW

WHEREAS, the City of Modesto is continuing to make improvements to the efficiency of the water distribution system, and

WHEREAS, the improvements in this project include installing new water lines, upgrading existing water lines, and replacing old water lines, in addition to also installing new fire hydrants for added fire protection, and

WHEREAS, these improvements will allow for an increase of water pressure delivery for fire flows, and

WHEREAS, City staff is recommending acquisition of Public Utilities Easements for installation of the water improvements, and

WHEREAS, Serrao Properties, LLC has agreed to donate the Public Utility Easement, without compensation, and

WHEREAS, an agreement is needed for the donation of the easement and City staff recommends approving the Donation Agreement for the Public Utility Easement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Donation Agreement with Serrao Properties, LLC for the acquisition of a 16,176 square foot Public Utility Easement, located at 820 Janopaul

Avenue (APN 038-019-018), for the Strengthen and Replace Water System—South 9th Street Industrial Area Project.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of April, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-144

Print

RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE CERTIFICATE OF ACCEPTANCE FOR THE ACQUISITION OF A PUBLIC UTILITY EASEMENT LOCATED AT 615 JANOPAUL AVENUE, OWNED BY JANOPAUL PROPERTIES, LLC, (APN: 038-019-017) TO BE ACCEPTED BY THE CITY OF MODESTO FOR THE STRENGTHEN AND REPLACE WATER SYSTEM—SOUTH 9TH STREET INDUSTRIAL AREA PROJECT

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

WHEREAS, the City of Modesto desires to accept a 31,320 square foot Public Utility Easement, for the acquisition of property interests located at 615 Janopaul Avenue (APN 038-019-017), owned by Janopaul Properties, LLC, to be purchased by the City of Modesto for the Strengthen and Replace Water System—South 9th Street Industrial Area Project, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to sign the Certificate of Acceptance for the Public Utility Easement for the acquisition of property interests located at 615 Janopaul Avenue (APN 038-019-017), owned by Janopaul Properties, LLC, to be purchased by the City of Modesto for the Strengthen and Replace Water System—South 9th Street Industrial Area Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of April, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-145

Print

RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE CERTIFICATE OF ACCEPTANCE FOR THE DONATION OF A PUBLIC UTILITY EASEMENT LOCATED AT 820 JANOPAUL AVENUE, OWNED BY SERRAO PROPERTIES, LLC, (APN: 038-019-018) TO BE ACCEPTED BY THE CITY OF MODESTO FOR THE STRENGTHEN AND REPLACE WATER SYSTEM—SOUTH 9TH STREET INDUSTRIAL AREA PROJECT

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

WHEREAS, the City of Modesto desires to accept a 16,176 square foot Public Utility Easement, for the acquisition of property interests located at 820 Janopaul Avenue (APN 038-019-018), owned by Serrao Properties, LLC, to be purchased by the City of Modesto for the Strengthen and Replace Water System—South 9th Street Industrial Area Project, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to sign the Certificate of Acceptance for the Public Utility Easement for the acquisition of property interests located at 820 Janopaul Avenue (APN 038-019-018), owned by Serrao Properties, LLC, to be purchased by the City of Modesto for the Strengthen and Replace Water System—South 9th Street Industrial Area Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of April, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-146

RESOLUTION ACCEPTING THE RESIGNATION OF JOSHUA LITTLE FROM THE CITY OF MODESTO HOUSING REHABILITATION LOAN COMMITTEE

WHEREAS, the City of Modesto's Housing Rehabilitation Loan Committee was established to develop administrative procedures and policies for the City's housing rehabilitation loans and grants and its down payment assistance program; and

WHEREAS, on July 8, 2014, by Resolution No. 2014-274, Joshua Little was appointed to the City of Modesto Housing Rehabilitation Loan Committee; and

WHEREAS, Joshua Little submitted his resignation on March 14, 2016 as he will no longer be able to serve on the committee;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto accepts, with regret, the resignation of Joshua Little from the City of Modesto Housing Rehabilitation Loan Committee.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of April, 2016, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-147

RESOLUTION AMENDING THE CLASSIFICATION PLAN FOR THE CITY OF MODESTO TO CREATE THE CLASSIFICATION OF HOUSING AND URBAN DEVELOPMENT SUPERVISOR, AMENDING THE CLASSIFICATION OF HOUSING AND URBAN DEVELOPMENT MANAGER TO THE COMMUNITY DEVELOPMENT MANAGER, AND AMENDING THE CLASSIFICATION OF INFRASTRUCTURE FINANCING PROGRAM ADMINISTRATOR TO INFRASTRUCTURE FINANCING PROGRAM SUPERVISOR

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution No. 2008-681 pursuant to Rule 2.2 of the Personnel Rules and Regulations of the City of Modesto, and

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

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

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

SECTION I. CLASSIFICATION CREATED AND RESTORED. The Position Classification Plan of the City of Modesto is hereby amended to create the classification of Housing and Urban Development Supervisor at salary range 441; to amend the classification of Housing and Urban Development Manager to the Community Development Manager at salary range 450; and to amend the classification of Infrastructure Financing Program Administrator to Infrastructure Financing Program Supervisor at salary range 441.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after April 12, 2016.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 12th day of April, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

AMENDED
on 6/21/16
By Resolution 2016-259
Exhibit "A"

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-148

RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 2015-433 TO REVISE THE CLASS RANGE TABLE FOR REPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES TO AMEND THE TITLE OF THE HOUSING AND URBAN DEVELOPMENT MANAGER TO THE COMMUNITY DEVELOPMENT MANAGER AT SALARY RANGE 450; TO ADD THE SALARY RANGE FOR HOUSING AND URBAN DEVELOPMENT SUPERVISOR TO SALARY RANGE 441; AND TO AMEND THE TITLE OF THE INFRASTRUCTURE FINANCING PROGRAM ADMINISTRATOR TO INFRASTRUCTURE FINANCING PROGRAM SUPERVISOR AT SALARY RANGE 441

WHEREAS, the City Council desires to amend Exhibit "A" of Resolution No. 2015-433, which approved the Class Range Table for Represented Management and Confidential Non-Sworn Classes,

WHEREAS, the positions will be effective upon Council adoption,

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

SECTION I. AMENDMENT TO RESOLUTION NO. 2015-433. Exhibit "A" entitled, "City of Modesto Class Range Table Represented Management and Confidential Non-Sworn Classes," attached to Resolution No. 2015-433, is hereby amended as shown on the amended **Exhibit** "A" entitled "City of Modesto Class Range Table Represented Management and Confidential Non-Sworn Classes Effective April 12, 2016", which is **attached** hereto and made a part hereof as though set forth in full herein. Said **Exhibit** "A" amends the Class Range Table as follows:

1. Amend the title of the Housing and Urban Development Manager to the Community Development Manager at salary range 450
2. Add Housing and Urban Development Supervisor to Salary Range 441
3. Amend the title of the Infrastructure Financing Program Administrator to Infrastructure Financing Program Supervisor at salary range 441

SECTION II. EFFECTIVE DATE. This resolution shall become effective on and after April 12, 2016.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 12th day of April, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

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

RANGE	TITLE
407	Administrative Office Assistant II (Confidential)
411	Administrative Office Assistant III (Confidential)
412	Police Clerk II (Confidential)
415	Senior Administrative Office Assistant (Confidential)
416	Legal Secretary I
418	Systems Technician I
419	Account Technician (Confidential)
420	Administrative Services Technician I (Confidential) Executive Assistant Legal Secretary II Workers' Compensation Claims Assistant
421	Deputy City Clerk
422	Modesto Regional Fire Authority Information Technology Technician Office Supervisor Senior Legal Secretary Systems Technician II
423	Custodian Supervisor Workers' Compensation Claims Examiner I
424	Administrative Services Technician II (Confidential) Buyer Employee Benefits Coordinator
426	Central Stores Supervisor Financial Analyst I Senior Systems Technician
427	Administrative Analyst I Parking Services Supervisor Technology Solutions Analyst I Utility Dispatch Supervisor

RANGE	TITLE
428	Animal Control Supervisor
	Assistant Planner
	Human Resources Analyst I
	Workers' Compensation Claims Examiner II
429	Assistant City Clerk
	Parking Adjudication Program Coordinator
	Police Range and Training Center Coordinator
430	Financial Analyst II
	Senior Buyer
	Software Analyst I
	Systems Engineer I
431	Administrative Analyst II
	Events Coordinator
	Police Civilian Supervisor
	Technology Solutions Analyst II
432	Associate Planner
	Compost Facility Supervisor
	Human Resources Analyst II
	Junior Engineer
	Neighborhood Preservation Supervisor
	Operations Supervisor
	Senior Workers' Compensation Claims Examiner
433	Water Resources Analyst
	Recreation Supervisor
434	Customer Services Supervisor
	Financial Analyst III
	Parks Project Coordinator
	Recycling Program Coordinator
	Software Analyst II
	Systems Engineer II
435	Assistant Transportation Planner
	Business Analyst
	Cultural Services Program Manager
	Emergency Medical Services Coordinator

RANGE	TITLE
	Management Analyst
	Organizational Development Coordinator
	Transit Analyst
	Weed and Seed Program Coordinator
436	Assistant Engineer
	Electrical Supervisor
	Housing Rehabilitation Supervisor
	Senior Crime and Intelligence Analyst
438	Associate Land Surveyor
	Electrical Supervisor - Utilities
	Environmental Services Supervisor
	Integrated Waste Specialist
	Laboratory Supervisor
	Modesto Regional Fire Authority Finance Manager
	Materials Management Superintendent/City Arborist
	Plant Maintenance Supervisor
	Property Agent
	Public Safety Business Services Analyst
	Risk and Loss Control Coordinator
	Senior Community Development Program Specialist
	Senior Financial Analyst
	Senior Human Resources Analyst
	Senior Planner
	Senior Software Analyst
	Senior Systems Engineer
439	Administrative Services Officer
	Associate Transportation Planner
	Senior Business Analyst
440	Associate Engineer
	Deputy Fire Marshal
	Public Information Coordinator
	Utilities Services Supervisor
	Utilities Plant Operations Supervisor

RANGE	TITLE
441	**Housing and Urban Development Supervisor** **Infrastructure Financing Program Supervisor** Police Civilian Manager
442	Centre Plaza Manager Construction Inspection Supervisor Customer Services Manager Environmental Regulatory Compliance Manager Parks Planning and Development Manager Principal Information Technology Administrator Purchasing Manager Recreation Program Manager
443	Associate Civil/Traffic Engineer Senior Transportation Planner
444	Building Inspection Program Coordinator Building Inspection Supervisor Plant Maintenance Superintendent Water Superintendent
445	Airport Manager Fleet Manager Streets Manager
446	Accounting Manager Principal Planner
447	Traffic Operations Engineer Wastewater Collections Systems Manager Water Quality Control Plant Manager Water Systems Manager
448	Information Technology Manager Operations Manager Recreation and Neighborhoods Services Manager Transit Manager Solid Waste Program Manager

RANGE	TITLE
449	Assistant Chief Building Official
450	Business Center Manager **Community Development Manager** Planning Manager Senior Civil Engineer
452	Parks Recreation & Neighborhoods Operations Manager Traffic Engineer
453	Chief Building Official
455	Engineering Division Manager
457	City Engineer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-149

RESOLUTION AMENDING THE POSITION ALLOCATION AND THE FISCAL YEAR 2015-16 OPERATING BUDGET FOR THE COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT

WHEREAS, a Position Allocation for the City of Modesto was adopted by Modesto City Council on June 9, 2015, as part of the Annual Budget of the City of Modesto for Fiscal Year 2015-2016, and

WHEREAS, classification studies are conducted to insure that a classification system is equitable and consistent within an organization and that positions are correctly classified, and

WHEREAS, per Personnel Administrative Order 2.2-87-12, a classification study may be conducted in response to a reclassification request, to develop/revise a classification specification, or to assist in a reorganization, and

WHEREAS, the Community and Economic Development Department has identified specific needs that need to be addressed to properly conduct adequate levels of service or ensure compliance, and

WHEREAS, position changes will be effective the first full pay period following Council adoption, (Pay Period beginning April 19, 2016), and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Position Allocation and the Fiscal Year 2015-16 Operating Budget for the Community and Economic Development Department as follows:

1. Allocate one (1) Community Development Manager in the HUD/IFP Administration Division (Cost Center 14165) of the Community & Economic Development.

2. Allocate one (1) Housing and Urban Development Supervisor in the Housing Urban Development Division (Cost Center 14010) of the Community & Economic Development.

The foregoing resolution was adopted at a regular meeting of the Council of the City of Modesto held on the 12th day of April, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-150

RESOLUTION AMENDING THE FISCAL YEAR 2015-2016 ANNUAL OPERATING AND CAPITAL IMPROVEMENT BUDGET

WHEREAS, a financial analysis has been completed and it has been determined that a budget adjustment is required to the Annual and Capital Improvement Budgets of the City of Modesto for Fiscal Year 2015-2016,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2015-2016 Annual Operating and Capital Improvement budget as shown in **Exhibit A**, which is **attached** hereto and incorporated by reference herein.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of April, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following votes:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT A

FISCAL YEAR 2015-16

POLICE DEPARTMENT

A budget adjustment is necessary to recognize unbudgeted revenue in the amount of $200,000 in the Stanislaus Drug Enforcement Agency for High Intensity Drug Trafficking Areas (HIDTA), and establish the expense budget. Once approved, $60,000 will be used for the purchase of surveillance equipment.

PUBLIC WORKS

A budget adjustment is necessary within the Streets Capital Facility Fund (3410) to establish the expense Engineering, Design and Administration budget for Capital Improvement Project #100614, State Route 132 W. Express, in the amount of $300,000. Sufficient funds are available in the Streets Capital Facility Fee Funds to accommodate this expense.

In a recent audit performed by the City's auditors, Macias, Gini & O'Connell LLP, it was determined that Capital Improvement Project # 100878, Upgrade High Voltage Street Lights, should not reside in a special revenue fund (1700), but rather in a capital project fund (3160). In order to adhere to the auditor's determination, a budget adjustment is necessary to: 1) decrease the transfer out of the General Fund, Fund 0100, to the Surface Transportation Fund, Fund 1700, in the amount of $600,000 and reduce the expense budget accordingly; 2) establish a transfer from the General Fund, Fund 0100, to the Streets CIP Projects Fund, Fund 3160, in the amount of $600,000 and create Capital Improvement Project # 100950, Upgrade High Voltage Street Lights, and establish the expense budget. Once the adjustment is approved, all actual revenue and expenses will be moved to the new project and the old project will be closed.

In a recent audit performed by the City's auditors, Macias, Gini & O'Connell LLP, it was determined that Capital Improvement Project # 100891, Flashing Beacons, should not reside in a special revenue fund (1700), but rather in a capital project fund (3160). In order to adhere to the auditor's determination, a budget adjustment is necessary to; 1) decrease the transfer out of the Gas Tax Fund, Fund 1730, to the Surface Transportation Fund, Fund 1700, in the amount of $770,000 and reduce the expense budget accordingly; 2) establish a transfer from the Gas Tax Fund, Fund 1730, to the Streets CIP Projects Fund, Fund 3160, in the amount of $770,000 and create Capital Improvement Project # 100951, Flashing Beacons. Additionally, this adjustment will transfer $5,000 in School Participation revenue from Project # 100891 to Project #100951, and adjust the expense budgets accordingly. Once the adjustment is approved, all actual revenue and expenses will be moved to the new project and the old project will be closed.

UTILITIES

A budget adjustment is necessary to transfer funds from the Water Fund Reserves, Fund 4180, to Capital Improvement Project #100628, Kiernan Ave. Water Main, Construction to fund a reimbursement agreement with Stanislaus County and costs associated with the construction of the City's waterline.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-151

RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE FURNISHING OF SEWER ROOT CONTROL SERVICES FOR THE UTILITIES DEPARTMENT, WASTEWATER SERVICES DIVISION, TO ROOT TAMERS, INC., BROOKINGS, OR, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE AGREEMENT FOR A TWO (2) YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS AT THE SOLE DISCRETION OF THE CITY, FOR AN ESTIMATED ANNUAL COST OF $32,523, AND OVER FIVE (5) YEARS OF $162,615

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for the furnishing of sewer root control services, and

WHEREAS, prospective bidders were noticed online of the proposal opportunity, and

WHEREAS, seven (7) companies chose to download the RFB document, and bids were formally opened in the City Clerk's office, and

WHEREAS, there were no local vendors that responded; however, two (2) out of state companies chose to respond, and both companies responding provided a responsive and responsible, and

WHEREAS, based on providing the lowest responsive and responsible bid, City staff recommends the award of bid for the furnishing of sewer root control services for the Utilities Department, Wastewater Services Division, to Root Tamers, Inc., Brookings OR, and authorizing the City Manager, or his designee, to issue a purchase agreement for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, for an estimated annual cost of $32,523, and over five (5) years of $162,615, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of bid for the furnishing of sewer root control services for the Utilities Department, Wastewater Services Division, to Root Tamers, Inc., Brookings OR, conforms to the Modesto Municipal Code, and

WHEREAS, funds are budgeted in Fiscal Year 2015-16, in Operating Account: 4210-44211-53100,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid for the furnishing of sewer root control services for the Utilities Department, Wastewater Services Division, to Root Tamers, Inc., Brookings, OR, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, for an estimated annual cost of $32,523, and over five (5) years of $162,615;

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of April, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-152

RESOLUTION APPROVING REVISIONS TO THE TURLOCK GROUNDWATER BASIN ASSOCIATION MEMORANDUM OF UNDERSTANDING TO ADD THE CITY OF WATERFORD, AND TO ALLOW THE TURLOCK GROUNDWATER BASIN ASSOCIATION BOARD TO AMEND THE LIST OF PARTIES TO INCLUDE ADDITIONAL WATER AGENCIES LOCATED WITHIN THE TURLOCK SUBBASIN IN THE FUTURE

WHEREAS, local agencies within the Turlock Groundwater Basin have been working together on groundwater management issues since 1994, and

WHEREAS, a Memorandum of Understanding (MOU) was adopted in 1995, establishing the Turlock Groundwater Basin Association (TGBA) for the purpose of developing a basin-wide groundwater management plan, and

WHEREAS, once the basin-wide plan was completed in 1997, the TGBA automatically dissolved, and

WHEREAS, the majority of agencies adopted the plan and have continued to work together to implement it, and

WHEREAS, later, in 2001, a second MOU was developed to formalize the TGBA, and provide a focal point for local groundwater management efforts, and

WHEREAS, the second MOU included a list of all of the water agencies and counties known to be within the Turlock Subbasin at that time, and

WHEREAS, as a part of the development process for implementing the Sustainable Groundwater Management Act of 2014, several other agencies have been identified as water suppliers within the Turlock Subbasin, and

WHEREAS, the City of Waterford, which owns and manages Hickman's water system, has asked to join the TGBA, and several other agencies have indicated they may wish to join in the future, and

WHEREAS, the current process for adding new parties to the MOU requires a two-thirds (2/3) vote of the member agencies to amend the MOU, and

WHEREAS, as a result, the TGBA Board has asked that the governing bodies of the TGBA also consider revising the MOU language to allow for the TGBA to more easily include additional water agencies as parties in the future, and

WHEREAS, the recommended approach is to revise the MOU to allow the TGBA Board to take action to add parties, rather than requiring the governing bodies of the water agencies to take such an action, and

WHEREAS, an MOU revision of this nature requires the approval of 2/3 of the member agencies,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the revisions to the Memorandum of Understanding with the Turlock Groundwater Basin Association following the Sustainable Groundwater Management Act, substantially in the form **attached** and as approved by the City Attorney.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute said revisions to the Memorandum of Understanding on behalf of the City.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of April, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MEMORANDUM OF UNDERSTANDING
ESTABLISHING THE TURLOCK GROUNDWATER BASIN ASSOCIATION

1. PARTIES:

The parties to the Memorandum of Understanding ("MOU") are: City of Ceres, a California Public Agency; Keyes Community Services District, a California Public Services District; Denair Community Services District, a California Public Services District; City of Turlock, a California public agency; Hilmar County Water District, a California Public Services District; Delhi County Water District, a California Public Services District; City of Hughson, a California public agency; City of Modesto, a California public agency; City of Waterford, a California public agency; Merced Irrigation District, a California Irrigation District; Ballico Community Services District, a California Public Services District; County of Merced, a Political Subdivision of the State of California; County of Stanislaus, a Political Subdivision of the State of California; Eastside Water District, a California Water District; Ballico-Cortez Water District, a California Water District; and Turlock Irrigation District, a California Irrigation District.

2. RECITALS:

This MOU is entered into with regard to the following facts and circumstances, among others:

2.1 Groundwater and surface water resources within the Turlock Groundwater Basin are vitally important resources, in that they provide the foundation to maintain current and fulfill future agricultural, domestic, municipal and industrial needs, as well as other needs, and to maintain the economic viability and prosperity of the Basin area.

2.2 The Stanislaus/Merced County area is one of the world's foremost agricultural areas; and the agricultural industry has played a major role in the development of the economy of Stanislaus/Merced County area. In an era of increasing competition for the area's finite water resources, it is important to understand and plan for the utilization of all the area's water resources in order to preserve all elements of the local economy vital to the area's well-being.

2.3 The Parties entered into a Memorandum of Understanding on or around July 14, 1995, for the purposes of studying and evaluating the condition of the Basin, and developing a groundwater management plan for the preservation, protection and enhancement of the Basin. The Turlock Groundwater Basin Groundwater Management Plan was adopted by the Parties on or about October 1997. The 1995 Memorandum of Understanding terminated by its own terms on December 31, 1997.

2.4 The Parties desire to form an association, which will be known as the Turlock Groundwater Basin Association, to provide a mechanism for the Parties

to collectively implement the Plan and the purposes and goals of this Memorandum of Understanding.

2.5 Purposes and Goals: The purposes and goals for the formation of the Association are:

2.5.1 To provide a mechanism to coordinate the implementation of the Plan and other groundwater management activities;

2.5.2 To create an association of the Parties to enhance the ability to obtain funding to carry out the Plan and related groundwater management projects; and

2.5.3 Provide information and guidance for the management, preservation, protection and enhancement of the Basin.

2.6 The Parties believe that non-coordinated action by water providers and users within the Basin could result in counter productive competition for finite resources resulting in adverse impacts to the groundwater and surface water supplies within the Basin.

2.7 The Parties believe that creation of an Association for water suppliers within the Basin is important to protect the groundwater and surface water

resources and will assist in meeting the needs of all users of such resources within the Basin.

2.8 Because of the enactment of Water Code Sections 10750 et seq., it is clear to the Parties that local management of water resources is desirable in order that local control be maintained over such resources.

2.9 The Parties hereto desire to enter into this MOU in order to form an association to promote the stated goals and provide coordinated implementation of the Plan to make the best use of available water resources to meet the needs of their respective constituents and service territories.

2.10 In forming the Association, it is the Parties' desire that the Association not be formed as a separate governmental entity, nor have any enforceable regulatory authority over any Party's facilities or any Party's respective surface water or groundwater supplies or rights, nor duplicate any services, duties or authority of any other agency.

3. AGREEMENT:

The Parties agree as follows:

4. DEFINITIONS:

The following terms, whether in the singular or the plural, and when used herein with initial capitalization, shall have the meanings specified in this Section 4:

4.1 **Basin:** The Turlock Groundwater Basin, which is geographically defined as that area in the State of California bounded on the west by the San Joaquin River; on the north by the Tuolumne River, on the east by the base of the Sierra Nevada foothills; and on the south by the Merced River, and includes the area of land overlying that basin and all tributaries therein.

4.2 **Board:** That body, consisting of one representative from each of the Parties, which governs the Association, as established pursuant to Section 5.2 of this MOU.

4.3 **Chairperson:** The presiding officer of the Association as elected by the Board.

4.4 **Governing Bodies:** The legislative bodies of the governmental Parties to this MOU.

4.5 **MOU:** This Memorandum of Understanding Establishing the Turlock Groundwater Basin Association.

4.6 **Parties:** Each of those entities named in Section 1 of this MOU, or those Parties added pursuant to Section 5.4 of this MOU.

4.7 **Plan:** The Turlock Groundwater Basin Groundwater Management Plan, adopted on or about October 1997.

5. THE ASSOCIATION:

5.1 **Powers and Purposes:** The Parties to this MOU hereby form the Turlock Groundwater Basin Association.

5.1.1 The purpose of the Association is to provide a forum in which the Parties can work cooperatively; to combine the available talent of the Parties' respective staffs; and to accomplish the purposes described in Section 2 of this MOU.

5.1.2 This Association shall have no enforceable regulatory authority over any person or entity, including Parties or Parties' facilities or rights.

5.2 **Board:** The Association shall be governed by a Board whose membership, duties and responsibilities are set forth herein.

5.2.1 Each Party shall designate one person to serve as a member of the Board, and one or more alternates. Each member of the board, and each alternate, shall serve at the pleasure of the Party appointing such member. A Party's alternate may serve in the place of that Party's member in the absence of such member and, in such case, the alternate shall have the powers of the member.

5.2.2 The Board, at its first meeting, shall elect a chairperson and vice-chairperson from its members. Such officers shall serve at the pleasure of the Board and in such capacities until the first meeting of the Board in 2002 at which time the Board shall elect new officers. Thereafter, the Board shall elect a chairperson and vice-chairperson from its members at the first meeting of each even numbered calendar year. The Chairperson shall be responsible for presiding over meetings of the Board, and shall notify committee members of meetings of the Board. The Board shall establish a date, time and place for its regular meetings, and may hold special meetings when required for the proper transaction of business. All meetings of the Board shall be held in accordance with the provisions of the Brown Act, California Government Code §54950 et seq. The Board shall prescribe such procedures for the conduct of its business as it deems appropriate.

5.2.3 A quorum shall consist of a majority of the Voting Members of the Board, except that less than a quorum may adjourn meetings of the Board. Alternatively,

the Chairperson may adjourn a meeting of the Board to a specified time, date and place if there is less than a quorum of members present for a meeting.

5.2.4 The Board shall have the following duties and responsibilities:

a. Develop and implement the activities, including work schedule, designated to achieve the objectives of the Association as set forth in Section 2 of this MOU.

b. Monitor work activities of the Association.

c. Establish such committees as may be necessary or desirable to carry out the purposes of the Association, and to exercise general supervision over such committees.

5.2.6 Except for actions for which a different approval standard is set forth in this MOU, all actions of the Board shall be approved by a majority of the members present.

5.3 **Staff; Employees:** The Association may have employees upon a decision by the Board, and/or may obtain staff and support services through the Parties.

5.4 **New Parties:** New Parties may join the Association, provided that they meet the requirements set forth in this Section 5.4.

5.4.1 Any local public agency, whose service area includes land located within the Basin, which uses groundwater, or is authorized to provide groundwater, groundwater quality management, or groundwater replenishment within its service area, and whose service includes all or a portion of the Basin, may apply for membership in the Association.

5.4.2 Application for membership shall be subject to approval by the Board; approval shall require the affirmative vote of two-thirds (2/3) of the Board.

5.4.3 Any new Party to this Agreement shall, as a condition of admission to the Association, be required to first pay its proportionate share of back contributions, if any, as determined by the Board.

6. COMMITTEES:

The Board may establish any committees it determines are necessary or desirable.

7. ASSOCIATION COSTS:

7.1 Costs incurred by any Party in connection with any functions of the Association, or any committee established by the Board, and expenses of a Party's personnel including, without limitations, the regular and alternate members appointed by a party to

any committee while performing such functions, shall not be reimbursed by the Association except upon approval of the Board.

8. FUNDING AND VOTING PERCENTAGES:

8.1 It is anticipated that the Parties will fund their own staff work. However, outside funding may be available or the Parties, or any subgroup of the Parties, may make additional funding contributions, if necessary, upon agreement of those Parties participating in the funding.

8.2 **Voting Rights:** Each Party's representative on the Board shall be entitled to one vote.

8.3 **Modification by Party:** Funding percentages and/or voting percentages as indicated in Section 8.1 and 8.2 respectively, may be changed only upon the approval of the Governing Bodies of two-thirds (2/3) of the Parties.

9. RELATIONSHIP OF THE PARTICIPANTS:

9.1 **Each Party's Action is Independent of the Other:** The obligation of each Party to make payments under the terms and provisions of this MOU is an individual and several obligation and not a joint obligation with those of the other Parties. Each Party shall be individually responsible for its own covenants, obligations and liabilities under

this MOU. No Party shall be under the control of or shall be deemed to control any other Party or the Parties collectively. No Party shall be precluded from independently pursuing any of the activities contemplated in this MOU. No Party shall be the agent of or have the right or power to bind any other Party without such Party's express written consent, except as expressly provided in this MOU.

9.2 **No Creation of a Joint Powers Agency:** The Parties agree that by this MOU they do not intend to provide for the creation of an agency or entity which is separate from the Parties pursuant to Chapter 5 (commencing with §6500) of Division 7 of Title 1 of the Government Code, relating to the joint exercise of powers.

10. TERMS OF THIS MOU: The term of this MOU shall commence on November 15, 2001 and shall continue until terminated by Board action.

Upon termination of this MOU, the Board shall determine the assets and liabilities of the Association; make every effort to satisfy all obligations within sixty (60) days of the termination of the MOU; and distribute the remaining fund balance equitably to each Party in proportion to each Party's funding contribution to the Association.

11. GENERAL PROVISIONS GOVERNING MOU:

11.1 **Invalidity of Any Term Not to Invalidate the Entire Memorandum:** In the event that any of the terms, covenants or conditions of this MOU or the application of

any such term, covenant or condition shall be held invalid as to any Party, person or circumstance by any court of competent jurisdiction, all other terms, covenants or conditions of this MOU and their application shall not be affected thereby, but shall remain in full force and effect unless any such court holds that those provisions are not separable from all other provisions of this MOU.

11.2 **Construction of Terms:** This MOU is for the sole benefit of the Parties and shall not be construed as granting rights to any person other than the Parties or imposing obligations on a Party to any person other than another Party.

11.3 **Good Faith:** Each Party should use its best efforts and work wholeheartedly and in good faith for the expeditious completion of the objectives of this MOU and the satisfactory performance of the terms and provisions contained herein.

11.4 **Withdrawal or Termination of Membership:** Except in the event of the termination of this MOU pursuant to Section 10, a party who withdraws or terminates its membership in the Association shall not be entitled to a refund of its funding contributions. Any Party may terminate membership and withdraw from this Association upon thirty (30) days written notice of termination to the Association. If a Party withdraws from the Association when the Party is in arrears as to its funding contributions to the Association, that Party's entitlement to use any work product of the Association as provided for herein shall be determined by the Board.

11.5 **Amendment:** An amendment to this MOU must be approved by the affirmative vote of the Governing Bodies of two-thirds (2/3) of the Parties.

11.6 **Counterpart Execution:** This MOU may be executed in counterparts each of which shall be deemed an original but all of which together shall constitute one and the same instrument.

11.7 **Governance:** This MOU is made under and shall be governed by the laws of the State of California.

11.8 **Reasonable Delivery of Documents:** Each Party agrees upon request by the Chairperson or by the Board, to make, execute and deliver any and all documents reasonably required to implement this MOU.

IN WITNESS WHEREOF, the Parties have caused this MOU to be executed, each signatory hereto represents that he has been appropriately authorized to enter into this MOU on behalf of the Party for whom he/she signs.

IN WITNESS WHEREOF, the City of Modesto, a municipal corporation, has authorized the execution of this Memorandum of Understanding for the Turlock Groundwater Basin Association in duplicate by its City Manager and attestation by its City Clerk under authority of Resolution No. 2016-____, adopted by the Council of the City of Modesto on the ___ day of _____, 2016.

CITY OF MODESTO,
a municipal corporation

By _____
JAMES N. HOLGERSSON, City Manager

ATTEST:

By _____
STEPHANIE LOPEZ, City Clerk

(Seal)

APPROVED AS TO FORM:
ADAM U. LINDGREN, City Attorney

By _____
JOSE M. SANCHEZ, Assistant City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-153

RESOLUTION APPROVING A PURCHASE AND SALE AGREEMENT WITH ESCROW INSTRUCTIONS BETWEEN THE CITY OF MODESTO AND THUAN K. TIEU AND TIEN T. PHU FOR A SURPLUS PROPERTY LOCATED AT 629 SECOND STREET (APN: 103-022-001) AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE GRAND DEED AND ALL SALE DOCUMENTS REQUIRED TO CLOSE ESCROW

WHEREAS, the City of Modesto owns a parcel of real property located at 629 Second Street (APN 103-022-001), and

WHEREAS, the parcel was previously the site of Old Fire Station #2, and

WHEREAS, Old Fire Station #2 was closed in 2008 and relocated to a new, larger facility at 420 Chicago Avenue, and

WHEREAS, the two buildings of the Old Fire Station have been removed and the site cleared and made ready for sale, and

WHEREAS, the parcel has been declared as surplus property by the Resolution 2010-078, and

WHEREAS, Resolution No. 2010-079 authorized sale of this surplus property, and

WHEREAS, in conformance with Government Code 54222, sixteen public agencies were notified of the surplus property and no replies were received with interest to lease or purchase the property, and

WHEREAS, the property has been listed for sale since 2012, and

WHEREAS, a buyer has executed a Purchase and Sale Agreement for the purchase of the property, and

WHEREAS, staff recommends the sale be approved.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the sale of the surplus property located at 629 Second Street, (APN 103-022-001).

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Grant Deed and the Purchase And Sale Agreement for sale of the property.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of April, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-154

RESOLUTION ADOPTING THE INITIAL STUDY, ENVIRONMENTAL ASSESSMENT NO. EA/C&ED 2016-01, FOR A PROPOSED GENERAL PLAN AMENDMENT FOR THE 2015 HOUSING ELEMENT (CITY OF MODESTO)

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

WHEREAS, the City of Modesto has proposed a General Plan Amendment for the 2015 Housing Element, and

WHEREAS, pursuant to Section 21157.1 of the Public Resources Code, the City of Modesto's Community & Economic Development Department prepared an Environmental Assessment No. Initial Study EA/C&ED 2016-01 ("Initial Study") which analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the report, and

WHEREAS, the Planning Commission considered this matter and recommended City Council adopt the Initial Study at a duly notice public hearing, which was held on March 21, 2016, at 6:00 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California; and

WHEREAS, beginning on April 1, 2016, the City caused to be published a 10-day notice of the City's intent to make a finding that the subsequent project conforms with the Master EIR, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on April 12, 2016, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California,

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

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

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

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

4. The subsequent project is within the scope of the project covered by the Master EIR (SCH No. 2007072023), Tivoli Specific Plan EIR (SCH No. 2005072125), and Woodglen Specific Plan EIR (SCH No. 2007042087).

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

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of April, 2016, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT A

Initial Study

EA/C&ED 2016-01

City of Modesto

Finding of Conformance to General Plan Master EIR:

Initial Study Environmental Checklist C&ED No. 2016-01

For the proposed:

Housing Element (GPA-14-001)

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

February 8, 2016

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City of Modesto
Master EIR Initial Study Environmental Checklist

I. PURPOSE

CEQA allows for the limited environmental review of subsequent projects under the City's Master Environmental Impact Report ("Master EIR" or "MEIR"). This Initial Study Environmental Checklist ("Initial Study") is used in determining whether the 2015 Housing Element is "within the scope" of the project analyzed in the Modesto Urban Area General Plan Master EIR (SCH# 2007072023) (Public Resources Code section 21157.1). When the Initial Study supports this conclusion, the City will issue a finding of conformance.

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

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

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

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

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

This finding of conformance relies on the analysis contained in the Urban Area General Plan Master EIR (SCH #200707023). The Tivoli Specific Plan EIR (SCH #2005072125) and Woodglen Specific Plan EIR (SCH #2007042087) were utilized in this finding of conformance to address impacts and mitigation measures associated with residential development in those specific plan areas. The Specific Plan EIRs were tiered from the General Plan Master EIR.

II. PROJECT DESCRIPTION

A. Title: 2015 Housing Element

B. Address or Location: Modesto, citywide

C. Applicant: City of Modesto, Community & Economic Development Department
1010 10th Street, Modesto, CA 95354

D. City Contact Person: Cindy van Empel

Project Manager: Cindy van Empel
Department: Community & Economic Development
Phone Number: (209) 577-5267
E-mail address: cvanempel@modestogov.com

E. Current General Plan Designation(s): various

F. Current Zoning Classification(s): various

G. Surrounding Land Uses:

North: various, depending on specific site location
South: various, depending on specific site location
East: various, depending on specific site location
West: various, depending on specific site location

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

The project is the 2015 update of the City of Modesto Housing Element, Chapter IV of the General Plan. The Housing Element comprises the set of existing opportunities for residential development and policies to implement new residential development and to support the continued viability of existing residential development in Modesto. The Housing Element is not a plan for new development that has not been anticipated in the General Plan and various specific plans. The Regional Housing Needs Allocation for this update is 6,747 units for all income levels combined, including 386 dwelling units that were not accommodated in the 2009 – 2014 cycle. Demographic information has been updated, primarily from the 2010 Census and related intermediate survey products, as well as the 2015 Point in Time Survey. The sites inventory has been updated to reflect activity that has occurred since the 2009 Housing Element was initiated.

I. Other Public Agencies Whose Approval is Required:

State of California, Housing and Community Development Department, Division of Housing Policy

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

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

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

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

C. The subsequent project is within the scope of the project covered by the Master EIR and Specific Plan EIRs.

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

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

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

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

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

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

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

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

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

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

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

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

_____	_____	_____
Project Manager	Title	Date

4. Within the Scope Analysis of this Document:

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

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

Discussion:

(1) The City of Modesto is the lead agency for all residential projects constructed within Modesto's city limits. Modesto would also be the lead agency for residential development counted as part of the sites inventory in the Housing Element.

(2) Policies/mitigation measures that affect new residential development that are found in the General Plan and its Master EIR will be applied to new residential development that occurs within Modesto's city limits.

(3) This project does not result in, nor does it contemplate changes in federal, state, or county regulations that might occur in the future.

(4) Neither the General Plan or its Master EIR or through other sources has the City of Modesto been made aware of significant resources that may underlie the city or the sphere of influence.

(5) The proposed project only affects areas within Modesto's city limits.

(6) As noted in response 2 above, all residential development must comply with policies/mitigations in the General Plan and Master EIR.

5. Currency of the Master EIR Document

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

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

Discussion:

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

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

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

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

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

IV. ENVIRONMENTAL ANALYSIS

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

Pursuant to Public Resources Code Section 21157.1, no new environmental document or findings are necessary for projects that are determined to be within the scope of the MEIR. Adoption of the

findings specified in Section III.1, above after completion of the Initial Study fulfills the City's obligation in that situation.

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

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

1. TRAFFIC AND CIRCULATION

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

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

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

Cumulative Impacts

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

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

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

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

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

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

Discussion:

No MEIR mitigation will be applied to the 2015 Housing Element. The Tivoli Specific Plan EIR (SCH #2005072125) and Woodglen Specific Plan EIR (SCH #2007042087) contain several traffic mitigation measures that will be applied to new development in the Tivoli Specific Plan as it occurs, but will not be applied to the Housing Element. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-1.B of the General Plan Master EIR, Section IV.D of the Tivoli Specific Plan EIR, and Section 4.5 of the Woodglen Specific Plan EIR provide analysis of Traffic and Circulation impacts. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR or specific plan EIRs.

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

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

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
so on.				
7) The proposed project would result in an increase in automobile vehicle miles traveled on a per capita basis, in excess of that considered in the Urban Area General Plan MEIR.	☐	☐	☐	☒

Discussion:

(1) The majority of sites described in the 2015 Housing Element sites inventory comprise a smaller portion of development allowed under the existing zoning citywide. Some of the sites in the inventory are included in areas such as Tivoli and Woodglen Specific Plans, are anticipated in the General Plan, but were also subject to further environment review tiered from the General Plan Master EIR. The 2015 Housing Element does not entitle development, but primarily consists of updated demographic information and a site inventory, plus programs for the continued support, provision, and accommodation of affordable housing. It is largely intended to catalog and preserve development opportunities for housing available to all income levels.

(2) As noted in #1, the 2015 Housing Element would not result in development, but instead catalogs the development anticipated in the 2008 General Plan and in the Tivoli and Woodglen Specific Plans. The Housing Element would not create new streets or modify existing streets and, therefore, would not create road hazards. Furthermore, none of the residential development anticipated in the Housing Element is located near expected hazards, such as manufacturing facilities.

(3) The 2015 Housing Element does not add new development to the city, but catalogs the development potential of the 2008 Urban Area General Plan and of adopted specific plan areas. Should any program in the 2015 Housing Element be implemented in such a manner that results in residential development that was not evaluated in the General Plan Master EIR, it will be subject to further environmental review.

(4) The 2015 Housing Element does not add new development to the city, but catalogs the development potential of the 2008 Urban Area General Plan and adopted specific plan areas, therefore, no additional traffic will result from adoption of the Housing Element. Should any program in the Housing Element be implemented in such a manner that results in residential development that was not evaluated in the General Plan Master EIR, it will be subject to further environmental review.

(5) The 2015 Housing Element does not add new development to the city, but catalogs the development potential of the 2008 General Plan. No impact on parking will result from adoption of the Housing Element.

(6) The 2015 Housing Element neither supports nor conflicts with alternative modes of transportation. It simply catalogs currently available residential development opportunities and policies for the development and maintenance of housing.

(7) The 2015 Housing Element would have a neutral impact on energy consumption, as compared to the 2009 Housing Element, because it catalogs currently available opportunities to construct new housing and policies to facilitate the development and maintenance of housing.

2. DEGRADATION OF AIR QUALITY

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

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

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

Cumulative Impacts

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

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

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

Discussion:

No MEIR mitigation will be applied to the 2015 Housing Element. The Tivoli Specific Plan EIR (SCH #2005072125) and Woodglen Specific Plan EIR (SCH #2007042087) contain air quality mitigation measures that will be applied to new development in the Tivoli Specific Plan and Woodglen Specific Plan as it occurs, but will not be applied to the Housing Element. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-2.B of the General Plan Master EIR, Section IV.E of the Tivoli Specific Plan EIR, and Section 4.3 of the Woodglen Specific Plan EIR provide the analysis of air quality impacts. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not analyzed in the Master EIR or specific plan EIRs.

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

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

Discussion:

(1) The 2015 Housing Element has no effect on air pollutant emissions, as compared to the 2009 Housing Element. The revised Housing Element updates local demographic data and catalogs the number and locations of dwellings that could be developed under existing regulations. Should any program in the 2015 Housing Element be implemented in a way that changes the location or number of dwellings that could be developed, as compared to what was evaluated in the General Plan Master EIR, that program would be subject to further environmental review. For example, sites in the 2015 Housing Element inventory are the Tivoli and Woodglen Specific Plan areas. While residential development in these areas is anticipated in the General Plan, the specific plans had separate environmental impact reports that were tiered from the General Plan Master EIR.

(2) The 2015 Housing Element updates local demographic data and catalogs the number and locations for dwellings that could be developed consistent with the General Plan. Any development project inconsistent with the General Plan would be subject to further environmental review.

(3) All residential development proposed within Modesto's Sphere of Influence is subject to policies contained in the General Plan and tiered environmental documents pertaining to air quality. Any development project that would not comply with these policies is subject to further environmental review.

(4) The 2015 Housing Element has no effect on the exposure of sensitive receptors, including residential development, to air pollutants, as compared to the 2009 Housing Element. The revised 2015 Housing

Element updates local demographic data and catalogs the number and locations of dwellings that could be developed under existing regulations. Should any program in the Housing Element be implemented in a way that changes the location or number of dwellings that could be developed, that program would be subject to further environmental review.

(5) Under normal circumstances, residential development does not result in the creation of objectionable odors beyond those resulting from construction. Any objectionable odors created would be similar to that expected to occur with the 2008 Urban Area General Plan and 2009 Housing Element.

3. GENERATION OF NOISE

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

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

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

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

Cumulative Impacts

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

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

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

Discussion:

No MEIR or specific plan EIR mitigation will be applied to the proposed 2015 Housing Element. Prior to residential development in both the Tivoli and Woodglen Specific Plan areas, noise mitigation will be applied to reduce impacts on residences. However, these mitigations will not be applied to the Housing Element. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-3.B of the General Plan MEIR, Section IV.F of the Tivoli Specific Plan EIR, and Section 4.6 of the Woodglen Specific Plan EIR discloses noise impacts resulting from development of the General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not analyzed in the Master EIR or specific plan EIRs.

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

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

Discussion:

(1) Residential development does not normally exceed the City's noise standards other than noise that occurs during the construction phase of development. Any noise that occurs after construction is complete would be similar to that expected to occur with development of the General Plan, 2009 Housing Element, Tivoli Specific Plan, and Woodglen Specific Plan.

(2) All new development, including development of sites identified in the 2015 Housing Element as having the potential for new housing, must comply with the noise policies contained in the General Plan and specific plans. Development that may not comply with these policies is subject to further environmental review. Prior to development in the Tivoli and Woodglen Specific Plan areas, noise mitigations must be applied to reduce noise levels for residents, however, these mitigations are not applied to the Housing Element.

(3) Potential residential development identified in the 2015 Housing Element sites inventory is consistent with the residential locations identified in the General Plan and does not include all of the locations at which affordable housing is likely to be built. Because the proposed Housing Element is consistent with the General Plan and specific plans, no new noise impacts are expected. Any programs that might change the locations or numbers of dwelling units, would be subject to further environmental review.

(4) Construction activity would temporarily increase ambient noise, but not to greater levels than disclosed in the General Plan Master EIR. Operational noise impacts would also be similar, as the potential development sites described in the proposed Housing Element are consistent with those identified in the Urban Area General Plan and in the relevant specific plans.

4. EFFECTS ON AGRICULTURAL LANDS

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

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

Cumulative Impacts

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

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

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

Discussion:

No mitigations in the Master EIR are applicable to this project. The Tivoli Specific Plan EIR (SCH #2005072125) includes no agricultural mitigation measures. The Woodglen Specific Plan has mitigated its impact on agricultural land through the Stanislaus Local Agency Formation Commission. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-4.B of the General Plan Master EIR, Section IV.B of the Tivoli Specific Plan EIR, and Section 4.13 of the Woodglen Specific Plan EIR disclose the impacts resulting from the implementation of the General Plan and specific plans on agricultural lands. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the Master EIR or specific plan EIRs.

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

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

Discussion:

(1) The City's Regional Housing Needs Allocation has been met using sites that lie within Modesto's existing city boundaries. No additional agricultural land will be converted to achieve Modesto's RHNA. There is no impact on general plan or specific plan agricultural policies. Recently, Stanislaus LAFCo changed its policies to require that residential annexations establish permanent agricultural easements or pay an equivalent fee. Woodglen Specific Plan was one of the first annexations to which this policy was applied and was required to set aside 73.68 acres of farmland (CC Res 2013-398) and future annexations are expected to be held to this requirement.

(2) As noted, the City's Regional Housing Needs Allocation has been accommodated entirely within existing city boundaries. No impacts involving the conversion of agricultural land to urban uses are expected to occur as a result of the 2015 Housing Element.

(3) No conversion of agricultural land to urban uses is considered to be necessary to meet Modesto's Regional Housing Needs Allocation in the 2015 Housing Element.

(4) The Housing Element is consistent with the General Plan and so would result in no new impacts, as compared to those analyzed and disclosed in the General Plan Master EIR.

5. INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

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

Discussion:

No MEIR mitigation will be applied to the 2015 Housing Element. Development of Tivoli Specific Plan and Woodglen Specific Plan will require additional infrastructure, however, mitigation will be applied to new development, rather than to the Housing Element. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-5.B of the General Plan Master EIR, Section IV.M of the Tivoli Specific Plan EIR, and Section 4.12 of the Woodglen Specific Plan EIR disclose impacts on long-term water supplies resulting from implementation of the General Plan and specific plans. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR or specific plan EIRs.

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

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

Discussion:

(1) Residential development described in the 2015 Housing Element is anticipated by the General Plan, Tivoli Specific Plan, and Woodglen Specific Plan. Modesto's water policies, as described in the General Plan, will be applied to new residential development projects.

(2) Water demand associated with residential development described in the 2015 Housing Element is similar to water demand associated with other residential projects in Modesto. However, due to the recent drought and long-term conditions expected to be drier than in the past, Modesto has enacted both emergency and permanent policies intended to reduce the use of outdoor water, which comprises as much as 60 percent of domestic water use, and indoor water. These measures include limiting turf area and mandating the use of low-flow water fixtures. New dwellings are expected to use less water than similar existing dwellings.

(3) Because the 2015 Housing Element catalogs opportunities for residential development that are available in the General Plan, Tivoli Specific Plan, and Woodglen Specific Plan and because no substantial new information is available regarding available groundwater or recharge areas, as compared to the information disclosed in the General Plan MEIR and specific plan EIRs, there is no evidence that development opportunities described in the revised Housing Element would either deplete groundwater or interfere with recharge.

6. INCREASED DEMAND FOR SANITARY SEWER SERVICES

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

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

Cumulative Impacts

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

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

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

Discussion:

No General Plan MEIR, Tivoli Specific Plan EIR, or Woodglen Specific Plan mitigation will be applied to the proposed 2015 Housing Element. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-6.B of the General Plan Master EIR, Section IV.L of the Tivoli Specific Plan EIR, and Section 4.12 of the Woodglen Specific Plan EIR disclose impacts on the Increased Demand for Sanitary Sewer Service resulting from implementation of the General Plan and specific plans. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR or specific plan EIRs.

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

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

Discussion:

(1) All new residential development must be consistent with sanitary sewer policies contained in the General Plan and specific plans or be subject to additional environmental review. The 2015 Housing Element does not propose development, but catalogs existing residential development opportunities, for which adequate sewer treatment capacity exists.

(2) The revised Housing Element updates demographic data and catalogs existing residential development opportunities. All of the existing opportunities for residential development lie within Modesto's city limits and are consistent with the General Plan and relevant specific plans. If any programs contained in the 2015 Housing Element are implemented in such a way that the location or amount of residential development is increased, additional environmental review will be necessary prior to approval.

(3) The revised Housing Element has no potential residential development in the sites inventory that was not included in either the General Plan, the Tivoli Specific Plan, or the Woodglen Specific Plan. During this cycle of the Housing Element, Modesto does not anticipate residential development not anticipated in these planning documents.

7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

Discussion:

No General Plan MEIR mitigation will be applied to the proposed 2015 Housing Element. Both the Tivoli and Woodglen Specific Plan EIRs identify impacts on biological resources to which General Plan MEIR mitigations are to be applied. Impacts are expected to occur with development and will not be applied to the Housing Element, which is primarily a policy and inventory document that makes no changes to the location and amount of housing identified in the aforementioned planning documents. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-7.B of the General Plan Master EIR, Section IV.H of the Tivoli Specific Plan EIR, and Section 4.7 of the Woodglen Specific Plan EIR disclose impacts on the Loss of Sensitive Wildlife and Plant Habitat resulting from implementation of the General Plan and specific plans. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR and specific plan EIRs.

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

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

Discussion:

(1) All new residential development in Modesto must comply with policies in the General Plan, Tivoli Specific Plan, or Woodglen Specific Plan when such development is proposed or be subject to further environmental review. The revised Housing Element does not propose new development or development that differs from that described in the General Plan and Specific Plans in any material way.

(2) Because the revised Housing Element does not propose new or relocated residential development and is consistent with the General Plan and relevant specific plans, no new impacts on sensitive wildlife and plant habitat are expected as a result of adopting this policy document.

(3-4) Because the 2015 Housing Element does not propose new or relocated residential development and is consistent with the General Plan and relevant specific plans, no new impacts on sensitive wildlife and plant habitat are expected to occur.

(5) The revised 2015 Housing Element does not propose new or relocated residential development and is consistent with the General Plan and relevant specific plans. Therefore, no additional impacts on biological resources expected and no mitigation measures are necessary at this time.

(6) There are no habitat conservation plans or natural community conservation plans, or other habitat conservation plans in the vicinity of Modesto with which development in the General Plan might conflict.

8. DISTURBANCE OF ARCHAEOLOGICAL/HISTORICAL SITES

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

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

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

Effect: Construction in an area of high archaeological sensitivity.

Cumulative Impacts

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

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

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

Discussion:

No General Plan MEIR or specific plan EIR mitigation will be applied to the proposed 2015 Housing Element, which is a policy and inventory document. Impacts on archaeological and historical resources typically occur on a project-by-project basis and mitigation will be applied accordingly, should any issues arise as development occurs. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-8.B of the General Plan MEIR and Section 4.10 of the Woodglen Specific Plan EIR disclose impacts on archaeological/historical resources resulting from implementation of the General Plan and Woodglen Specific Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR or specific plan EIR.

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

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

Discussion:

(1) All new residential development in Modesto must comply with policies in the General Plan or be subject to further environmental review. The revised Housing Element does not propose new development, but presents an inventory of site on which residential development opportunities exist.

(2) The 2015 Housing Element does not propose or entitle new development. However, individual residential projects that may be proposed in the future could have adverse impacts on either archaeological or historical resources. Should the potential for an individual development project to have such an impact, that project would be subject to further environmental review and project-level mitigation.

(3) The revised Housing Element does not propose or entitle new development. Individual residential projects that may be proposed in the future could have adverse impacts on buildings greater than 50 years old. Should the potential for an individual development project to have such an impact, that project would be subject to further environmental review and project-level mitigation.

(4) The revised Housing Element does not propose or entitle new development. Individual residential projects that may be proposed in the future could have adverse impacts on cultural resources identified on Modesto's Designated Landmark Preservation list or on resources that are on or are eligible for listing on the California Register of Historical Resources. Should the potential for an individual development project to have such an impact, that project would be subject to further environmental review and project-level mitigation.

(5) The 2015 Housing Element proposes no changes in either the number or location of residential dwellings that can be built as described in the General Plan, the Tivoli Specific Plan, or the Woodglen Specific Plan. As such, the revised Housing Element represents no change in potential impacts to archaeological resources, as compared to the environmental documents for those plans.

9. INCREASED DEMAND FOR STORM DRAINAGE

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

Discussion:

No General Plan MEIR, Tivoli Specific Plan EIR, or Woodglen Specific Plan EIR mitigation will be applied to the proposed 2015 Housing Element, which is a policy and inventory document. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-9.B of the General Plan MEIR, Section IV.I of the Tivoli Specific Plan EIR, and Section 4.8 of the Woodglen Specific Plan EIR disclose impacts on the demand for storm drainage resulting from development of the General Plan and specific plans. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR and specific plan EIRs.

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

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

Discussion:

(1) The proposed project is an update to the 2009 Housing Element of the General Plan. Modesto's sites inventory meets its Regional Housing Need using only properties within Modesto city limits. Therefore, the 2015 Housing Element continues to be consistent with storm water drainage policies in the General Plan, Tivoli Specific Plan, and Woodglen Specific Plan. Any development proposals that do not comply with policies in those plans are subject to additional environmental review.

(2) Because the 2015 Housing Element does not change the locations or quantity of land that can accommodate residential development, the updated Housing Element would create no changes in the rate or quantity of runoff or polluted runoff, as compared to the development expected in the General Plan and relevant specific plans.

(3) The 2015 Housing Element does not entitle any residential development projects. Each development project must be evaluated when it is submitted for review to the City of Modesto to determine whether it is consistent with adopted storm water drainage policies.

10. FLOODING AND WATER QUALITY

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

Discussion:

No General Plan MEIR, Tivoli Specific Plan, or Woodglen Specific Plan mitigation will be applied to the proposed 2015 Housing Element, which is a policy and inventory document. The Housing Element proposes no new development, nor any significant changes in the pattern of development. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-10.B of the General Plan Master EIR, Section IV.I of the Tivoli Specific Plan EIR and Section 4.8 of the Woodglen Specific Plan EIR provide analysis of Flooding and Water Quality impacts of development of the General Plan and specific plans. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the Master EIR or specific plan EIRs.

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

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

Discussion:

(1) The proposed project is an update to the existing Housing Element of the General Plan. The sites inventory is similar to that provided in the prior Housing Element and demographic information has been updated to reflect the most current data from the Census and other sources. The potential development contained in the revised Housing Element is consistent with flooding and water quality policies in the General Plan and related specific plans. Any development proposals that do not comply with policies in the General Plan and specific plans are subject to further environmental review.

(2) No substantial changes to the location or quantity of housing are proposed, as compared to assumptions made in the General Plan, Tivoli Specific Plan, and Woodglen Specific Plan, therefore the proposed project is consistent with Modesto's flooding and water quality regulations. Should a future development proposal be determined to be inconsistent with these policies, it would be subject to additional environmental review.

(3) The 2015 Housing Element contains no substantial changes to the location or quantity of potential residential development, as compared to the General Plan and relevant specific plans, so no additional flooding impact on housing is expected.

(4) The proposed project does not alter the residential development pattern or density assumed in the General Plan, Tivoli Specific Plan, or Woodglen Specific Plan. No additional impacts on floodwater drainage are anticipated.

(5) The proposed 2015 Housing Element does not create entitlements for new development, it is simply a set of policies to encourage development of housing anticipated in planning documents and inventoried in the Housing Element. Individual residential development projects will be evaluated by the City as they are proposed to determine whether they comply with the City's storm water quality policies.

(6) No entitlements or specific development project are associated with the 2015 Housing Element. Individual residential development project will be evaluated by the City as they are proposed to determine whether they comply with water quality standards and waste discharge requirements.

(7) No specific development proposals associated with the 2015 Housing Element. As development is proposed, each project will be evaluated by the City to determine the potential the project to cause erosion and/or siltation. Should any impacts that were not evaluated in the General Plan Master EIR or relevant specific plan EIRs be likely to occur as a result of proposed development, that development proposal will be subject to further CEQA review.

(8) No development proposal is associated with the 2015 Housing Element. As development projects are proposed in the future, each will be evaluated by the City of Modesto to determine whether it will add storm water runoff to the drainage system and whether runoff will be polluted. If a project does not comply with the City's policies, it will be subject to further environmental review.

11. INCREASED DEMAND FOR PARKS AND OPEN SPACE

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

Discussion:

No MEIR or Specific Plan EIR mitigation will be applied to the proposed 2015 Housing Element. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-11.B of the General Plan MEIR, Section IV.A of the Tivoli Specific Plan EIR, and Section 4.12 of the Woodglen Specific Plan EIR disclose impacts of the General Plan and specific plans on parks and open space. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR and specific plan EIRs.

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

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

Discussion:

(1) No new development is proposed as part of the 2015 Housing Element, however, the sites identified to satisfy Modesto's housing needs for the current cycle are sites in the General Plan and specific plans on which residential development is anticipated. The General Plan and specific plans have been determined to include adequate parks and open space to serve residents of future development, therefore, no impacts on parks or open space are expected to occur.

(2) The 2015 Housing Element does not propose the elimination of parks or open space to satisfy Modesto's housing needs. No impacts are expected.

(3) Potential residential development described in the sites inventory is consistent with the General Plan, Tivoli Specific Plan, and Woodglen Specific Plan. Impacts on parks and other recreational facilities disclosed in the EIRs for these plans would not change as a result of the 2015 Housing Element, therefore, no new impacts are expected to occur. Should any programs in the Housing Element be implemented in such a way that greater impacts on parks and recreation could occur, further environmental review may be required.

12. INCREASED DEMAND FOR SCHOOLS

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

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

Discussion:

No MEIR or specific plan EIR mitigation will be applied to the proposed 2015 Housing Element. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

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

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

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

Discussion:

(1) The proposed project makes no changes to the numbers of dwelling units or development patterns established in the General Plan. The draft Housing Element is consistent with the schools policies in the General Plan and relevant specific plans.

(2) New residential development in Modesto is required to pay school fees to mitigate the impacts of adding school children to local districts. Modesto's Building Division calculates and collects school mitigation fees at the time building permits are issued for new development. Impacts on schools are considered fully mitigated.

13. INCREASED DEMAND FOR POLICE SERVICES

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

Discussion:

No General Plan MEIR or specific plan EIR mitigation will be applied to the proposed 2015 Housing Element, which is a set of policies and an inventory of land on which residential development is expected to occur. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-13.B of the General Plan Master EIR, Section IV.K of the Tivoli Specific Plan EIR, and Section 4.12 of the Woodglen Specific Plan EIR disclose impacts on police services resulting from implementation of the General Plan and specific plans. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR and specific plan EIRs.

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

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

Discussion:

(1) The 2015 Housing Element makes no changes in the development pattern or number of potential dwelling units in Modesto and is consistent with the assumptions in the General Plan and specific plans. As such, it is consistent with policing policies in the General Plan and Master EIR and specific plan documents. Impacts from new residential development would be consistent with those already anticipated to occur.

(2) Because the proposed project makes no changes to the development pattern assumed in the General Plan and specific plans, there is no increase in the demand for police facilities and no impact on response times or other policing performance standards, as compared to the demand assumed in the approved planning and environmental documents.

14. INCREASED DEMAND FOR FIRE SERVICES

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

Discussion:

No General Plan MEIR or specific plan EIR mitigation will be applied to the 2015 Housing Element, which comprises policies to encourage and retain housing and an inventory of land on which housing is expected to develop. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-14.B of the General Plan Master EIR, Section IV.K of the Tivoli Specific Plan EIR, and Section 4.12 of the Woodglen Specific Plan EIR disclose impacts on fire services resulting from implementation of the General Plan and specific plans. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR and specific plan EIRs.

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

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

Discussion:

(1) The 2015 Housing Element makes no changes in the development pattern or number of potential dwelling units in Modesto and is consistent with the assumptions in the General Plan, Tivoli Specific Plan, and Woodglen Specific Plan. As such, the Housing Element is consistent with fire protection policies in these planning documents.

(2) Because the proposed project makes no changes to the development pattern assumed in the General Plan, there is no increase in the demand for fire protection facilities and no impact on response times or other performance standards.

(3) In order to meet its Regional Housing Needs Allocation in this cycle, the City of Modesto relied on infill sites. Infill development will have no fiscal impact on fire protection service in the unincorporated portion of Stanislaus County.

15. GENERATION OF SOLID WASTE

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

Solid waste mitigation measures pertinent to the proposed project are found on pages V-15-4 through V-15-7 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.

Discussion:

No General Plan MEIR or specific plan EIR mitigation will be applied to the proposed 2015 Housing Element. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-15.B of the General Plan Master EIR, Section IV.L of the Tivoli Specific Plan EIR, and Section 4.12 of the Woodglen Specific Plan EIR disclose solid waste impacts resulting from implementation of the General Plan and specific plans. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR and specific plan EIRs.

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

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

Discussion:

(1) The proposed 2015 Housing Element updates the demographic data contained in the 2009 Housing Element and catalogs residential development opportunities throughout the City. Development anticipated by the 2015 Housing Element is consistent with that anticipated in the General Plan and relevant specific plans. Future development must comply with the applicable policies enumerated in the General Plan. Should a future development project not comply with General Plan policies, it would be subject to further environmental review.

(2) Because the proposed Housing Element does not increase the amount of development anticipated to occur in Modesto, there will be no impacts on solid waste disposal capacity, as compared to the impacts disclosed in the General Plan Master EIR and specific plan EIRs.

16. GENERATION OF HAZARDOUS MATERIALS

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

Discussion:

No General Plan MEIR or specific plan EIR mitigation will be applied to the 2015 Housing Element, which comprises policies to encourage and retain housing and an inventory of sites on which housing is expected to develop. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-16.B of the General Plan Master EIR, Section IV.G of the Tivoli Specific Plan EIR, and Section 4.4 of the Woodglen Specific Plan EIR disclose impacts relating to hazardous materials resulting from implementation of the General Plan and specific plans. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR or specific plan EIRs.

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

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
16. GENERATION OF HAZARDOUS MATERIALS				
1) The project is inconsistent with the hazardous materials policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.	☐	☐	☐	☒
3) The proposed project would be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would create a significant hazard to the public or the environment.	☐	☐	☐	☒
4) The proposed project would be constructed on a contaminated site not known to the State of California as of March 2008.	☐	☐	☐	☒

Discussion:

(1) The proposed project will have no impact on the hazardous materials policies in the General Plan because the proposed 2015 Housing Element updates the demographic data contained in the 2009 Housing Element and catalogs residential development opportunities throughout the City. Development anticipated by the 2015 Housing Element is consistent with that anticipated in the General Plan and relevant specific plans.

(2) The potential for new residential development identified in the Housing Element is consistent in type and quantity with residential development that has occurred throughout Modesto. No unusual hazardous materials are expected to be used in new residential development that are not otherwise routinely used during construction and operation of residential development. No significant or new impacts are expected.

(3-4) Modesto has a small number of identified hazardous materials sites, as identified in the Master EIR. Should any of these sites be selected for new residential development, that site or sites would be subject to mitigation measures to prevent impacts on project or area residents. No impacts are anticipated as a result at this time.

17. GEOLOGY, SOILS, AND MINERAL RESOURCES

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

Geology, soils, and mineral resource mitigation measures pertinent to the proposed project are found on pages V-17-9 and V-17-10 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of the proposed project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No MEIR or specific plan EIR mitigation measures will be applied to the proposed 2015 Housing Element. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-17.B of the General Plan Master EIR, Section IV.J of the Tivoli Specific Plan EIR, and Section 4.9 of the Woodglen Specific Plan EIR disclose geology, soils, and mineral resource impacts resulting from implementation of the General Plan and specific plans. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR and specific plan EIRs.

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

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

Discussion:

(1) The proposed revision of the Housing Element creates no new development entitlements or proposes development projects. Consequently, the project is consistent with the geological policies in the General Plan.

(2) No changes in either the location or number of potential dwelling units are proposed as part of the project. Rather, the project updates demographic information in the 2009 Housing Element and catalogs the locations at which residential development may occur, consistent with the assumptions in the General Plan. The project will have no impact on geological hazards or mineral resources.

18. ENERGY

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following energy mitigation measures pertinent to the proposed project are found on pages V-18-2 through V-18-8 in the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:

No MEIR or specific plan EIR mitigation will be applied to the proposed 2015 Housing Element. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the General Plan Master EIR discloses impacts of implementing the General Plan on energy resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
18. ENERGY				
1) The proposed project is inconsistent with policies relating to energy in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would result in energy consumption during construction, operation, maintenance, or removal that is more wasteful, inefficient, and unnecessary than assumed in the Urban Area General Plan.	☐	☐	☐	☒

Discussion:

(1) The proposed project will have no impact on the energy policies in the General Plan because the proposed 2015 Housing Element simply updates demographic information in the 2009 Housing Element and catalogs the potential for residential development throughout the incorporated City.

(2) No more energy will be used, as compared to that assumed in the General Plan, if the proposed revised 2015 Housing Element is adopted. No changes in the residential development pattern or quantity will occur. Should any program in the proposed 2015 Housing Element be implemented in such a manner that increases the amount of energy likely to be used when development occurs, further environmental review will be necessary.

19. EFFECTS ON VISUAL RESOURCES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on visual resources expected after application of mitigations/policies:

Direct Impacts

Effect: New development in the Planned Urbanizing Area will occur in areas that are in agricultural production or are otherwise lightly developed, which could lead to the introduction of light and glare in areas that have little nighttime illumination.

Cumulative Impacts

Effect: No additional cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following visual resources mitigation measures pertinent to the proposed project are found on pages V-19-3 and V-19-4 in the Master EIR. All mitigation measures appropriate to the proposed project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:

No MEIR or specific plan EIR mitigation will be applied to the proposed 2015 Housing Element. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-19.B of the General Plan Master EIR and Section IV.C of the Tivoli Specific Plan EIR disclose impacts of implementing the General Plan and Tivoli Specific Plan on visual resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR and specific plan EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
19. EFFECTS ON VISUAL RESOURCES				
1) The proposed project is inconsistent with policies relating to visual resources in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would degrade views from riverside areas and parks to a greater degree than assumed in the Urban Area General Plan.	☐	☐	☐	☒
3) The proposed project would degrade views of riverside areas from public roadways and nearby properties to a greater degree than assumed in the Urban Area General Plan.	☐	☐	☐	☒

Discussion:

(1) The proposed 2015 Housing Element will have no impact on the visual resources policies contained in the General Plan because the proposed 2009 Housing Element simply updates demographic information in the 2009 Housing Element and catalogs potential residential development throughout the City.

(2) The proposed Housing Element would add no residential development adjacent to the Tuolumne River and Dry Creek, as compared to the development assumptions that appear in the General Plan and Master EIR, and so would have no new effect on views from those waterways and the abutting parks that was not analyzed in the Master EIR.

(3) The proposed 2015 Housing Element would add no residential development adjacent to the Tuolumne River and Dry Creek, as compared to the development assumptions made in the General Plan and Master EIR, and thus would have no new effect on views of Dry Creek and Tuolumne River, as compared to the Master EIR analysis.

20. LAND USE AND PLANNING

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to land use and planning expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following land use and planning mitigation measures pertinent to the proposed project are found on pages V-20-6 through V-20-17 in the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:

No General Plan MEIR or specific plan EIR mitigation will be applied to the proposed Housing Element. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-20.B of the General Plan Master EIR, Section IV.A of the Tivoli Specific Plan EIR, and Section 4.1 of the Woodglen Specific Plan EIR disclose impacts of implementing the General Plan and specific plans on land use and planning. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR and specific plan EIRs.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
20. LAND USE AND PLANNING				
1) The proposed project is inconsistent with land use and planning policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project contains elements that would physically divide an established community in a way not assumed in the Urban Area General Plan.	☐	☐	☐	☒
3) The proposed project conflicts with a land use plan, policy or regulation established for the purpose of avoiding or mitigating an environmental impact by an agency that has jurisdiction over the proposed project.	☐	☐	☐	☒
4) The proposed project conflicts with an applicable habitat conservation plan or natural community conservation plan.	☐	☐	☐	☒

Discussion:

(1) The proposed 2015 Housing Element reflects the location and density of residential development described in the General Plan, and within the bounds of the corporate limits of Modesto identifies specific properties on which residential development is expected to occur.

(2) The proposed Housing Element reflects the existing opportunities for residential development in Modesto as presented more generally in the General Plan. There is no new component of the Housing Element that would have the effect of dividing or creating barriers between established communities.

(3) Because the Housing Element is essentially a catalog of residential development opportunities generally described in the General Plan and demographic information that describes current housing needs, it is consistent with the General Plan and with all the various land use policies and regulations contained in it.

(4) There are no habitat conservation plans or natural community conservation plans in or around Modesto, therefore no impact on such plans is anticipated to occur as a result of the 2015 Housing Element.

21. CLIMATE CHANGE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to climate change expected after application of mitigations/policies:

Direct Impacts

Effect: Impacts resulting from implementation of the Urban Area General Plan are not substantial enough to result in a significant direct impact on climate change, as disclosed in the Master EIR.

Cumulative Impacts

Effect: Implementation of the Urban Area General Plan will have a cumulatively considerable impact on climate change.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following climate change mitigation measures pertinent to the proposed project are found on pages V-21-7 through V-21-10 in the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:

No General Plan MEIR or specific plan EIR mitigation will be applied to the proposed 2015 Housing Element. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the General Plan Master EIR, Section 4.14 of the Woodglen Specific Plan disclose impacts of implementing the General Plan and Woodglen Specific Plan on climate change. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR and specific plan EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
21. CLIMATE CHANGE				
1) The proposed project is inconsistent with policies relating to climate change in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would result in average automobile trip lengths or CO_2 emissions higher than those assumed in the Master EIR.	☐	☐	☐	☒
3) The proposed project would conflict with the Sustainable Communities Strategy or Alternative Planning Strategy that the Air Resources Board has agreed will achieve the goals of AB 32.	☐	☐	☐	☒

Discussion:

(1) The 2015 Housing Element would have no effect on climate change policies in the General Plan. The Housing Element simply catalogs residential development opportunities based on the General Plan and zoning and updates demographic information in the 2009 Housing Element.

(2) The proposed 2015 Housing Element would result in no change to trip lengths, vehicle miles traveled, or CO_2 emissions as disclosed in the General Plan Master EIR. The Housing Element reflects the location and quantity of residential development opportunities established in the General Plan and regulated by the zoning code.

(3) The Air Resources Board approved StanCOG's Sustainable Communities Strategy in 2015. The Sustainable Communities Strategy reflects Modesto's General Plan and the Housing Element is consistent with the General Plan and is therefore also consistent with the Sustainable Communities Strategy.

V. MITIGATION MEASURES APPLIED TO THE PROPOSED PROJECT

If the Initial Study results in the determination that a Finding of Conformance can be adopted for the proposed project Section A below applies. If the Initial Study results in the determination that a Finding of Conformance cannot be adopted and a Mitigated Negative Declaration/EIR must be prepared for the project then Section B, below applies.

A. Mitigation Measures Applied to the Project

Pursuant to Public Resources Code Section 21157.1(c), in order for a Finding of Conformance to be made, all appropriate mitigation measures from the Master EIR shall be incorporated into the proposed project. General Plan Policies/Master EIR mitigation measures shall be made part of the proposed project prior to approval by means of conditions of project approval or incorporation into the appropriate document or plan. The Housing Element also relies on the Tivoli Specific Plan and Woodglen Specific Plan and their respective environmental impact reports.

All applicable and appropriate mitigation measures have been applied to the project (see mitigation measures listed below).

B. New or Additional Mitigation Measures or Alternatives Required

Where the project's effects would exceed the significance criteria for each environmental impact category, a mitigated negative declaration or Focused EIR must be prepared. Staff has reviewed the project against the significance criteria thresholds established in the Master EIR and specific plan EIRs for all impact categories in this Initial Study.

The following project-specific mitigation measures listed below are necessary to reduce impacts to a less-than-significant level:

Traffic and Circulation:

None.

Degradation of Air Quality:

None.

Generation of Noise:

None.

Effects on Agricultural Lands:

None.

Increased Demand for Long-Term Water Supplies:

None.

Increased Demand for Sanitary Sewer Services:

None.

Loss of Sensitive Wildlife and Plant Habitat:

None.

Disturbance of Archaeological/Historic Sites:

None.

Increased Demand for Storm Drainage:

None.

Flooding and Water Quality:

None.

Increased Demand for Parks and Open Space:

None.

Increased Demand for Schools:

None.

Increased Demand for Police Services:

None.

Increased Demand for Fire Services:

None.

Generation of Solid Waste:

None.

Generation of Hazardous Materials:

None.

Geology, Soils, and Mineral Resources:

None.

Energy:

None.

Effects on Visual Resources:

None.

Land Use and Planning:

None.

Climate Change:

None.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-155

RESOLUTION APPROVING AN AMENDMENT TO THE GENERAL PLAN TO ADOPT THE 2015 HOUSING ELEMENT (CITY OF MODESTO)

WHEREAS, on October 14, 2008, the City Council of the City of Modesto certified the Final Master Environmental Impact Report ("Master EIR") (SCH No. 2007072023) for the Modesto Urban Area General Plan, and

WHEREAS, a new General Plan for the City of Modesto entitled "City of Modesto Urban Area General Plan", as recommended by the Modesto City Planning Commission, was adopted by the Council of the City of Modesto by Resolution No. 95-409 on August 15, 1995, and

WHEREAS, said General Plan has been amended by Modesto City Council Resolution Nos. 95-584, 96-20, 96-338, 96-639, 97-3, 97-137, 97-158, 98-293, 99-162, 99-564, 2000-303, 2000-633, 2001-47, 2001-476, 2002-154, 2002-526, 2003-101, 2003-122, 2004-233, 2005-70, 2007-066, 2007-599, 2008-142, 2008-583, 2009-419, 2011-253, 2011-254, 2011-435 and 2012-430, copies of which are on file in the office of the City Clerk, and

WHEREAS, Government Code Section 65358 permits the amendment of General Plans by the legislative body, and

WHEREAS, the City of Modesto has applied for an amendment to the General Plan to adopt the 2015 Housing Element, and

WHEREAS, the Community & Economic Development Department has analyzed the proposed amendment and concluded that it is within the scope of the Master EIR, and

WHEREAS, a Final Master Environmental Impact Report was prepared for the Urban Area General Plan Update (SCH No. 2007072023) which analyzed the potential environmental effects of the proposed Project, and

WHEREAS, on March 21, 2016, the Planning Commission held a duly noticed public hearing in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, relating to this proposed amendment to the Modesto Urban Area General Plan to replace the 2009 Housing Element, Chapter IV, with the 2015 Housing Element, and

WHEREAS, after said public hearing, the Planning Commission adopted Resolution No. 2016-07, recommending to the City Council an amendment to the Modesto Urban Area General Plan to approve the 2015 Housing Element replacing the 2009 Housing Element, Chapter IV of the General Plan, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on April 12, 2016, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held for the purpose of receiving public comment on the proposed amendment to the Modesto Urban Area General Plan Housing Element, Chapter IV.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that the proposed amendment to the Modesto Urban General Plan to as described in **Exhibit "A", attached** hereto and incorporated herein by reference, is required for the public health, safety, and welfare of the citizens of Modesto.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby adopts the proposed amendment to the General Plan as described in **Exhibit "A", attached** hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community and Economic Development Department Director is hereby authorized and directed to forward certified copies of this resolution and said amendment to the Urban Area General Plan to the Board of Supervisors, and file a Notice of Determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of April, 2016, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT A
See Link Below to Document:

http://www.modestogov.com/ced/pdf/planning/documents/housing-element/technical/2015-Draft-Housing-Element.pdf

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-156

RESOLUTION APPROVING A PROPOSED AGREEMENT INCLUDING LANGUAGE CHANGES FOR A SUCCESSOR MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF MODESTO AND MODESTO CITY FIRE FIGHTERS ASSOCIATION (MCFFA) FOR A TERM OF JULY 1, 2013 TO JUNE 30, 2018; RESCINDING RESOLUTION NO. 2012-47, RESOLUTION NO. 2011-257, REOLUTION NO. 2010-263 AND RESOLUTION NO. 2008-599 AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO TAKE THE NECESSARY ADMINISTRATIVE ACTION TO IMPLEMENT THE AGREEMENT

WHEREAS, the current Memorandum of Understanding (MOU) between the City of Modesto (CITY) and the Modesto City Fire Fighters Association (MCFFA) expired on June 30, 2013, and

WHEREAS, representatives of the CITY and the MCFFA have met and conferred in good faith concerning wages, hours, terms and conditions of employment for employees in said bargaining unit, and

WHEREAS, the CITY and MCFFA have reached agreement on language changes for a successor MOU which shall be **attached** hereto and made a part hereof as **Exhibit** "A", and

WHEREAS, the MOU provides as follows:

ARTICLE 2. TERM. The term of the MOU shall be from July 1, 2013 to June 30, 2018.

ARTICLE 4. SALARY.

a. Effective April 19, 2016 - Increase base salary ranges for all classes by 2.5% as shown in **attached Exhibits** "B" through "D".

b. Effective June 28, 2016 - Increase base salary ranges for all classes by 2.0% as shown in **attached Exhibits** "E" through "G".

c. Effective December 27, 2016 - Increase base salary ranges for all classes by 2.0% as shown in **attached Exhibits** "H" through "J".

d. Effective June 27, 2017 - Increase base salary ranges for all classes by 2.0% as shown in **attached Exhibits** "K" through "M".

ARTICLE 5. MEDICAL CERTIFICATION ALLOWANCE. Section C. 5% EMT Incentive Pay shall be rolled into base salary.

ARTICLE 11. EDUCATIONAL INCENTIVE PAY. Changes shown in **attached Exhibit** "N" to be effective June 28, 2016.

ARTICLE 17. MINIMUM STAFFING POLICY. Upon adoption of contract, there shall be a minimum of (3) employees per Engine Company (Captain, Engineer, Firefighter) and (4) employees per Truck Company or Rescue Company (Captain, Engineer, 2 Firefighters). The airport/crash rescue may be unstaffed. Any reduction in force from current daily staffing levels and/or any changes to our current delivery platform shall require that the City and L1289 meet and confer. The staffing of Truck 11 will not occur until permanent employees are hired and graduated from the academy.

ARTICLE 20. CAFETERIA PLAN. Effective the pay period that includes the PERs rate changes for calendar year, 2017 and 2018 the City shall increase the monthly rate increase to medical, dental and vision insurance premiums as described below. Effective the pay period that the PERs rate changes occur in 2017 only, the city shall increase the monthly contribution by an additional $25 for employees that opt-out of medical. In lieu of contribution this calendar year, employee will receive a one-time contribution of $750 (non-persable).

	Current	2017	2018
Employee only	$700	$730	$760
Employee plus 1	$1,045	$1,090	$1,135
Employee plus family	$1,325	$1,375	$1,430

ARTICLE 21. RETIREE HEALTH INSURANCE. The City shall increase their contribution to the MCFFA medical trust by $25 per pay period on July 1, 2016 and additional $25 per period on July 1, 2017. MCFFA employees shall also make an additional $25 contribution per pay period on July 1, 2016 and July 1, 2017.

ARTICLE 25. PROBATION. Proposed language change to move Section F language to Section A.

a. All entry-level firefighters shall be hired into one of two classifications, firefighter or firefighter trainee. The salary range is at the discretion of City. During the probationary period, the employee shall be evaluated on conduct, performance, attitude, adaptability and job knowledge. During the probationary period an employee can be released any time without right of appeal, written notice of release shall be furnished to the probationer.

ARTICLE 31. VACATION.

a. Section g. All employees assigned to fire suppression shall have the option to cash out up to a maximum of three (3) vacation days (maximum seventy-two hours) per calendar year at their regular rate of pay.

b. Section j. Eliminate the language regarding the 5th vacation board, and utilize current formula to determine the number of vacation boards.

Current vacation scheduled for 2016 will remain in effect. This provision will not take effect until January 2017. This will remain in effect for the term of the agreement only.

ARTICLE 38. RETIREMENT. Employee Paying Employee PERS:

For Fire Safety employees hired before January 17, 2012 under Tier 1 retirement formula 3%@50, effective April 19, 2016, the City of Modesto elects to pay eight percent (8%) of the normal member contributions of twelve percent (12%) as employer paid member contributions and report the same value to CalPERS as compensation earnable as additional compensation. Effective June 28, 2016, the City of Modesto elects to pay five and one half percent (5.5%) of the normal member contributions of twelve percent (12%) as employer paid member contributions and report the same value to CalPERS as compensation. Effective December 27, 2016, the City of Modesto elects to pay three percent (3%) of the normal member contributions of twelve percent (12%) as employer paid member contributions and report the same value to CalPERS as compensation earnable as additional compensation. Effective June 27, 2017, the City of Modesto elects to pay zero percent (0%) of the normal member contributions of twelve percent (12%) as employer paid member contributions and report the same value to CalPERS as compensation earnable as additional compensation. No payment shall be implemented pursuant to the provisions of Section 20636 (c)(4) of the California Government Code. For Fire Safety employees hired on or after January 17, 2012 under Tier 2 retirement formula 3%@55, the City of Modesto elects to pay zero percent (0%) of the normal member contributions of twelve percent (12%) effective June 27, 2017. No payment

shall be implemented pursuant to the provisions of Section 20636 (c)(4) of the California Government Code.

INCENTIVE PAYS. Within 90 days of adoption of the contract, the City and L1289 shall meet and confer regarding the following Incentive Pay:

a. The City proposed Tech Rescue Incentive Pay.

   i. Extend bid for truck companies from 2 years to 6 years.

b. Paramedic Program and Incentive Pay.

CHANGES AND REMAINING PROVISIONS. Other changes and remaining provisions of the December 26, 2006 through December 20, 2010 MOU and Contract Extension Agreements through June 30, 2013 between the CITY and MCFFA shall continue in the new MOU. The exact language of all provisions shall be set forth in the MOU between the CITY and MCFFA.

WHEREAS, the Council considered this matter at its meeting of April 12, 2016,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the language changes for a successor Memorandum of Understanding between the City of Modesto and the Modesto City Fire Fighters Association, which covers a term from July 1, 2013 through June 30, 2018, and upon execution of same, a copy of the MOU will be on file in the office of the City Clerk.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that Resolution No. 2012-47, Resolution No. 2011-257, Resolution No. 2010-263 and Resolution No. 2008-599 are hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of April, 2016, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

CITY OF MODESTO
CLASS RANGE TABLE
GENERAL FIRE CLASSES
Effective **April 19, 2016**

RANGE	TITLE		
203		903	
204		904	
205		**905**	**Firefighter Trainee (80 hour)**
206			
207			
208			
209	**Firefighter**		
210			
211			
212			
213	**Fire Engineer**		
214			
215			
216			
217			
218			
219	**Fire Captain**		

EXHIBIT "A"

CITY OF MODESTO
CLASS RANGE TABLE
GENERAL FIRE CLASSES
Effective **April 19, 2016**

RANGE	TITLE
719	**Fire Captain (80 hour)** **Fire Captain-Special Assignment**

EXHIBIT "A"

SCHEDULE - W
GENERAL FIRE CLASS - 80 HRS

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE
EFFECTIVE APRIL 19th 2016

112 hr Step A	17.81

	HOURLY					BI-WEEKLY				
	A	B	C	D	E	A	B	C	D	E
0701	24.93	26.18	27.49	28.86	30.30	1,994.08	2,093.78	2,198.47	2,308.39	2,423.81
0702	25.55	26.83	28.17	29.58	31.06	2,043.93	2,146.12	2,253.43	2,366.10	2,484.41
0703	26.19	27.50	28.88	30.32	31.84	2,095.03	2,199.78	2,309.77	2,425.25	2,546.52
0704	26.85	28.19	29.60	31.08	32.63	2,147.40	2,254.77	2,367.51	2,485.89	2,610.18
0705	27.52	28.89	30.34	31.86	33.45	2,201.09	2,311.14	2,426.70	2,548.03	2,675.43
0706	28.21	29.62	31.10	32.65	34.28	2,256.11	2,368.92	2,487.37	2,611.73	2,742.32
0707	28.91	30.36	31.87	33.47	35.14	2,312.52	2,428.14	2,549.55	2,677.03	2,810.88
0708	29.63	31.12	32.67	34.30	36.02	2,370.33	2,488.85	2,613.29	2,743.95	2,881.15
0709	30.37	31.89	33.49	35.16	36.92	2,429.59	2,551.07	2,678.62	2,812.55	2,953.18
0710	31.13	32.69	34.32	36.04	37.84	2,490.33	2,614.84	2,745.59	2,882.87	3,027.01
0711	31.91	33.51	35.18	36.94	38.79	2,552.59	2,680.22	2,814.23	2,954.94	3,102.68
0712	32.71	34.35	36.06	37.87	39.76	2,616.40	2,747.22	2,884.58	3,028.81	3,180.25
0713	33.53	35.20	36.96	38.81	40.75	2,681.81	2,815.90	2,956.70	3,104.53	3,259.76
0714	34.37	36.08	37.89	39.78	41.77	2,748.86	2,886.30	3,030.61	3,182.14	3,341.25
0715	35.22	36.99	38.83	40.78	42.81	2,817.58	2,958.46	3,106.38	3,261.70	3,424.78
0716	36.11	37.91	39.81	41.80	43.89	2,888.02	3,032.42	3,184.04	3,343.24	3,510.40
0717	37.01	38.86	40.80	42.84	44.98	2,960.22	3,108.23	3,263.64	3,426.82	3,598.16
0718	37.93	39.83	41.82	43.91	46.11	3,034.22	3,185.93	3,345.23	3,512.49	3,688.12
0719	38.88	40.82	42.87	45.01	47.26	3,110.08	3,265.58	3,428.86	3,600.30	3,780.32
0720	39.85	41.85	43.94	46.13	48.44	3,187.83	3,347.22	3,514.58	3,690.31	3,874.83
0721	40.85	42.89	45.04	47.29	49.65	3,267.53	3,430.90	3,602.45	3,782.57	3,971.70
0722	41.87	43.96	46.16	48.47	50.89	3,349.21	3,516.67	3,692.51	3,877.13	4,070.99
0723	42.92	45.06	47.32	49.68	52.16	3,432.94	3,604.59	3,784.82	3,974.06	4,172.77
0724	43.99	46.19	48.50	50.92	53.47	3,518.77	3,694.71	3,879.44	4,073.41	4,277.08
0725	45.09	47.34	49.71	52.20	54.81	3,606.74	3,787.07	3,976.43	4,175.25	4,384.01

MONTHLY

A	B	C	D	E
4,335.13	4,551.88	4,779.47	5,018.44	5,269.36
4,443.50	4,665.66	4,898.96	5,143.90	5,401.11
4,554.60	4,782.32	5,021.44	5,272.49	5,536.13
4,668.45	4,901.87	5,146.97	5,404.32	5,674.53
4,785.17	5,024.42	5,275.65	5,539.42	5,816.38
4,904.78	5,150.03	5,407.54	5,677.90	5,961.80
5,027.42	5,278.78	5,542.72	5,819.86	6,110.85
5,153.10	5,410.76	5,681.29	5,965.35	6,263.62
5,281.93	5,546.03	5,823.32	6,114.48	6,420.21
5,413.98	5,684.66	5,968.91	6,267.36	6,580.72
5,549.33	5,826.80	6,118.14	6,424.04	6,745.23
5,688.05	5,972.46	6,271.08	6,584.63	6,913.86
5,830.25	6,121.77	6,427.87	6,749.25	7,086.72
5,976.02	6,274.82	6,588.55	6,917.97	7,263.88
6,125.42	6,431.69	6,753.27	7,090.94	7,445.47
6,278.56	6,592.48	6,922.10	7,268.20	7,631.61
6,435.52	6,757.29	7,095.15	7,449.91	7,822.40
6,596.39	6,926.21	7,272.53	7,636.15	8,017.97
6,761.31	7,099.37	7,454.34	7,827.05	8,218.42
6,930.34	7,276.86	7,640.70	8,022.73	8,423.88
7,103.61	7,458.78	7,831.73	8,223.31	8,634.48
7,281.18	7,645.24	8,027.52	8,428.88	8,850.33
7,463.21	7,836.38	8,228.20	8,639.61	9,071.60
7,649.81	8,032.30	8,433.90	8,855.59	9,298.37
7,841.05	8,233.09	8,644.76	9,076.99	9,530.84

SCHEDULE - B
GENERAL FIRE CLASS - 112 HRS

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE
EFFECTIVE APRIL 19th 2016

Old Step A	17.37
Increase	2.50%

	HOURLY					BI-WEEKLY				
	A	B	C	D	E	A	B	C	D	E
0201	17.81	18.70	19.63	20.62	21.65	1,994.08	2,093.78	2,198.47	2,308.39	2,423.81
0202	18.25	19.17	20.12	21.13	22.19	2,043.93	2,146.12	2,253.43	2,366.10	2,484.41
0203	18.71	19.65	20.63	21.66	22.74	2,095.03	2,199.78	2,309.77	2,425.25	2,546.52
0204	19.18	20.14	21.14	22.20	23.31	2,147.40	2,254.77	2,367.51	2,485.89	2,610.18
0205	19.66	20.64	21.67	22.76	23.89	2,201.09	2,311.14	2,426.70	2,548.03	2,675.43
0206	20.15	21.16	22.21	23.32	24.49	2,256.11	2,368.92	2,487.37	2,611.73	2,742.32
0207	20.65	21.68	22.77	23.91	25.10	2,312.52	2,428.14	2,549.55	2,677.03	2,810.88
0208	21.17	22.23	23.34	24.50	25.73	2,370.33	2,488.85	2,613.29	2,743.95	2,881.15
0209	21.70	22.78	23.92	25.12	26.37	2,429.59	2,551.07	2,678.62	2,812.55	2,953.18
0210	22.24	23.35	24.52	25.74	27.03	2,490.33	2,614.84	2,745.59	2,882.87	3,027.01
0211	22.80	23.94	25.13	26.39	27.71	2,552.59	2,680.22	2,814.23	2,954.94	3,102.68
0212	23.37	24.53	25.76	27.05	28.40	2,616.40	2,747.22	2,884.58	3,028.81	3,180.25
0213	23.95	25.15	26.40	27.72	29.11	2,681.81	2,815.90	2,956.70	3,104.53	3,259.76
0214	24.55	25.78	27.06	28.42	29.84	2,748.86	2,886.30	3,030.61	3,182.14	3,341.25
0215	25.16	26.42	27.74	29.13	30.58	2,817.58	2,958.46	3,106.38	3,261.70	3,424.78
0216	25.79	27.08	28.43	29.86	31.35	2,888.02	3,032.42	3,184.04	3,343.24	3,510.40
0217	26.44	27.76	29.14	30.60	32.13	2,960.22	3,108.23	3,263.64	3,426.82	3,598.16
0218	27.10	28.45	29.87	31.37	32.93	3,034.22	3,185.93	3,345.23	3,512.49	3,688.12
0219	27.77	29.16	30.62	32.15	33.76	3,110.08	3,265.58	3,428.86	3,600.30	3,780.32
0220	28.47	29.89	31.39	32.95	34.60	3,187.83	3,347.22	3,514.58	3,690.31	3,874.83
0221	29.18	30.64	32.17	33.78	35.47	3,267.53	3,430.90	3,602.45	3,782.57	3,971.70
0222	29.91	31.40	32.97	34.62	36.35	3,349.21	3,516.67	3,692.51	3,877.13	4,070.99
0223	30.66	32.19	33.80	35.49	37.26	3,432.94	3,604.59	3,784.82	3,974.06	4,172.77
0224	31.42	32.99	34.64	36.37	38.19	3,518.77	3,694.71	3,879.44	4,073.41	4,277.08
0225	32.21	33.82	35.51	37.28	39.15	3,606.74	3,787.07	3,976.43	4,175.25	4,384.01

MONTHLY

A	B	C	D	E
4,335.13	4,551.88	4,779.47	5,018.44	5,269.36
4,443.50	4,665.66	4,898.96	5,143.90	5,401.11
4,554.60	4,782.32	5,021.44	5,272.49	5,536.13
4,668.45	4,901.87	5,146.97	5,404.32	5,674.53
4,785.17	5,024.42	5,275.65	5,539.42	5,816.38
4,904.78	5,150.03	5,407.54	5,677.90	5,961.80
5,027.42	5,278.78	5,542.72	5,819.86	6,110.85
5,153.10	5,410.76	5,681.29	5,965.35	6,263.62
5,281.93	5,546.03	5,823.32	6,114.48	6,420.21
5,413.98	5,684.66	5,968.91	6,267.36	6,580.72
5,549.33	5,826.80	6,118.14	6,424.04	6,745.23
5,688.05	5,972.46	6,271.08	6,584.63	6,913.86
5,830.25	6,121.77	6,427.87	6,749.25	7,086.72
5,976.02	6,274.82	6,588.55	6,917.97	7,263.88
6,125.42	6,431.69	6,753.27	7,090.94	7,445.47
6,278.56	6,592.48	6,922.10	7,268.20	7,631.61
6,435.52	6,757.29	7,095.15	7,449.91	7,822.40
6,596.39	6,926.21	7,272.53	7,636.15	8,017.97
6,761.31	7,099.37	7,454.34	7,827.05	8,218.42
6,930.34	7,276.86	7,640.70	8,022.73	8,423.88
7,103.61	7,458.78	7,831.73	8,223.31	8,634.48
7,281.18	7,645.24	8,027.52	8,428.88	8,850.33
7,463.21	7,836.38	8,228.20	8,639.61	9,071.60
7,649.81	8,032.30	8,433.90	8,855.59	9,298.37
7,841.05	8,233.09	8,644.76	9,076.99	9,530.84

SCHEDULE - Z
FIRE FIGHTER TRAINEE - 80 HOURS

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE
EFFECTIVE APRIL 19th 2016

'd Step A	23.02
crease	2.50%

	HOURLY					BI-WEEKLY				
	A	B	C	D	E	A	B	C	D	E
0901	23.60	24.78	26.02	27.32	28.69	1,888.00	1,982.40	2,081.60	2,185.60	2,295.20
0902	24.19	25.40	26.67	28.00	29.40	1,935.20	2,032.00	2,133.60	2,240.00	2,352.00
0903	24.80	26.03	27.34	28.70	30.14	1,984.00	2,082.40	2,187.20	2,296.00	2,411.20
0904	25.41	26.69	28.02	29.42	30.89	2,032.80	2,135.20	2,241.60	2,353.60	2,471.20
0905	26.05	27.35	28.72	30.16	31.66	2,084.00	2,188.00	2,297.60	2,412.80	2,532.80
0906	26.70	28.04	29.44	30.91	32.45	2,136.00	2,243.20	2,355.20	2,472.80	2,596.00
0907	27.37	28.74	30.17	31.68	33.27	2,189.60	2,299.20	2,413.60	2,534.40	2,661.60
0908	28.05	29.46	30.93	32.47	34.10	2,244.00	2,356.80	2,474.40	2,597.60	2,728.00
0909	28.75	30.19	31.70	33.29	34.95	2,300.00	2,415.20	2,536.00	2,663.20	2,796.00
0910	29.47	30.95	32.49	34.12	35.82	2,357.60	2,476.00	2,599.20	2,729.60	2,865.60
0911	30.21	31.72	33.31	34.97	36.72	2,416.80	2,537.60	2,664.80	2,797.60	2,937.60
0912	30.96	32.51	34.14	35.84	37.64	2,476.80	2,600.80	2,731.20	2,867.20	3,011.20
0913	31.74	33.32	34.99	36.74	38.58	2,539.20	2,665.60	2,799.20	2,939.20	3,086.40
0914	32.53	34.16	35.87	37.66	39.54	2,602.40	2,732.80	2,869.60	3,012.80	3,163.20
0915	33.34	35.01	36.76	38.60	40.53	2,667.20	2,800.80	2,940.80	3,088.00	3,242.40
0916	34.18	35.89	37.68	39.56	41.54	2,734.40	2,871.20	3,014.40	3,164.80	3,323.20
0917	35.03	36.78	38.62	40.55	42.58	2,802.40	2,942.40	3,089.60	3,244.00	3,406.40
0918	35.91	37.70	39.59	41.57	43.65	2,872.80	3,016.00	3,167.20	3,325.60	3,492.00
0919	36.81	38.65	40.58	42.61	44.74	2,944.80	3,092.00	3,246.40	3,408.80	3,579.20
0920	37.73	39.61	41.59	43.67	45.86	3,018.40	3,168.80	3,327.20	3,493.60	3,668.80
0921	38.67	40.60	42.63	44.76	47.00	3,093.60	3,248.00	3,410.40	3,580.80	3,760.00
0922	39.64	41.62	43.70	45.88	48.18	3,171.20	3,329.60	3,496.00	3,670.40	3,854.40
0923	40.63	42.66	44.79	47.03	49.38	3,250.40	3,412.80	3,583.20	3,762.40	3,950.40
0924	41.64	43.72	45.91	48.20	50.61	3,331.20	3,497.60	3,672.80	3,856.00	4,048.80
0925	42.68	44.82	47.06	49.41	51.88	3,414.40	3,585.60	3,764.80	3,952.80	4,150.40

MONTHLY

A	B	C	D	E
4,104.51	4,309.74	4,525.40	4,751.49	4,989.76
4,207.12	4,417.57	4,638.45	4,869.76	5,113.25
4,313.22	4,527.14	4,754.97	4,991.50	5,241.95
4,419.31	4,641.92	4,873.24	5,116.73	5,372.39
4,530.62	4,756.71	4,994.98	5,245.43	5,506.31
4,643.66	4,876.72	5,120.20	5,375.87	5,643.70
4,760.19	4,998.46	5,247.17	5,509.79	5,786.32
4,878.46	5,123.68	5,379.35	5,647.18	5,930.67
5,000.20	5,250.64	5,513.26	5,789.80	6,078.50
5,125.42	5,382.82	5,650.66	5,934.15	6,229.81
5,254.12	5,516.74	5,793.28	6,081.98	6,386.34
5,384.56	5,654.14	5,937.63	6,233.29	6,546.35
5,520.22	5,795.01	6,085.46	6,389.82	6,709.83
5,657.62	5,941.11	6,238.51	6,549.83	6,876.80
5,798.49	6,088.94	6,393.30	6,713.31	7,048.98
5,944.59	6,241.99	6,553.31	6,880.28	7,224.64
6,092.42	6,396.78	6,716.79	7,052.46	7,405.51
6,245.47	6,556.78	6,885.49	7,229.85	7,591.61
6,402.00	6,722.01	7,057.67	7,410.73	7,781.18
6,562.00	6,888.97	7,233.33	7,595.09	7,975.97
6,725.49	7,061.15	7,414.21	7,784.66	8,174.24
6,894.19	7,238.55	7,600.30	7,979.45	8,379.47
7,066.37	7,419.43	7,789.88	8,179.46	8,588.17
7,242.03	7,603.78	7,984.67	8,382.94	8,802.09
7,422.91	7,795.09	8,184.68	8,593.39	9,022.97

SCHEDULE - W
GENERAL FIRE CLASS - 80 HRS

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE
EFFECTIVE JUNE 28th 2016

112 hr Step A	18.17									
	HOURLY					BI-WEEKLY				
	A	B	C	D	E	A	B	C	D	E
0701	25.44	26.71	28.04	29.45	30.92	2,034.61	2,136.35	2,243.16	2,355.32	2,473.09
0702	26.07	27.38	28.75	30.18	31.69	2,085.48	2,189.75	2,299.24	2,414.20	2,534.91
0703	26.73	28.06	29.46	30.94	32.48	2,137.62	2,244.50	2,356.72	2,474.56	2,598.29
0704	27.39	28.76	30.20	31.71	33.30	2,191.06	2,300.61	2,415.64	2,536.42	2,663.24
0705	28.08	29.48	30.96	32.50	34.13	2,245.83	2,358.13	2,476.03	2,599.83	2,729.82
0706	28.78	30.22	31.73	33.32	34.98	2,301.98	2,417.08	2,537.93	2,664.83	2,798.07
0707	29.50	30.97	32.52	34.15	35.86	2,359.53	2,477.51	2,601.38	2,731.45	2,868.02
0708	30.24	31.75	33.34	35.00	36.75	2,418.52	2,539.44	2,666.42	2,799.74	2,939.72
0709	30.99	32.54	34.17	35.88	37.67	2,478.98	2,602.93	2,733.08	2,869.73	3,013.22
0710	31.77	33.36	35.02	36.77	38.61	2,540.95	2,668.00	2,801.40	2,941.47	3,088.55
0711	32.56	34.19	35.90	37.69	39.58	2,604.48	2,734.70	2,871.44	3,015.01	3,165.76
0712	33.37	35.04	36.80	38.63	40.57	2,669.59	2,803.07	2,943.22	3,090.38	3,244.90
0713	34.21	35.92	37.72	39.60	41.58	2,736.33	2,873.15	3,016.80	3,167.64	3,326.03
0714	35.06	36.82	38.66	40.59	42.62	2,804.74	2,944.98	3,092.22	3,246.84	3,409.18
0715	35.94	37.74	39.62	41.61	43.69	2,874.86	3,018.60	3,169.53	3,328.01	3,494.41
0716	36.84	38.68	40.61	42.65	44.78	2,946.73	3,094.06	3,248.77	3,411.21	3,581.77
0717	37.76	39.65	41.63	43.71	45.90	3,020.40	3,171.42	3,329.99	3,496.49	3,671.31
0718	38.70	40.64	42.67	44.80	47.04	3,095.91	3,250.70	3,413.24	3,583.90	3,763.09
0719	39.67	41.65	43.74	45.92	48.22	3,173.30	3,331.97	3,498.57	3,673.50	3,857.17
0720	40.66	42.70	44.83	47.07	49.43	3,252.64	3,415.27	3,586.03	3,765.33	3,953.60
0721	41.68	43.76	45.95	48.25	50.66	3,333.95	3,500.65	3,675.68	3,859.47	4,052.44
0722	42.72	44.86	47.10	49.45	51.93	3,417.30	3,588.17	3,767.57	3,955.95	4,153.75
0723	43.79	45.98	48.28	50.69	53.22	3,502.73	3,677.87	3,861.76	4,054.85	4,257.60
0724	44.88	47.13	49.48	51.96	54.56	3,590.30	3,769.82	3,958.31	4,156.22	4,364.03
0725	46.01	48.31	50.72	53.26	55.92	3,680.06	3,864.06	4,057.27	4,260.13	4,473.14

MONTHLY

A	B	C	D	E
4,423.24	4,644.42	4,876.63	5,120.47	5,376.50
4,533.83	4,760.52	4,998.55	5,248.47	5,510.89
4,647.19	4,879.54	5,123.51	5,379.69	5,648.68
4,763.36	5,001.53	5,251.60	5,514.18	5,789.88
4,882.43	5,126.57	5,382.89	5,652.03	5,934.63
5,004.50	5,254.73	5,517.46	5,793.34	6,083.00
5,129.62	5,386.11	5,655.40	5,938.17	6,235.08
5,257.86	5,520.74	5,796.80	6,086.63	6,390.95
5,389.30	5,658.77	5,941.72	6,238.79	6,550.74
5,524.03	5,800.23	6,090.24	6,394.76	6,714.51
5,662.14	5,945.24	6,242.51	6,554.63	6,882.36
5,803.69	6,093.87	6,398.56	6,718.49	7,054.41
5,948.78	6,246.23	6,558.52	6,886.45	7,230.79
6,097.50	6,402.39	6,722.49	7,058.63	7,411.56
6,249.95	6,562.44	6,890.56	7,235.09	7,596.85
6,406.19	6,726.49	7,062.83	7,415.97	7,786.77
6,566.35	6,894.67	7,239.40	7,601.37	7,981.43
6,730.51	7,067.02	7,420.38	7,791.40	8,180.96
6,898.75	7,243.70	7,605.89	7,986.19	8,385.49
7,071.24	7,424.80	7,796.03	8,185.83	8,595.13
7,248.01	7,610.41	7,990.93	8,390.49	8,810.00
7,429.21	7,800.68	8,190.70	8,600.24	9,030.25
7,614.94	7,995.69	8,395.47	8,815.24	9,256.02
7,805.31	8,195.59	8,605.37	9,035.62	9,487.40
8,000.45	8,400.47	8,820.50	9,261.52	9,724.61

SCHEDULE - B
GENERAL FIRE CLASS - 112 HRS

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE
EFFECTIVE JUNE 28th 2016

Old Step A	17.81
Increase	2.00%

	HOURLY					BI-WEEKLY				
	A	B	C	D	E	A	B	C	D	E
0201	18.17	19.08	20.03	21.03	22.09	2,034.61	2,136.35	2,243.16	2,355.32	2,473.09
0202	18.63	19.56	20.53	21.56	22.64	2,085.48	2,189.75	2,299.24	2,414.20	2,534.91
0203	19.09	20.05	21.05	22.10	23.20	2,137.62	2,244.50	2,356.72	2,474.56	2,598.29
0204	19.57	20.55	21.57	22.65	23.78	2,191.06	2,300.61	2,415.64	2,536.42	2,663.24
0205	20.06	21.06	22.11	23.22	24.38	2,245.83	2,358.13	2,476.03	2,599.83	2,729.82
0206	20.56	21.59	22.67	23.80	24.99	2,301.98	2,417.08	2,537.93	2,664.83	2,798.07
0207	21.07	22.13	23.23	24.39	25.61	2,359.53	2,477.51	2,601.38	2,731.45	2,868.02
0208	21.60	22.68	23.81	25.00	26.25	2,418.52	2,539.44	2,666.42	2,799.74	2,939.72
0209	22.14	23.25	24.41	25.63	26.91	2,478.98	2,602.93	2,733.08	2,869.73	3,013.22
0210	22.69	23.83	25.02	26.27	27.58	2,540.95	2,668.00	2,801.40	2,941.47	3,088.55
0211	23.26	24.42	25.64	26.92	28.27	2,604.48	2,734.70	2,871.44	3,015.01	3,165.76
0212	23.84	25.03	26.28	27.60	28.98	2,669.59	2,803.07	2,943.22	3,090.38	3,244.90
0213	24.44	25.66	26.94	28.29	29.70	2,736.33	2,873.15	3,016.80	3,167.64	3,326.03
0214	25.05	26.30	27.61	28.99	30.44	2,804.74	2,944.98	3,092.22	3,246.84	3,409.18
0215	25.67	26.96	28.30	29.72	31.21	2,874.86	3,018.60	3,169.53	3,328.01	3,494.41
0216	26.32	27.63	29.01	30.46	31.99	2,946.73	3,094.06	3,248.77	3,411.21	3,581.77
0217	26.97	28.32	29.74	31.22	32.78	3,020.40	3,171.42	3,329.99	3,496.49	3,671.31
0218	27.65	29.03	30.48	32.00	33.60	3,095.91	3,250.70	3,413.24	3,583.90	3,763.09
0219	28.34	29.75	31.24	32.80	34.44	3,173.30	3,331.97	3,498.57	3,673.50	3,857.17
0220	29.05	30.50	32.02	33.62	35.31	3,252.64	3,415.27	3,586.03	3,765.33	3,953.60
0221	29.77	31.26	32.82	34.46	36.19	3,333.95	3,500.65	3,675.68	3,859.47	4,052.44
0222	30.52	32.04	33.64	35.33	37.09	3,417.30	3,588.17	3,767.57	3,955.95	4,153.75
0223	31.28	32.84	34.49	36.21	38.02	3,502.73	3,677.87	3,861.76	4,054.85	4,257.60
0224	32.06	33.66	35.35	37.11	38.97	3,590.30	3,769.82	3,958.31	4,156.22	4,364.03
0225	32.86	34.51	36.23	38.04	39.94	3,680.06	3,864.06	4,057.27	4,260.13	4,473.14

MONTHLY

A	B	C	D	E
4,423.24	4,644.42	4,876.63	5,120.47	5,376.50
4,533.83	4,760.52	4,998.55	5,248.47	5,510.89
4,647.19	4,879.54	5,123.51	5,379.69	5,648.68
4,763.36	5,001.53	5,251.60	5,514.18	5,789.88
4,882.43	5,126.57	5,382.89	5,652.03	5,934.63
5,004.50	5,254.73	5,517.46	5,793.34	6,083.00
5,129.62	5,386.11	5,655.40	5,938.17	6,235.08
5,257.86	5,520.74	5,796.80	6,086.63	6,390.95
5,389.30	5,658.77	5,941.72	6,238.79	6,550.74
5,524.03	5,800.23	6,090.24	6,394.76	6,714.51
5,662.14	5,945.24	6,242.51	6,554.63	6,882.36
5,803.69	6,093.87	6,398.56	6,718.49	7,054.41
5,948.78	6,246.23	6,558.52	6,886.45	7,230.79
6,097.50	6,402.39	6,722.49	7,058.63	7,411.56
6,249.95	6,562.44	6,890.56	7,235.09	7,596.85
6,406.19	6,726.49	7,062.83	7,415.97	7,786.77
6,566.35	6,894.67	7,239.40	7,601.37	7,981.43
6,730.51	7,067.02	7,420.38	7,791.40	8,180.96
6,898.75	7,243.70	7,605.89	7,986.19	8,385.49
7,071.24	7,424.80	7,796.03	8,185.83	8,595.13
7,248.01	7,610.41	7,990.93	8,390.49	8,810.00
7,429.21	7,800.68	8,190.70	8,600.24	9,030.25
7,614.94	7,995.69	8,395.47	8,815.24	9,256.02
7,805.31	8,195.59	8,605.37	9,035.62	9,487.40
8,000.45	8,400.47	8,820.50	9,261.52	9,724.61

SCHEDULE - Z
FIRE FIGHTER TRAINEE - 80 HOURS

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE
EFFECTIVE JUNE 28th 2016

Old Step A	23.60
Increase	2.00%

	HOURLY					BI-WEEKLY				
	A	B	C	D	E	A	B	C	D	E
0901	24.08	25.28	26.54	27.87	29.26	1,926.40	2,022.40	2,123.20	2,229.60	2,340.80
0902	24.68	25.91	27.21	28.57	30.00	1,974.40	2,072.80	2,176.80	2,285.60	2,400.00
0903	25.30	26.56	27.89	29.28	30.75	2,024.00	2,124.80	2,231.20	2,342.40	2,460.00
0904	25.93	27.22	28.59	30.01	31.51	2,074.40	2,177.60	2,287.20	2,400.80	2,520.80
0905	26.58	27.90	29.30	30.76	32.30	2,126.40	2,232.00	2,344.00	2,460.80	2,584.00
0906	27.24	28.60	30.03	31.53	33.11	2,179.20	2,288.00	2,402.40	2,522.40	2,648.80
0907	27.92	29.32	30.78	32.32	33.94	2,233.60	2,345.60	2,462.40	2,585.60	2,715.20
0908	28.62	30.05	31.55	33.13	34.79	2,289.60	2,404.00	2,524.00	2,650.40	2,783.20
0909	29.33	30.80	32.34	33.96	35.66	2,346.40	2,464.00	2,587.20	2,716.80	2,852.80
0910	30.07	31.57	33.15	34.81	36.55	2,405.60	2,525.60	2,652.00	2,784.80	2,924.00
0911	30.82	32.36	33.98	35.68	37.46	2,465.60	2,588.80	2,718.40	2,854.40	2,996.80
0912	31.59	33.17	34.83	36.57	38.40	2,527.20	2,653.60	2,786.40	2,925.60	3,072.00
0913	32.38	34.00	35.70	37.48	39.36	2,590.40	2,720.00	2,856.00	2,998.40	3,148.80
0914	33.19	34.85	36.59	38.42	40.34	2,655.20	2,788.00	2,927.20	3,073.60	3,227.20
0915	34.02	35.72	37.50	39.38	41.35	2,721.60	2,857.60	3,000.00	3,150.40	3,308.00
0916	34.87	36.61	38.44	40.36	42.38	2,789.60	2,928.80	3,075.20	3,228.80	3,390.40
0917	35.74	37.53	39.40	41.37	43.44	2,859.20	3,002.40	3,152.00	3,309.60	3,475.20
0918	36.63	38.46	40.39	42.41	44.53	2,930.40	3,076.80	3,231.20	3,392.80	3,562.40
0919	37.55	39.43	41.40	43.47	45.64	3,004.00	3,154.40	3,312.00	3,477.60	3,651.20
0920	38.49	40.41	42.43	44.55	46.78	3,079.20	3,232.80	3,394.40	3,564.00	3,742.40
0921	39.45	41.42	43.49	45.67	47.95	3,156.00	3,313.60	3,479.20	3,653.60	3,836.00
0922	40.44	42.46	44.58	46.81	49.15	3,235.20	3,396.80	3,566.40	3,744.80	3,932.00
0923	41.45	43.52	45.69	47.98	50.38	3,316.00	3,481.60	3,655.20	3,838.40	4,030.40
0924	42.48	44.61	46.84	49.18	51.64	3,398.40	3,568.80	3,747.20	3,934.40	4,131.20
0925	43.54	45.72	48.01	50.41	52.93	3,483.20	3,657.60	3,840.80	4,032.80	4,234.40

MONTHLY

A	B	C	D	E
4,187.99	4,396.70	4,615.84	4,847.15	5,088.90
4,292.35	4,506.27	4,732.36	4,968.89	5,217.60
4,400.18	4,619.32	4,850.63	5,092.38	5,348.04
4,509.75	4,734.10	4,972.37	5,219.34	5,480.22
4,622.79	4,852.37	5,095.86	5,349.78	5,617.62
4,737.58	4,974.11	5,222.82	5,483.70	5,758.49
4,855.85	5,099.33	5,353.26	5,621.09	5,902.84
4,977.59	5,226.30	5,487.18	5,761.97	6,050.68
5,101.07	5,356.74	5,624.57	5,906.32	6,201.99
5,229.77	5,490.65	5,765.45	6,054.16	6,356.78
5,360.21	5,628.05	5,909.80	6,205.47	6,515.04
5,494.13	5,768.93	6,057.63	6,360.25	6,678.53
5,631.53	5,913.28	6,208.94	6,518.52	6,845.49
5,772.40	6,061.11	6,363.73	6,682.01	7,015.93
5,916.76	6,212.42	6,522.00	6,848.97	7,191.59
6,064.59	6,367.21	6,685.48	7,019.41	7,370.73
6,215.90	6,527.22	6,852.45	7,195.07	7,555.08
6,370.69	6,688.96	7,024.63	7,375.95	7,744.66
6,530.70	6,857.67	7,200.29	7,560.30	7,937.71
6,694.18	7,028.11	7,379.43	7,748.14	8,135.98
6,861.14	7,203.77	7,563.78	7,942.93	8,339.46
7,033.32	7,384.64	7,753.35	8,141.20	8,548.17
7,208.98	7,569.00	7,946.40	8,344.68	8,762.09
7,388.12	7,758.57	8,146.41	8,553.39	8,981.23
7,572.48	7,951.62	8,349.90	8,767.31	9,205.59

SCHEDULE - W
GENERAL FIRE CLASS - 80 HRS

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE
EFFECTIVE DECEMBER 27th 2016

2 hr Step A	18.53									
	HOURLY					BI-WEEKLY				
	A	B	C	D	E	A	B	C	D	E
0701	25.95	27.25	28.61	30.04	31.54	2,075.74	2,179.53	2,288.50	2,402.93	2,523.08
0702	26.60	27.93	29.33	30.79	32.33	2,127.63	2,234.02	2,345.72	2,463.00	2,586.15
0703	27.27	28.63	30.06	31.56	33.14	2,180.83	2,289.87	2,404.36	2,524.58	2,650.81
0704	27.95	29.34	30.81	32.35	33.97	2,235.35	2,347.11	2,464.47	2,587.69	2,717.08
0705	28.65	30.08	31.58	33.16	34.82	2,291.23	2,405.79	2,526.08	2,652.38	2,785.00
0706	29.36	30.83	32.37	33.99	35.69	2,348.51	2,465.94	2,589.23	2,718.69	2,854.63
0707	30.10	31.60	33.18	34.84	36.58	2,407.22	2,527.58	2,653.96	2,786.66	2,925.99
0708	30.85	32.39	34.01	35.71	37.49	2,467.40	2,590.77	2,720.31	2,856.33	2,999.14
0709	31.62	33.20	34.86	36.60	38.43	2,529.09	2,655.54	2,788.32	2,927.74	3,074.12
0710	32.41	34.03	35.73	37.52	39.39	2,592.32	2,721.93	2,858.03	3,000.93	3,150.98
0711	33.22	34.88	36.62	38.45	40.38	2,657.12	2,789.98	2,929.48	3,075.95	3,229.75
0712	34.05	35.75	37.54	39.42	41.39	2,723.55	2,859.73	3,002.72	3,152.85	3,310.49
0713	34.90	36.65	38.48	40.40	42.42	2,791.64	2,931.22	3,077.78	3,231.67	3,393.26
0714	35.77	37.56	39.44	41.41	43.48	2,861.43	3,004.50	3,154.73	3,312.46	3,478.09
0715	36.67	38.50	40.42	42.45	44.57	2,932.97	3,079.62	3,233.60	3,395.28	3,565.04
0716	37.58	39.46	41.44	43.51	45.68	3,006.29	3,156.61	3,314.44	3,480.16	3,654.17
0717	38.52	40.45	42.47	44.59	46.82	3,081.45	3,235.52	3,397.30	3,567.16	3,745.52
0718	39.49	41.46	43.53	45.71	47.99	3,158.49	3,316.41	3,482.23	3,656.34	3,839.16
0719	40.47	42.50	44.62	46.85	49.19	3,237.45	3,399.32	3,569.29	3,747.75	3,935.14
0720	41.48	43.56	45.74	48.02	50.42	3,318.38	3,484.30	3,658.52	3,841.44	4,033.52
0721	42.52	44.65	46.88	49.22	51.68	3,401.34	3,571.41	3,749.98	3,937.48	4,134.35
0722	43.58	45.76	48.05	50.45	52.98	3,486.38	3,660.70	3,843.73	4,035.92	4,237.71
0723	44.67	46.91	49.25	51.72	54.30	3,573.54	3,752.21	3,939.82	4,136.81	4,343.66
0724	45.79	48.08	50.48	53.01	55.66	3,662.87	3,846.02	4,038.32	4,240.23	4,452.25
0725	46.94	49.28	51.75	54.33	57.05	3,754.45	3,942.17	4,139.28	4,346.24	4,563.55

MONTHLY

A	B	C	D	E
4,512.66	4,738.30	4,975.20	5,223.97	5,485.18
4,625.47	4,856.76	5,099.60	5,354.56	5,622.29
4,741.12	4,978.18	5,227.08	5,488.44	5,762.86
4,859.65	5,102.62	5,357.76	5,625.64	5,906.93
4,981.13	5,230.19	5,491.70	5,766.27	6,054.59
5,105.66	5,360.95	5,628.99	5,910.43	6,205.97
5,233.30	5,494.96	5,769.71	6,058.20	6,361.10
5,364.13	5,632.33	5,913.95	6,209.66	6,520.13
5,498.24	5,773.14	6,061.81	6,364.91	6,683.14
5,635.70	5,917.48	6,213.36	6,524.02	6,850.23
5,776.58	6,065.42	6,368.69	6,687.12	7,021.48
5,921.00	6,217.05	6,527.91	6,854.30	7,197.01
6,069.03	6,372.47	6,691.09	7,025.65	7,376.95
6,220.75	6,531.78	6,858.38	7,201.29	7,561.37
6,376.28	6,695.09	7,029.85	7,381.34	7,750.40
6,535.67	6,862.47	7,205.59	7,565.87	7,944.17
6,699.07	7,034.02	7,385.73	7,755.01	8,142.76
6,866.56	7,209.88	7,570.37	7,948.88	8,346.33
7,038.22	7,390.12	7,759.64	8,147.61	8,554.99
7,214.16	7,574.87	7,953.62	8,351.29	8,768.87
7,394.51	7,764.25	8,152.46	8,560.08	8,988.08
7,579.39	7,958.36	8,356.27	8,774.09	9,212.78
7,768.88	8,157.30	8,565.17	8,993.42	9,443.12
7,963.08	8,361.25	8,779.31	9,218.26	9,679.19
8,162.17	8,570.28	8,998.79	9,448.73	9,921.16

SCHEDULE - B
GENERAL FIRE CLASS - 112 HRS

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE
EFFECTIVE DECEMBER 27th 2016

Old Step A	18.17
Increase	2.00%

	HOURLY					BI-WEEKLY				
	A	B	C	D	E	A	B	C	D	E
0201	18.53	19.46	20.43	21.45	22.53	2,075.74	2,179.53	2,288.50	2,402.93	2,523.08
0202	19.00	19.95	20.94	21.99	23.09	2,127.63	2,234.02	2,345.72	2,463.00	2,586.15
0203	19.47	20.45	21.47	22.54	23.67	2,180.83	2,289.87	2,404.36	2,524.58	2,650.81
0204	19.96	20.96	22.00	23.10	24.26	2,235.35	2,347.11	2,464.47	2,587.69	2,717.08
0205	20.46	21.48	22.55	23.68	24.87	2,291.23	2,405.79	2,526.08	2,652.38	2,785.00
0206	20.97	22.02	23.12	24.27	25.49	2,348.51	2,465.94	2,589.23	2,718.69	2,854.63
0207	21.49	22.57	23.70	24.88	26.12	2,407.22	2,527.58	2,653.96	2,786.66	2,925.99
0208	22.03	23.13	24.29	25.50	26.78	2,467.40	2,590.77	2,720.31	2,856.33	2,999.14
0209	22.58	23.71	24.90	26.14	27.45	2,529.09	2,655.54	2,788.32	2,927.74	3,074.12
0210	23.15	24.30	25.52	26.79	28.13	2,592.32	2,721.93	2,858.03	3,000.93	3,150.98
0211	23.72	24.91	26.16	27.46	28.84	2,657.12	2,789.98	2,929.48	3,075.95	3,229.75
0212	24.32	25.53	26.81	28.15	29.56	2,723.55	2,859.73	3,002.72	3,152.85	3,310.49
0213	24.93	26.17	27.48	28.85	30.30	2,791.64	2,931.22	3,077.78	3,231.67	3,393.26
0214	25.55	26.83	28.17	29.58	31.05	2,861.43	3,004.50	3,154.73	3,312.46	3,478.09
0215	26.19	27.50	28.87	30.31	31.83	2,932.97	3,079.62	3,233.60	3,395.28	3,565.04
0216	26.84	28.18	29.59	31.07	32.63	3,006.29	3,156.61	3,314.44	3,480.16	3,654.17
0217	27.51	28.89	30.33	31.85	33.44	3,081.45	3,235.52	3,397.30	3,567.16	3,745.52
0218	28.20	29.61	31.09	32.65	34.28	3,158.49	3,316.41	3,482.23	3,656.34	3,839.16
0219	28.91	30.35	31.87	33.46	35.14	3,237.45	3,399.32	3,569.29	3,747.75	3,935.14
0220	29.63	31.11	32.67	34.30	36.01	3,318.38	3,484.30	3,658.52	3,841.44	4,033.52
0221	30.37	31.89	33.48	35.16	36.91	3,401.34	3,571.41	3,749.98	3,937.48	4,134.35
0222	31.13	32.68	34.32	36.03	37.84	3,486.38	3,660.70	3,843.73	4,035.92	4,237.71
0223	31.91	33.50	35.18	36.94	38.78	3,573.54	3,752.21	3,939.82	4,136.81	4,343.66
0224	32.70	34.34	36.06	37.86	39.75	3,662.87	3,846.02	4,038.32	4,240.23	4,452.25
0225	33.52	35.20	36.96	38.81	40.75	3,754.45	3,942.17	4,139.28	4,346.24	4,563.55

MONTHLY

A	B	C	D	E
4,512.66	4,738.30	4,975.20	5,223.97	5,485.18
4,625.47	4,856.76	5,099.60	5,354.56	5,622.29
4,741.12	4,978.18	5,227.08	5,488.44	5,762.86
4,859.65	5,102.62	5,357.76	5,625.64	5,906.93
4,981.13	5,230.19	5,491.70	5,766.27	6,054.59
5,105.66	5,360.95	5,628.99	5,910.43	6,205.97
5,233.30	5,494.96	5,769.71	6,058.20	6,361.10
5,364.13	5,632.33	5,913.95	6,209.66	6,520.13
5,498.24	5,773.14	6,061.81	6,364.91	6,683.14
5,635.70	5,917.48	6,213.36	6,524.02	6,850.23
5,776.58	6,065.42	6,368.69	6,687.12	7,021.48
5,921.00	6,217.05	6,527.91	6,854.30	7,197.01
6,069.03	6,372.47	6,691.09	7,025.65	7,376.95
6,220.75	6,531.78	6,858.38	7,201.29	7,561.37
6,376.28	6,695.09	7,029.85	7,381.34	7,750.40
6,535.67	6,862.47	7,205.59	7,565.87	7,944.17
6,699.07	7,034.02	7,385.73	7,755.01	8,142.76
6,866.56	7,209.88	7,570.37	7,948.88	8,346.33
7,038.22	7,390.12	7,759.64	8,147.61	8,554.99
7,214.16	7,574.87	7,953.62	8,351.29	8,768.87
7,394.51	7,764.25	8,152.46	8,560.08	8,988.08
7,579.39	7,958.36	8,356.27	8,774.09	9,212.78
7,768.88	8,157.30	8,565.17	8,993.42	9,443.12
7,963.08	8,361.25	8,779.31	9,218.26	9,679.19
8,162.17	8,570.28	8,998.79	9,448.73	9,921.16

SCHEDULE - Z
FIRE FIGHTER TRAINEE - 80 HOURS

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE
EFFECTIVE DECEMBER 27th 2016

d Step A	24.08
crease	2.00%

	HOURLY					BI-WEEKLY				
	A	B	C	D	E	A	B	C	D	E
0901	24.57	25.79	27.08	28.44	29.86	1,965.60	2,063.20	2,166.40	2,275.20	2,388.80
0902	25.18	26.44	27.76	29.15	30.61	2,014.40	2,115.20	2,220.80	2,332.00	2,448.80
0903	25.81	27.10	28.46	29.88	31.37	2,064.80	2,168.00	2,276.80	2,390.40	2,509.60
0904	26.46	27.78	29.17	30.62	32.16	2,116.80	2,222.40	2,333.60	2,449.60	2,572.80
0905	27.12	28.47	29.90	31.39	32.96	2,169.60	2,277.60	2,392.00	2,511.20	2,636.80
0906	27.79	29.18	30.64	32.17	33.78	2,223.20	2,334.40	2,451.20	2,573.60	2,702.40
0907	28.49	29.91	31.41	32.98	34.63	2,279.20	2,392.80	2,512.80	2,638.40	2,770.40
0908	29.20	30.66	32.19	33.80	35.49	2,336.00	2,452.80	2,575.20	2,704.00	2,839.20
0909	29.93	31.43	33.00	34.65	36.38	2,394.40	2,514.40	2,640.00	2,772.00	2,910.40
0910	30.68	32.21	33.82	35.51	37.29	2,454.40	2,576.80	2,705.60	2,840.80	2,983.20
0911	31.45	33.02	34.67	36.40	38.22	2,516.00	2,641.60	2,773.60	2,912.00	3,057.60
0912	32.23	33.84	35.54	37.31	39.18	2,578.40	2,707.20	2,843.20	2,984.80	3,134.40
0913	33.04	34.69	36.42	38.24	40.16	2,643.20	2,775.20	2,913.60	3,059.20	3,212.80
0914	33.86	35.56	37.33	39.20	41.16	2,708.80	2,844.80	2,986.40	3,136.00	3,292.80
0915	34.71	36.45	38.27	40.18	42.19	2,776.80	2,916.00	3,061.60	3,214.40	3,375.20
0916	35.58	37.36	39.22	41.18	43.24	2,846.40	2,988.80	3,137.60	3,294.40	3,459.20
0917	36.47	38.29	40.20	42.21	44.32	2,917.60	3,063.20	3,216.00	3,376.80	3,545.60
0918	37.38	39.25	41.21	43.27	45.43	2,990.40	3,140.00	3,296.80	3,461.60	3,634.40
0919	38.31	40.23	42.24	44.35	46.57	3,064.80	3,218.40	3,379.20	3,548.00	3,725.60
0920	39.27	41.23	43.30	45.46	47.73	3,141.60	3,298.40	3,464.00	3,636.80	3,818.40
0921	40.25	42.26	44.38	46.60	48.93	3,220.00	3,380.80	3,550.40	3,728.00	3,914.40
0922	41.26	43.32	45.49	47.76	50.15	3,300.80	3,465.60	3,639.20	3,820.80	4,012.00
0923	42.29	44.40	46.62	48.95	51.40	3,383.20	3,552.00	3,729.60	3,916.00	4,112.00
0924	43.35	45.51	47.79	50.18	52.69	3,468.00	3,640.80	3,823.20	4,014.40	4,215.20
0925	44.43	46.65	48.98	51.43	54.00	3,554.40	3,732.00	3,918.40	4,114.40	4,320.00

MONTHLY

A	B	C	D	E
4,273.21	4,485.40	4,709.75	4,946.28	5,193.25
4,379.31	4,598.44	4,828.02	5,069.77	5,323.69
4,488.88	4,713.23	4,949.76	5,196.73	5,455.87
4,601.92	4,831.50	5,073.25	5,325.43	5,593.27
4,716.71	4,951.50	5,200.21	5,459.35	5,732.40
4,833.24	5,074.99	5,328.91	5,595.01	5,875.02
4,954.98	5,201.95	5,462.83	5,735.88	6,022.85
5,078.46	5,332.39	5,598.48	5,878.50	6,172.42
5,205.43	5,466.31	5,739.36	6,026.33	6,327.21
5,335.87	5,601.96	5,881.97	6,175.90	6,485.48
5,469.78	5,742.84	6,029.81	6,330.69	6,647.22
5,605.44	5,885.45	6,181.12	6,488.96	6,814.19
5,746.32	6,033.28	6,334.17	6,650.70	6,984.63
5,888.93	6,184.60	6,492.43	6,817.66	7,158.55
6,036.76	6,339.38	6,655.92	6,988.11	7,337.68
6,188.07	6,497.65	6,821.14	7,162.03	7,520.30
6,342.86	6,659.40	6,991.58	7,341.16	7,708.13
6,501.13	6,826.36	7,167.24	7,525.52	7,901.19
6,662.88	6,996.80	7,346.38	7,713.35	8,099.45
6,829.84	7,170.72	7,530.74	7,906.40	8,301.20
7,000.28	7,349.86	7,718.57	8,104.67	8,509.91
7,175.94	7,534.21	7,911.62	8,306.42	8,722.09
7,355.08	7,722.05	8,108.15	8,513.38	8,939.49
7,539.43	7,915.10	8,311.64	8,727.31	9,163.84
7,727.27	8,113.37	8,518.60	8,944.71	9,391.68

SCHEDULE - W
GENERAL FIRE CLASS - 80 HRS

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE
EFFECTIVE JUNE 27th 2017

112 hr Step A	18.91

	HOURLY					BI-WEEKLY				
	A	B	C	D	E	A	B	C	D	E
0701	26.47	27.79	29.18	30.64	32.17	2,116.87	2,222.71	2,333.85	2,450.54	2,573.07
0702	27.13	28.48	29.91	31.40	32.97	2,169.79	2,278.28	2,392.19	2,511.80	2,637.39
0703	27.81	29.20	30.65	32.19	33.80	2,224.03	2,335.24	2,452.00	2,574.60	2,703.33
0704	28.50	29.93	31.42	32.99	34.64	2,279.63	2,393.62	2,513.30	2,638.96	2,770.91
0705	29.21	30.67	32.21	33.82	35.51	2,336.63	2,453.46	2,576.13	2,704.94	2,840.18
0706	29.94	31.44	33.01	34.66	36.39	2,395.04	2,514.79	2,640.53	2,772.56	2,911.19
0707	30.69	32.23	33.84	35.53	37.30	2,454.92	2,577.66	2,706.55	2,841.87	2,983.97
0708	31.46	33.03	34.68	36.42	38.24	2,516.29	2,642.10	2,774.21	2,912.92	3,058.57
0709	32.24	33.86	35.55	37.33	39.19	2,579.20	2,708.16	2,843.56	2,985.74	3,135.03
0710	33.05	34.70	36.44	38.26	40.17	2,643.68	2,775.86	2,914.65	3,060.39	3,213.41
0711	33.88	35.57	37.35	39.22	41.18	2,709.77	2,845.26	2,987.52	3,136.90	3,293.74
0712	34.72	36.46	38.28	40.20	42.21	2,777.51	2,916.39	3,062.21	3,215.32	3,376.08
0713	35.59	37.37	39.24	41.20	43.26	2,846.95	2,989.30	3,138.76	3,295.70	3,460.49
0714	36.48	38.31	40.22	42.23	44.34	2,918.12	3,064.03	3,217.23	3,378.09	3,547.00
0715	37.39	39.26	41.23	43.29	45.45	2,991.08	3,140.63	3,297.66	3,462.55	3,635.67
0716	38.33	40.24	42.26	44.37	46.59	3,065.85	3,219.15	3,380.11	3,549.11	3,726.57
0717	39.29	41.25	43.31	45.48	47.75	3,142.50	3,299.63	3,464.61	3,637.84	3,819.73
0718	40.27	42.28	44.40	46.61	48.95	3,221.06	3,382.12	3,551.22	3,728.78	3,915.22
0719	41.27	43.34	45.51	47.78	50.17	3,301.59	3,466.67	3,640.00	3,822.00	4,013.10
0720	42.31	44.42	46.64	48.97	51.42	3,384.13	3,553.34	3,731.00	3,917.55	4,113.43
0721	43.36	45.53	47.81	50.20	52.71	3,468.73	3,642.17	3,824.28	4,015.49	4,216.27
0722	44.45	46.67	49.00	51.45	54.03	3,555.45	3,733.22	3,919.89	4,115.88	4,321.67
0723	45.56	47.84	50.23	52.74	55.38	3,644.34	3,826.55	4,017.88	4,218.78	4,429.72
0724	46.70	49.03	51.48	54.06	56.76	3,735.45	3,922.22	4,118.33	4,324.25	4,540.46
0725	47.87	50.26	52.77	55.41	58.18	3,828.83	4,020.27	4,221.29	4,432.35	4,653.97

MONTHLY

A	B	C	D	E
4,602.08	4,832.17	5,073.79	5,327.47	5,593.85
4,717.12	4,952.98	5,200.62	5,460.65	5,733.69
4,835.04	5,076.81	5,330.65	5,597.18	5,877.04
4,955.92	5,203.73	5,463.91	5,737.10	6,023.96
5,079.83	5,333.82	5,600.51	5,880.54	6,174.55
5,206.82	5,467.15	5,740.51	6,027.55	6,328.93
5,337.00	5,603.83	5,884.04	6,178.23	6,487.15
5,470.41	5,743.93	6,031.13	6,332.69	6,649.33
5,607.18	5,887.54	6,181.90	6,491.00	6,815.56
5,747.36	6,034.72	6,336.45	6,653.29	6,985.95
5,891.04	6,185.60	6,494.87	6,819.62	7,160.59
6,038.31	6,340.23	6,657.24	6,990.11	7,339.60
6,189.27	6,498.74	6,823.66	7,164.85	7,523.11
6,343.99	6,661.20	6,994.26	7,343.97	7,711.18
6,502.61	6,827.73	7,169.11	7,527.58	7,903.95
6,665.16	6,998.43	7,348.36	7,715.77	8,101.56
6,831.80	7,173.40	7,532.06	7,908.66	8,304.09
7,002.58	7,352.73	7,720.35	8,106.37	8,511.69
7,177.66	7,536.54	7,913.36	8,309.03	8,724.48
7,357.10	7,724.96	8,111.19	8,516.75	8,942.60
7,541.02	7,918.08	8,313.98	8,729.68	9,166.17
7,729.55	8,116.02	8,521.84	8,947.92	9,395.31
7,922.80	8,318.92	8,734.87	9,171.63	9,630.21
8,120.87	8,526.91	8,953.25	9,400.92	9,870.96
8,323.88	8,740.07	9,177.08	9,635.93	#########

SCHEDULE - B
GENERAL FIRE CLASS - 112 HRS

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE
EFFECTIVE JUNE 27th 2017

Old Step A	18.53
Increase	2.00%

	HOURLY					BI-WEEKLY				
	A	B	C	D	E	A	B	C	D	E
0201	18.91	19.85	20.84	21.88	22.98	2,116.87	2,222.71	2,333.85	2,450.54	2,573.07
0202	19.38	20.35	21.36	22.43	23.55	2,169.79	2,278.28	2,392.19	2,511.80	2,637.39
0203	19.86	20.86	21.90	22.99	24.14	2,224.03	2,335.24	2,452.00	2,574.60	2,703.33
0204	20.36	21.38	22.45	23.57	24.75	2,279.63	2,393.62	2,513.30	2,638.96	2,770.91
0205	20.87	21.91	23.01	24.16	25.36	2,336.63	2,453.46	2,576.13	2,704.94	2,840.18
0206	21.39	22.46	23.58	24.76	26.00	2,395.04	2,514.79	2,640.53	2,772.56	2,911.19
0207	21.92	23.02	24.17	25.38	26.65	2,454.92	2,577.66	2,706.55	2,841.87	2,983.97
0208	22.47	23.60	24.77	26.01	27.31	2,516.29	2,642.10	2,774.21	2,912.92	3,058.57
0209	23.03	24.18	25.39	26.66	28.00	2,579.20	2,708.16	2,843.56	2,985.74	3,135.03
0210	23.61	24.79	26.03	27.33	28.70	2,643.68	2,775.86	2,914.65	3,060.39	3,213.41
0211	24.20	25.41	26.68	28.01	29.41	2,709.77	2,845.26	2,987.52	3,136.90	3,293.74
0212	24.80	26.04	27.35	28.71	30.15	2,777.51	2,916.39	3,062.21	3,215.32	3,376.08
0213	25.42	26.70	28.03	29.43	30.90	2,846.95	2,989.30	3,138.76	3,295.70	3,460.49
0214	26.06	27.36	28.73	30.17	31.67	2,918.12	3,064.03	3,217.23	3,378.09	3,547.00
0215	26.71	28.05	29.45	30.92	32.47	2,991.08	3,140.63	3,297.66	3,462.55	3,635.67
0216	27.38	28.75	30.18	31.69	33.28	3,065.85	3,219.15	3,380.11	3,549.11	3,726.57
0217	28.06	29.47	30.94	32.49	34.11	3,142.50	3,299.63	3,464.61	3,637.84	3,819.73
0218	28.76	30.20	31.71	33.30	34.96	3,221.06	3,382.12	3,551.22	3,728.78	3,915.22
0219	29.48	30.96	32.51	34.13	35.84	3,301.59	3,466.67	3,640.00	3,822.00	4,013.10
0220	30.22	31.73	33.32	34.98	36.73	3,384.13	3,553.34	3,731.00	3,917.55	4,113.43
0221	30.98	32.52	34.15	35.86	37.65	3,468.73	3,642.17	3,824.28	4,015.49	4,216.27
0222	31.75	33.34	35.00	36.75	38.59	3,555.45	3,733.22	3,919.89	4,115.88	4,321.67
0223	32.54	34.17	35.88	37.67	39.56	3,644.34	3,826.55	4,017.88	4,218.78	4,429.72
0224	33.36	35.02	36.78	38.61	40.54	3,735.45	3,922.22	4,118.33	4,324.25	4,540.46
0225	34.19	35.90	37.70	39.58	41.56	3,828.83	4,020.27	4,221.29	4,432.35	4,653.97

MONTHLY

A	B	C	D	E
4,602.08	4,832.17	5,073.79	5,327.47	5,593.85
4,717.12	4,952.98	5,200.62	5,460.65	5,733.69
4,835.04	5,076.81	5,330.65	5,597.18	5,877.04
4,955.92	5,203.73	5,463.91	5,737.10	6,023.96
5,079.83	5,333.82	5,600.51	5,880.54	6,174.55
5,206.82	5,467.15	5,740.51	6,027.55	6,328.93
5,337.00	5,603.83	5,884.04	6,178.23	6,487.15
5,470.41	5,743.93	6,031.13	6,332.69	6,649.33
5,607.18	5,887.54	6,181.90	6,491.00	6,815.56
5,747.36	6,034.72	6,336.45	6,653.29	6,985.95
5,891.04	6,185.60	6,494.87	6,819.62	7,160.59
6,038.31	6,340.23	6,657.24	6,990.11	7,339.60
6,189.27	6,498.74	6,823.66	7,164.85	7,523.11
6,343.99	6,661.20	6,994.26	7,343.97	7,711.18
6,502.61	6,827.73	7,169.11	7,527.58	7,903.95
6,665.16	6,998.43	7,348.36	7,715.77	8,101.56
6,831.80	7,173.40	7,532.06	7,908.66	8,304.09
7,002.58	7,352.73	7,720.35	8,106.37	8,511.69
7,177.66	7,536.54	7,913.36	8,309.03	8,724.48
7,357.10	7,724.96	8,111.19	8,516.75	8,942.60
7,541.02	7,918.08	8,313.98	8,729.68	9,166.17
7,729.55	8,116.02	8,521.84	8,947.92	9,395.31
7,922.80	8,318.92	8,734.87	9,171.63	9,630.21
8,120.87	8,526.91	8,953.25	9,400.92	9,870.96
8,323.88	8,740.07	9,177.08	9,635.93	10,117.73

SCHEDULE - Z
FIRE FIGHTER TRAINEE - 80 HOURS

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE
EFFECTIVE JUNE 27th 2017

Old Step A	24.08
Increase	2.00%

	HOURLY					BI-WEEKLY				
	A	B	C	D	E	A	B	C	D	E
0901	24.57	25.79	27.08	28.44	29.86	1,965.60	2,063.20	2,166.40	2,275.20	2,388.80
0902	25.18	26.44	27.76	29.15	30.61	2,014.40	2,115.20	2,220.80	2,332.00	2,448.80
0903	25.81	27.10	28.46	29.88	31.37	2,064.80	2,168.00	2,276.80	2,390.40	2,509.60
0904	26.46	27.78	29.17	30.62	32.16	2,116.80	2,222.40	2,333.60	2,449.60	2,572.80
0905	27.12	28.47	29.90	31.39	32.96	2,169.60	2,277.60	2,392.00	2,511.20	2,636.80
0906	27.79	29.18	30.64	32.17	33.78	2,223.20	2,334.40	2,451.20	2,573.60	2,702.40
0907	28.49	29.91	31.41	32.98	34.63	2,279.20	2,392.80	2,512.80	2,638.40	2,770.40
0908	29.20	30.66	32.19	33.80	35.49	2,336.00	2,452.80	2,575.20	2,704.00	2,839.20
0909	29.93	31.43	33.00	34.65	36.38	2,394.40	2,514.40	2,640.00	2,772.00	2,910.40
0910	30.68	32.21	33.82	35.51	37.29	2,454.40	2,576.80	2,705.60	2,840.80	2,983.20
0911	31.45	33.02	34.67	36.40	38.22	2,516.00	2,641.60	2,773.60	2,912.00	3,057.60
0912	32.23	33.84	35.54	37.31	39.18	2,578.40	2,707.20	2,843.20	2,984.80	3,134.40
0913	33.04	34.69	36.42	38.24	40.16	2,643.20	2,775.20	2,913.60	3,059.20	3,212.80
0914	33.86	35.56	37.33	39.20	41.16	2,708.80	2,844.80	2,986.40	3,136.00	3,292.80
0915	34.71	36.45	38.27	40.18	42.19	2,776.80	2,916.00	3,061.60	3,214.40	3,375.20
0916	35.58	37.36	39.22	41.18	43.24	2,846.40	2,988.80	3,137.60	3,294.40	3,459.20
0917	36.47	38.29	40.20	42.21	44.32	2,917.60	3,063.20	3,216.00	3,376.80	3,545.60
0918	37.38	39.25	41.21	43.27	45.43	2,990.40	3,140.00	3,296.80	3,461.60	3,634.40
0919	38.31	40.23	42.24	44.35	46.57	3,064.80	3,218.40	3,379.20	3,548.00	3,725.60
0920	39.27	41.23	43.30	45.46	47.73	3,141.60	3,298.40	3,464.00	3,636.80	3,818.40
0921	40.25	42.26	44.38	46.60	48.93	3,220.00	3,380.80	3,550.40	3,728.00	3,914.40
0922	41.26	43.32	45.49	47.76	50.15	3,300.80	3,465.60	3,639.20	3,820.80	4,012.00
0923	42.29	44.40	46.62	48.95	51.40	3,383.20	3,552.00	3,729.60	3,916.00	4,112.00
0924	43.35	45.51	47.79	50.18	52.69	3,468.00	3,640.80	3,823.20	4,014.40	4,215.20
0925	44.43	46.65	48.98	51.43	54.00	3,554.40	3,732.00	3,918.40	4,114.40	4,320.00

MONTHLY

A	B	C	D	E
4,273.21	4,485.40	4,709.75	4,946.28	5,193.25
4,379.31	4,598.44	4,828.02	5,069.77	5,323.69
4,488.88	4,713.23	4,949.76	5,196.73	5,455.87
4,601.92	4,831.50	5,073.25	5,325.43	5,593.27
4,716.71	4,951.50	5,200.21	5,459.35	5,732.40
4,833.24	5,074.99	5,328.91	5,595.01	5,875.02
4,954.98	5,201.95	5,462.83	5,735.88	6,022.85
5,078.46	5,332.39	5,598.48	5,878.50	6,172.42
5,205.43	5,466.31	5,739.36	6,026.33	6,327.21
5,335.87	5,601.96	5,881.97	6,175.90	6,485.48
5,469.78	5,742.84	6,029.81	6,330.69	6,647.22
5,605.44	5,885.45	6,181.12	6,488.96	6,814.19
5,746.32	6,033.28	6,334.17	6,650.70	6,984.63
5,888.93	6,184.60	6,492.43	6,817.66	7,158.55
6,036.76	6,339.38	6,655.92	6,988.11	7,337.68
6,188.07	6,497.65	6,821.14	7,162.03	7,520.30
6,342.86	6,659.40	6,991.58	7,341.16	7,708.13
6,501.13	6,826.36	7,167.24	7,525.52	7,901.19
6,662.88	6,996.80	7,346.38	7,713.35	8,099.45
6,829.84	7,170.72	7,530.74	7,906.40	8,301.20
7,000.28	7,349.86	7,718.57	8,104.67	8,509.91
7,175.94	7,534.21	7,911.62	8,306.42	8,722.09
7,355.08	7,722.05	8,108.15	8,513.38	8,939.49
7,539.43	7,915.10	8,311.64	8,727.31	9,163.84
7,727.27	8,113.37	8,518.60	8,944.71	9,391.68

Tentative Agreement
MCFFA and the City of Modesto

1. Term: Expiring on June 30, 2018

2. Salary Adjustments:
   2.5% Upon adoption by the City Council
   2% Pay period that includes July 1, 2016
   2% Pay period that includes January 1, 2017
   2% Pay period that includes July 1, 2017

3. Employee Paying Employee PERS (Total 10.5% new money + 1.5% already being paid= 12% total Employee PERs contribution)
   2.5% Upon adoption by the City Council
   2.5% Pay period that includes July 1, 2016
   2.5% Pay period that includes January 1, 2017
   3% Pay period that includes July 2017
   *Tier two employees already paying 9% employee share, will pay additional 3% (for a total of 12) on July 2017 consistent with Tier one employees.

4. MCFFA Medical Trust Contributions
   The City shall increase their contribution to the MCFFA medical trust by $25 per pay period on July 1, 2016 and additional $25 per period on July 1, 2017. MCFFA employees shall also make an additional $25 contribution per pay period on July 1, 2016 and July 1, 2017.

5. Medical Health Contributions
   Effective the pay period that includes the PERs rate changes for calendar year , 2017 and 2018 the City shall increase the monthly rate increase to medical, dental and vision insurance premiums as described below. Effective the pay period that the PERs rate changes occur in 2017 only, the city shall increase the monthly contribution by an additional $25 for employees that opt-out of medical. In lieu of contribution this calendar year, employee will receive a one-time contribution of $750 (non-persable).

	Current	2017	2018
Employee only	$700	$730	$760
Employee plus 1	$1,045	$1,090	$1,135
Employee plus family	$1,325	$1,375	$1,430

6. Education Incentive

See attached chart dated 2/8/2016. Changes to be effective the pay period that includes July 1, 2016.

7. Vacation Cash Out
   All employees assigned to fire suppression shall have the option to cash out up to a maximum of three (3) vacation days (maximum seventy-two hours) per calendar year at ~~straight time~~ their regular rate of pay.

8. Sunset the language regarding the 5th vacation board, utilize existing formula for determining vacation shifts available which is: "vacation shifts available for fire suppression employees for a calendar year shall be determined by multiplying the number of vacation shifts used during the preceding twelve (12) months by one and one-quarter (1.25)". Vacation bid for calendar years 2017 and 2018 shall have a minimum of 4 vacation boards. The minimum vacation boards shall return to 5 effective July 1, 2018.

9. EMT Pay
   Article 5 Section C, 5% EMT Incentive Pay shall be rolled into base salary.

10. Minimum Staffing, Article 7
    Upon adoption of contract, there shall be a minimum of (3) employees per Engine Company (Captain, Engineer, Firefighter) and (4) employees per Truck Company or Rescue Company (Captain, Engineer, 2 Firefighters). The airport/crash rescue may be unstaffed. Any reduction in force from current daily staffing levels and/or any changes to our current delivery platform shall require that the City and L1289 meet and confer. The staffing of Truck 11 will not occur until permanent employees are hired and graduated from the academy.

11. Proposed language change (Paragraph 12, Section A)

    The language in 12A is ok but we believe the article would read better if old section E, now new Section F, were included in section A.

    a. All entry-level firefighters shall be hired into one of two classifications, firefighter or firefighter trainee. The salary range is at the discretion of City. During the probationary period, the employee shall be evaluated on conduct, performance, attitude, adaptability and job knowledge. During the probationary period an employee can be released any time without right of appeal, written notice of release shall be furnished to the probationer.

12. Within 90 days adoption of the contract, the City and L1289 shall meet and confer regarding the following Incentive Pay:

JL 4/6/16

a. The City proposed Tech Rescue Incentive Pay.
   a. Extend bid for truck companies from 2 years to 6 years.

b. Paramedic Program and Incentive Pay.

For MCFFA	For City of Modesto
For MCFFA	For City of Modesto
Date: 04/06/16	Date: 4/6/16

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-157

RESOLUTION AMENDING A LABOR POLICY FOR PAYING AND REPORTING THE VALUE OF EMPLOYER PAID MEMBER CONTRIBUTIONS TO THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (CALPERS) ON BEHALF OF EMPLOYEES REPRESENTED BY THE MODESTO CITY FIRE FIGHTERS' ASSOCIATION (MCFFA); AND RESCINDING RESOLUTION 2012-18

WHEREAS, by Resolution No 2012-18 adopted by the Council, the City adopted a labor policy providing for Public Employees' Retirement System (PERS) employee contributions to be paid by the City on behalf of employees and for reporting of employer-paid normal member contributions to PERS as compensation, and

WHEREAS, the City amended its contract with CalPERS to provide a second tier retirement formula 3% @ 55 to local fire safety members entering employment with the City of Modesto for the first time in the fire classification effective January 17, 2012, and

WHEREAS, the governing body of the City of Modesto has the authority to implement Government Code Section 20636(c)(4) pursuant to Section 20691, and

WHEREAS, the governing body of the City of Modesto has a written labor policy or agreement which specifically provides for the normal member contributions to be paid by the employer, and reported as additional compensation, and

WHEREAS, one of the steps in the procedures to implement Section 20691 is the adoption by the governing body of the City of Modesto of a Resolution to commence paying and reporting the value of said Employer Paid Member Contributions, and

WHEREAS, the governing body has the authority to amend all members in a group or class of employment pursuant to Government Code Section 20691.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

For Fire Safety employees hired before January 17, 2012 under Tier 1 retirement formula 3%@50, effective April 19, 2016, the City of Modesto elects to pay eight percent (8%) of the normal member contributions of twelve percent (12%) as employer paid member contributions and report the same value to CalPERS as compensation earnable as additional compensation. Effective June 28, 2016, the City of Modesto elects to pay five and one half percent (5.5%) of the normal member contributions of twelve percent (12%) as employer paid member contributions and report the same value to CalPERS as compensation. Effective December 27, 2016, the City of Modesto elects to pay three percent (3%) of the normal member contributions of twelve percent (12%) as employer paid member contributions and report the same value to CalPERS as compensation earnable as additional compensation. Effective June 27, 2017, the City of Modesto elects to pay zero percent (0%) of the normal member contributions of twelve percent (12%) as employer paid member contributions and report the same value to CalPERS as compensation earnable as additional compensation. No payment shall be implemented pursuant to the provisions of Section 20636 (c)(4) of the California Government Code.

For Fire Safety employees hired on or after January 17, 2012 under Tier 2 retirement formula 3%@55, the City of Modesto elects to pay zero percent (0%) of the normal member contributions of twelve percent (12%) effective June 27, 2017. No payment shall be implemented pursuant to the provisions of Section 20636 (c)(4) of the California Government Code.

BE IT FURTHER RESOLVED that this Resolution shall become effective on April 19, 2016.

BE IT FURTHER RESOLVED that effective April 19, 2016 Resolution No. 2012-18 is hereby rescinded in its entirety.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of April, 2016, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-158

RESOLUTION APPROVING AN AMENDMENT TO CLASS RANGE TABLES FOR GENERAL FIRE CLASSES AS SET FORTH IN EXHIBIT "A" ATTACHED HERETO EFFECTIVE APRIL 19, 2016, AND ADOPTED CONCURRENTLY WITH RESOLUTION NO. 2016-156 APPROVING THE SUCCESSOR MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MODESTO AND THE MODESTO CITY FIRE FIGHTERS ASSOCIATION ADOPTING SALARY AND BENEFIT CHANGES AND SETTING FORTH SALARY SCHEDULES FOR GENERAL FIRE CLASSES

WHEREAS, on April 12, 2016, the City Council adopted Resolution No. 2016-156 approving language for a successor Memorandum of Understanding (MOU) between the City of Modesto and the Modesto City Fire Fighters Association adopting salary and benefit changes for General Fire Classes including salary schedules, and

WHEREAS, Council desires to amend Class Range Tables for said classes in accordance with the terms of the successor MOU.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves amending the Class Range Tables for General Fire Classes, entitled "City of Modesto Class Range Table General Fire Classes Effective April 19, 2016" which is **attached** hereto as **Exhibit** "A" and made a part hereof as though set forth in full herein.

BE IT FURTHER RESOLOVED, by the Council of the City of Modesto that the Council hereby approves rescinding Resolution No. 2006-784.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of April, 2016, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

CITY OF MODESTO
CLASS RANGE TABLE
GENERAL FIRE CLASSES
Effective **April 19, 2016**

RANGE	TITLE		
203		903	
204		904	
205		**905**	**Firefighter Trainee (80 hour)**
206			
207			
208			
209	**Firefighter**		
210			
211			
212			
213	**Fire Engineer**		
214			
215			
216			
217			
218			
219	**Fire Captain**		

EXHIBIT "A"

CITY OF MODESTO
CLASS RANGE TABLE
GENERAL FIRE CLASSES
Effective **April 19, 2016**

RANGE	TITLE
719	**Fire Captain (80 hour)** **Fire Captain-Special Assignment**

EXHIBIT "A"

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-159

RESOLUTION ACCEPTING THE CITY'S FISCAL YEAR 2014-2015 COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR), VARIOUS OTHER FINANCIAL REPORTS, AND THE AUDIT REPORTS FROM THE EXTERNAL AUDITORS MACIAS, GINI & O'CONNELL, LLP AS WELL AS THE CITY'S FIRST POPULAR ANNUAL FINANCIAL REPORT (PAFR)

WHEREAS, pursuant to Section 1306 of the Charter of the City of Modesto, the City Council shall employ an independent certified public accountant who, at least annually, shall audit the books and records of the City of Modesto, and submit a final audit and report to the City Council as soon as practicable after the end of the fiscal year and

WHEREAS, the accounting firm of Macias, Gini & O'Connell, LLP, has completed their audit of the City's financial statements for the fiscal year ended June 30, 2015, and has provided its opinion on these financial statements based on that audit, and

WHEREAS, the independent auditors also audited financial statements of nine Community Facilities Districts and various Joint Powers Agencies, as required by their respective enabling legislations, and for which the City of Modesto serves as the financial administrator,

WHEREAS, by the Council of the City of Modesto that it hereby accepts the Fiscal Year 2014-2015 annual audit reports for the City of Modesto, Community Facilities Districts, and various Joint Powers Agencies, as listed in **Exhibit** A, which is incorporated by reference herein.

WHEREAS, the Single Audit Act of 1984, the Single Audit Act Amendments of 1996, and the Office of Management and Budget's (OMB) Circular A-133 federally

mandate audits to be conducted for any non-Federal entity that expends $500,000 or more in a year in Federal awards, and

WHEREAS, part of the City's Fiscal Year 2014-2015 Single Audit report, eight audit findings were reported on the financial statements due to misinterpretation of various Governmental Accounting Standards Board (GASB) statements and corrections associated with the cash flow statements, and

WHEREAS, two findings were reported for the Home Investment Partnerships Program due to the City not performing annual housing quality inspections for this fiscal year and not submitting the Housing Urban Development 60002 form required by the Housing Urban Development program, and

WHEREAS, part of the Stanislaus Drug Enforcement Agency Fiscal Year 2014-2015 Single Audit report, one audit finding was reported on the financial statements due to restatement of beginning fund balance and net position from annual true-ups not being performed. No findings were reported for the federal awards programs, and

WHEREAS, On November 20, 2015, the City of Modesto withdrew from the participation in the Stanislaus Regional Water Authority (SRWA) and with the City of Modesto acting as Treasurer the City requested the auditors perform an agreed upon procedures audit on the financial records for the SRWA during the period of July 1, 2015 through November 30, 2015. The procedures performed resulted in no findings of the financial records or calculations of agency contributions, and

WHEREAS, the Auditor's Report on Compliance with Requirements Applicable to the Passenger Facility Charge Program and on Internal Control over Compliance, the

auditors found the City of Modesto complied with the requirements of the PFC program, and

WHEREAS, the City compiled the Popular Annual Financial Report (PAFR) for the fiscal year ending June 30, 2015, the PAFR summarizes financial information from the Comprehensive Annual Financial Report (CAFR) and presents it in a format specifically designed to be readily accessible and easily understandable to the general public and other interested parties without a background in public finance. In addition to financial information, the report provides general characteristics of the Modesto community, a summary of the City's Strategic Plan, a brief list of accomplishments, as well as ways for residents to stay informed on City services, news, current projects, and upcoming events. In addition, the City submitted the PAFR to the Government Finance Officers Association (GFOA) PAFR award program to participate in the award program for this report, and

WHEREAS, the presentation of the CAFR to Council satisfies the requirements under Government Code section 37202 pursuant to section 37208(c).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Fiscal Year 2014-2015 annual audit reports for the City of Modesto and other Joint Power Agencies included Agreed upon Procedures, as listed in **Exhibit** A, which is incorporated by reference herein.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of April, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-159

RESOLUTION ACCEPTING THE FISCAL YEAR 2014-2015 ANNUAL AUDIT REPORTS

EXHIBIT A

City of Modesto:

1. Comprehensive Annual Financial Report FY 2014-2015
2. GANN Limit Report FY 2014-2015
3. Community Facilities District Number 1998-2 (Carver-Bangs/Pelandale-Snyder)
4. Community Facilities District Number 2002 (Coffee-Claratina)
5. Community Facilities District Number 1998-1 (Enterprise Business Park)
6. Community Facilities District Number 2003-1 (Fairview Village)
7. Community Facilities District Number 2007-2 (Kiernan Business Park West)
8. Community Facilities District Number 1997-1 (North Beyer Park)
9. Community Facilities District Number 2002-1 (Northpointe)
10. Community Facilities District Number 2004-1 (Village One #2)
11. Community Facilities District Number 1996-1 (Village One)
12. City of Modesto Single Audit FY 2013-2014
13. Auditor's Report on Compliance with Requirements Applicable to the Passenger Facility Charge Program and on Internal Control over Compliance for Fiscal Year Ended June 30, 2015
14. Agreed Upon Procedures – Stanislaus Regional Water Authority

Other Agencies:

15. Stanislaus Drug Enforcement Agency (SDEA)
16. SDEA Single Audit FY 2013-2014
17. Abandoned Vehicle Abatement (AVA)
18. Transportation Development Agency (TDA)
19. Modesto-Ceres Fire Protection Agency
20. Tuolumne River Regional Park (TRRP)
21. Stanislaus Regional Water Authority (SRWA)

RESOLUTION ACCEPTING THE FISCAL YEAR 2014-2015 ANNUAL REPORT

22. Popular Annual Financial Report FY 2014-2015

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-160

RESOLUTION APPROVING THE FIRST AMENDMENT TO THE HOME INVESTMENT PARTNERSHIPS PROGRAM LOAN AGREEMENT WITH STANISLAUS COUNTY AFFORDABLE HOUSING CORPORATION FOR THE CONSTRUCTION OF FOUR ONE-BEDROOM PERMANENT SUPPORTIVE UNITS FOR PERSONS WITH MENTAL HEALTH DISABILITIES, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT AND RELATED DOCUMENTS

WHEREAS, the City of Modesto receives annual entitlements from HUD based on its population size, number of households living below poverty level and number of sub-standard housing units; and

WHEREAS, a percentage of the HOME entitlement funds plus estimated program income may be allocated for the purposes of providing assistance to provide decent and affordable housing to low income households; and

WHEREAS, a Request for Qualifications for Affordable Housing Developers and a Request for Proposals for CHDOs were issued on June 3, 2015 with approximately $900,000 of assistance available in HOME entitlement funds and $200,000 available in CHDO Set-Aside funds; and

WHERAS, a sub-committee of the Citizens Housing & Community Development Committee (CH&CDC) reviewed the proposals and made a final recommendation to the CD&CDC; and

WHEREAS; on August 19, 2015, the CH&CDC reviewed, discussed and approved a final funding recommendation to the City Council; and

WHEREAS, on September 8, 2015, the City Council, by Resolution No. 2015-344, approved the allocation of $490,000 in HOME entitlement funds and $50,000 in

CHDO Set-Aside funds to Stanislaus County Affordable Housing Corporation for the construction of four one-bedroom permanent supportive units for persons with mental health disabilities; and

WHEREAS, on September 22, 2015, the City Council, by Resolution No. 2015-349, approved a HOME Investment Partnerships Program agreement with Stanislaus County Affordable Housing Corporation; and

WHEREAS, the City has agreed to amend the terms of the HOME Loan Agreement to reduce the default interest rate, clarify repayment obligations, clarify marketing and tenant selection obligations, and adjust insurance requirements; and

WHERERAS, no additional HOME entitlement funds are being committed to the project;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that is hereby authorizes City Manager to enter into the First Amendment to the HOME Investment Partnerships Program Loan Agreement with Stanislaus County Affordable Housing Corporation for the construction of four one-bedroom permanent supportive units for persons with mental health disabilities, and authorizing the City Manager, or his designee, to sign all related documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-161

RESOLUTION AMENDING THE FISCAL YEAR 2015-2016 BUDGET FOR PROJECT 100918 TO INCLUDE $372,965.52 IN HOME ENTITLEMENT FUNDS TO FULLY FUND THE APPROVED AGREEMENT WITH STANISLAUS COUNTY AFFORDABLE HOUSING CORPORATION (STANCO), AND AUTHORIZING THE FINANCE DIRECTOR, OR HER DESIGNEE, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISION OF THIS RESOLUTION

WHEREAS, on September 22, 2015, City Council, by Resolution No, 2015-349, approved a HOME Investment Partnerships Program (HOME) agreement with Stanislaus County Affordable Housing Corporation (STANCO), in the amount of $540,000 to construct four permanent supportive units for persons with mental health disabilities, and

WHEREAS, on December 8, 2015, City Council, by Resolution No. 2015-459, approved a budget adjustment to transfer $117,034.48 in HOME Direct Loan Funds and $50,000 in HOME Community Housing Development Organization (CHDO) Set-Aside Carryover Funds to establish a new Multi Year Project, 100918 within the HOME fund, and

WHEREAS, additional HOME Direct Funds in the amount of $372,965.52 are available to budget, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that is hereby authorizes amending the Fiscal Year 2015-2016 budget for Project 100918 to include $372,965.52 in HOME Entitlement Funds, and authorizing the Finance Director, or her designee, to take the necessary steps to implement the provision of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-162

RESOLUTION APPROVING THE FIRST AMENDMENT TO THE HOME INVESTMENT PARTNERSHIPS PROGRAM LOAN AGREEMENT WITH GREAT VALLEY HOUSING DEVELOPMENT CORPORATION, A NON-PROFIT ORGANIZATION, TO CONSTRUCT FOUR AFFORDABLE HOUSING UNITS FOR VETERANS AT RISK OF HOMELESSNESS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT AND RELATED DOCUMENTS

WHEREAS, the City of Modesto receives annual entitlements from HUD based on its population size, number of households living below poverty level and number of sub-standard housing units; and

WHEREAS, a percentage of the HOME entitlement funds plus estimated program income may be allocated for the purposes of providing assistance to provide decent and affordable housing to low income households; and

WHEREAS, a Request for Qualifications for Affordable Housing Developers and a Request for Proposals for CHDOs were issued on June 3, 2015 with approximately $900,000 of assistance available in HOME entitlement funds and $200,000 available in CHDO Set-Aside funds; and

WHERAS, a sub-committee of the Citizens Housing & Community Development Committee (CH&CDC) reviewed the proposals and made a final recommendation to the CD&CDC; and

WHEREAS; on August 19, 2015, the CH&CDC reviewed, discussed and approved a final funding recommendation to the City Council; and

WHEREAS, on September 8, 2015, the City Council by Resolution No. 2015-343 approved the allocation of $150,000 in HOME entitlement Funds (HOME) Funds and $150,000 in Community Housing Development Organizations (CHDO) Set-Aside Funds

to the Great Valley Housing Development Corporation, for the construction of 4 one-bedroom units for veterans at risk of homelessness; and

WHEREAS, on September 22, 2015, the City Council by Resolution No. 2015-348, approved a HOME Investment Partnerships Program agreement with Great Valley Housing Development Corporation, a non-profit organization; and

WHEREAS, the City has agreed to amend the terms of the Loan Agreement to reduce the default interest rate, clarify repayment obligations, clarify marketing and tenant selection obligations, and adjust insurance requirements; and

WHERERAS, no additional HOME entitlement funds are being committed to the project;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that is hereby authorizes City Manager to enter into the First Amendment to the HOME Investment Partnerships Program Loan Agreement with Great Valley Housing Development Corporation, a non-profit organization, to construct four affordable housing units for veterans at risk of homelessness, and authorizing the City Manager, or his designee, to execute the agreements and related documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-163

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE G STREET AND HATCH ROAD PAVEMENT REHABILITATION PROJECT, ACCEPTING THE BID, AND APPROVING A CONTRACT WITH DSS COMPANY, DBA KNIFE RIVER CONSTRUCTION OF STOCKTON, CALIFORNIA IN THE AMOUNT OF $754,531.13, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, plans and specifications have been prepared for the G Street and Hatch Road Pavement Rehabilitation Project, and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the G Street and Hatch Road Pavement Rehabilitation Project were opened at 11:00 a.m. on March 1, 2016 for the consideration of the Council, and

WHEREAS, the Director of Community and Economic Development has recommended that the bid of $754,531.13 received from DSS Company dba Knife River Construction of Stockton, California, be accepted as the lowest responsible and responsive bid and the contract be awarded to DSS Company dba Knife River Construction,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds that this project is exempt from CEQA pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines. The proposed project will rehabilitate existing pavement and complete minor improvements.

BE IT FURTHER RESOLVED that the Council hereby approves the plans and specifications for the G Street and Hatch Road Pavement Rehabilitation Project, accepts the bid of DSS Company dba Knife River Construction of Stockton, California in the

amount of $754,531.13, and awards DSS Company dba Knife River Construction of Stockton, California the contract for the G Street and Hatch Road Pavement Rehabilitation Project, and that the City Manager, or his designee, is hereby authorized to execute the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-164

RESOLUTION AMENDING THE FISCAL YEAR 2015-2016 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNTS AS SHOWN IN EXIBIT A IN ORDER TO FULLY FUND CONSTRUCTION, CONTINGENCY, CONSTRUCTION ADMINISTRATION, AND ENGINEERING SUPPORT DURING CONSTRUCTION FOR THE G STREET AND HATCH ROAD PAVEMENT REHABILITATION PROJECT

WHEREAS, certain budgetary transactions are necessary in the amounts shown in **Exhibit A**, in order to fund construction, contingency, construction administration and engineering support during construction for the G Street and Hatch Road Rehabilitation Project, and

WHEREAS, the Fiscal Year 2015-2016 Capital Improvement Program Budget must be amended as shown in **Exhibit A**, which is incorporated by reference herein.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2015-2016 Capital Improvement Program Budget as shown in **Exhibit A**.

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT A

100707 – TED.Transportation Engineering and Design "CED-2014 pavement Rehab			
EXPENSES	Available Current Budget	Increase / Decrease	Revised Budget
Construction Administration	$105,000	$45,907	$150,907
Construction	$1,050,000	-$91,814	$958,186
Contingency	$105,000	$45,907	$150,907
Eng/Design/Admin	$275,000	$0	$275,000
	$1,535,000		$1,535,000

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-165

RESOLUTION AUTHORIZING THE DIRECTOR OF UTILITIES TO ISSUE CHANGE ORDERS ON THE G STREET AND HATCH ROAD PAVEMENT REHABILITATION PROJECT IN THE TOTAL AMOUNT UP TO $150,907 (20% OF THE ORGINAL CONTRACT PRICE)

WHEREAS, the contingency cost for G Street and Hatch Road Pavement Rehabilitation Project has been estimated to be $150,907, twenty-percent (20%) of the original contract price, an amount which exceeds the Director's authority for the project as established by the Council's Change Order Approval Policy adopted by Resolution No. 94-443, on July 19, 1994, and,

WHEREAS, the Director of Utilities shall have authority to approve change orders up to the cumulative amount of $150,907.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Director of Utilities to issue change orders on the G Street and Hatch Road Pavement Rehabilitation Project in the total amount of $150,907 (20% of the original contract price).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-166

RESOLUTION APPROVING AN AGREEMENT WITH ASSOCIATED ENGINEERING GROUP, INC. (MODESTO, CA) FOR PROFESSIONAL ENGINEERING DESIGN SERVICES FOR THE HETCH HETCHY AND CLARATINA AVENUE STRUCTURAL CROSSING PROJECT, IN AN AMOUNT NOT TO EXCEED $134,405.00 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $13,440.50 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF $147,845.50, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City is ready to begin design for the Hetch Hetchy and Claratina Avenue Structural Crossing Project, and

WHEREAS, Hetch Hetchy utilities currently cross Claratina Avenue within the limits of the proposed project, and

WHEREAS, Hetch Hetchy has prior property rights and is governed by the San Francisco Public Utilities Commission, and

WHEREAS, Associated Engineering Group, Inc. (Associated) has recently performed design and utility coordination services with Hetch Hetchy, and

WHEREAS, based on the findings that Associated has the specialized qualifications needed to perform design and utility coordination services with Hetch Hetchy for the subject project, staff finds that the justification meets the City's sole source criteria as required under the Modesto Municipal Code, and

NOW THEREFORE BE IT RESOLVED, by the Council of the City of Modesto, that the Council approves an agreement with Associated for professional engineering design services for the Hetch Hetchy and Claratina Avenue Structural Crossing Project, in an amount not to exceed $134,405.00 for the identified scope of services, plus

$13,440.50 for additional services (if needed), for a maximum total amount of $147,845.50,

NOW, THEREFORE, BE IT RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-167

RESOLUTION AMENDING THE FISCAL YEAR 2015-2016 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET TO INCLUDE THE HETCH HETCHY AND CLARATINA AVENUE STURCTURAL CROSSING PROJECT AND APPROPRIATE $200,000 FROM THE CAPITAL FACILITIES FEE FUND TO CIP PROJECT #100945 FOR ENGINEERING/DESIGN/ADMINISTRATION

WHEREAS, a Hetch Hetchy water transmission line currently crosses Claratina Avenue just north of McHenry Avenue, and

WHEREAS, in order for the City to perform work above the water transmission lines the City must coordinate design with the Hetch Hetchy utility crossing and meet all associated requirements and conditions, and

WHEREAS, the City created Project #100945 for the Hetch Hetchy and Claratina Structural Crossing Project, and

WHEREAS, the City is ready to begin design for the Hetch Hetchy and Claratina Avenue Structural Crossing Project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 205-2016 Capital Improvement Program (CIP) budget to include the Hetch Hetchy and Claratina Avenue Structural Crossing Project and appropriate $200,000 from the Capital Facilities Fee Fund to CIP Project #100945 for Engineering/Design/Administration.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-168

RESOLUTION APPROVING THE SUBMITTAL OF AN APPLICATION FOR THE SAFER GRANT FOR FUNDING FOR NINE (9) ADDITIONAL FIREFIGHTER POSITIONS AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL GRANT-RELATED DOCUMENTS

WHEREAS, the Department of Homeland Security- Federal Emergency Management Agency (FEMA) is authorized to administer the Staffing for Fire and Emergency Response (SAFER) grant was created to provide funding directly to fire departments and volunteer firefighter organizations to help them increase or maintain the number of trained, "front line" firefighters available in their communities, and

WHEREAS, MFD was awarded a SAFER grant in 2011 and successfully met all program requirements, and

WHEREAS, Modesto Fire Department is seeking authorization to submit a 2015 SAFER grant application requesting funding to hire nine (9) firefighters. This is a two-year program that will pay the salaries and benefits of the nine (9) requested SAFER-funded positions, and

WHEREAS, if awarded the MFD would have the funding to re-staff Engine 11 which was eliminated due to budget reductions in July 2011. The grant requires the MFD to maintain staffing levels and incur no layoffs during the two (2) year grant period, and

WHEREAS, after the performance period there is no obligation to retain SAFER-funded positions. There are no match requirements to this grant program however, it will not fund the costs to train and equip firefighters, uniforms, physicals, etc., and

WHEREAS, Staff recommends submittal of the 2015 SAFER grant application requesting funding to hire nine (9) firefighters and will come back to Council for

approval should the grant be awarded.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the submittal of an application for the SAFER Grant for funding for nine (9) additional Firefighter positions.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute all grant-related documents.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Modesto held on the 26th day of April, 2016 by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following votes:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-169

RESOLUTION APPROVING A PURCHASE AND SALE AGREEMENT WITH MS PORTFOLIO, LLC FOR PARTIAL ACQUISITION OF A 2,424 SQUARE FOOT PORTION OF REAL PROPERTY, LOCATED AT 3401 DALE ROAD (A.P.N. 076-031-022), IN THE AMOUNT OF $86,200 FOR THE CML 5059(197) BUS TURNOUT SB DALE ROAD PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ALL RELATED DOCUMENTS REQUIRED TO CLOSE ESCROW

WHEREAS, the purpose of the CML 5059(197) Bus Turnout SB Dale Road Project is to provide a bus stop located on the west side of Dale Road, south of Veneman Avenue, where a bus can stop and not block southbound traffic flow, and

WHEREAS, on December 11, 2012, City Council by Resolution 2012-509 accepted Congestion Mitigation and Air Quality (CMAQ) funds for Preliminary Engineering (PE) in the amount of $85,000 for the CML 5059(197) Bus Turnout SB Dale Road Project, and

WHEREAS, Caltrans has determined that this project has no significant impacts on the environment as defined by National Environmental Policy Act (NEPA), and

WHEREAS, on January 6, 2015 by Resolution No. 2015-08 City Council accepted $101,810 in CMAQ funds for the Right of Way (ROW) and Utility Relocation phase of the project with $13,190 in Local Funds, and

WHEREAS, staff has completed the construction plans, project specifications and preliminary construction estimate, and

WHEREAS, all required dry utility investigations/designs have been performed, and an appraisal and a review appraisal have been performed in the area of property acquisition, and

WHEREAS, on March 20, 2015, Stanislaus Council of Governments (StanCOG) notified local agencies including the City of Modesto that additional Regional Surface Transportation Program (RSTP) grant funds had become available, and

WHEREAS, on December 8, 2015, by Resolution 2015-467, City Council accepted $72,674 in RSTP funds to add to the Preliminary Engineering (PE) and Right of Way (ROW) phase of the project with $9,416 in Local Funds, and

WHEREAS, on December 8, 2015 during Closed Session, staff received Council authorization to present the Appraisal Summary Statement and Summary of the Basis for Just Compensation to MS Portfolio, LLC, and to authorize staff to negotiate purchase of the property required for the project, and

WHEREAS, City staff is recommending acquisition of real property, and

WHEREAS, an agreement is needed for the acquisition of the real property and City staff recommends approving the Purchase and Sale Agreement for acquisition of the property.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Purchase and Sale Agreement with MS Portfolio, LLC for the partial acquisition of a 2,424 square foot portion of real property located at 3401 Dale Road (A.P.N. 076-031-022), in the amount of $86,200 for the CML 5059(197) Bus Turnout on SB Dale Road Project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement, and all related documents required to close escrow.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-170

RESOLUTION APPROVING A GRANT DEED WITH MS PORTFOLIO, LLC FOR PARTIAL ACQUISITION OF A 2,424 SQUARE FOOT PORTION OF REAL PROPERTY, LOCATED AT 3401 DALE ROAD (A.P.N. 076-031-022) FOR THE CML 5059(197) BUS TURNOUT SB DALE ROAD PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ACCEPT THE GRANT DEED

WHEREAS, the purpose of the CML 5059(197) Bus Turnout SB Dale Road project is to provide a bus stop located on the west side of Dale Road, south of Veneman Avenue, where a bus can stop without blocking southbound traffic flow, and

WHEREAS, on December 11, 2012, City Council by Resolution 2012-509 accepted Congestion Mitigation and Air Quality (CMAQ) funds for Preliminary Engineering (PE) in the amount of $85,000 for the CML 5059(197) Bus Turnout SB Dale Road Project, and

WHEREAS, Caltrans has determined that this project has no significant impacts on the environment as defined by National Environmental Policy Act (NEPA), and

WHEREAS, on January 6, 2015, City Council, by Resolution No. 2015-08 accepted $101,810 in CMAQ funds for the Right of Way (ROW) and Utility Relocation phase of the project with $13,190 in Local Funds, and

WHEREAS, staff has completed the construction plans, project specifications and preliminary construction estimate, and

WHEREAS, all required dry utility investigations/designs have been performed, and an appraisal and a review appraisal have been performed in the area of property acquisition, and

WHEREAS, on March 20, 2015, Stanislaus Council of Governments (StanCOG) notified local agencies including the City of Modesto that additional Regional Surface Transportation Program (RSTP) grant funds had become available, and

WHEREAS, on December 8, 2015 by Resolution 2015-467 the City Council accepted $72,674 in RSTP funds to add to the Preliminary Engineering (PE) and Right of Way (ROW) phase of the project with $9,416 in Local Funds, and

WHEREAS, on December 8, 2015 during Closed Session, staff received Council authorization to present the Appraisal Summary Statement and Summary of the Basis for Just Compensation to MS Portfolio, LLC, and to authorize staff to negotiate purchase of the property required for the project, and

WHEREAS, City staff is recommending acquisition of real property, and

WHEREAS, a Grant Deed is required for the acquisition of the real property and City staff recommends approving the Grant Deed for acquisition of the property.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Grant Deed with MS Portfolio, LLC for the partial acquisition of a 2,424 square foot area, located at 3401 Dale Road (A.P.N. 076-031-022), for the CML 5059(197) Bus Turnout on SB Dale Road Project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to accept the Grant Deed, and all related documents required to close escrow.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-171

RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE CERTIFICATE OF ACCEPTANCE FOR THE GRANT DEED FOR PARTIAL ACQUISITION OF A 2,424 SQUARE FOOT PORTION OF REAL PROPERTY, LOCATED AT 3401 DALE ROAD (A.P.N. 076-031-022), OWNED BY MS PORTFOLIO, LLC FOR THE CML 5059(197) BUS TURNOUT ON SB DALE ROAD PROJECT

WHEREAS, Section 27281 of the Government Code requires a public agency to accept real property prior to the recordation of a deed or adopt a resolution accepting real property, and

WHEREAS, the City of Modesto desires to accept a 2,424 square foot portion of real property, for the acquisition of property interests located at 3401 Dale Road (A.P.N. 076-031-022), owned by MS Portfolio, LLC, to be purchased by the City of Modesto for the CML 5059(197) Bus Turnout on SB Dale Road Project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to sign the Certificate of Acceptance for the Grant Deed for the acquisition of property interests located at 3401 Dale Road (A.P.N. 076-031-022), owned by MS Portfolio, LLC to be purchased by the City of Modesto for the CML 5059(197) Bus Turnout on SB Dale Road Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-172

RESOLUTION APPROVING A GRANT OF PUBLIC UTILITY EASEMENT WITH MS PORTFOLIO, LLC FOR ACQUISITION OF A 2,447 SQUARE FOOT PUBLIC UTILITY EASEMENT, LOCATED AT 3401 DALE ROAD (A.P.N. 076-031-022), FOR THE CML 5059(197) BUS TURNOUT ON SB DALE ROAD PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ALL RELATED DOCUMENTS REQUIRED TO CLOSE ESCROW

WHEREAS, the purpose of the CML 5059(197) Bus Turnout SB Dale Road Project is to provide a bus stop located on the west side of Dale Road, south of Veneman Avenue, where a bus can stop without blocking southbound traffic flow, and

WHEREAS, on December 11, 2012, City Council by Resolution 2012-509 accepted Congestion Mitigation and Air Quality (CMAQ) funds for Preliminary Engineering (PE) in the amount of $85,000 for the CML 5059(197) Bus Turnout SB Dale Road Project, and

WHEREAS, Caltrans has determined that this project has no significant impacts on the environment as defined by National Environmental Policy Act (NEPA), and

WHEREAS, on January 6, 2015, City Council, by Resolution No. 2015-08 accepted $101,810 in CMAQ funds for the Right of Way (ROW) and Utility Relocation phase of the project with $13,190 in Local Funds, and

WHEREAS, staff has completed the construction plans, project specifications and preliminary construction estimate, and

WHEREAS, all required dry utility investigations/designs have been performed, and an appraisal and a review appraisal have been performed in the area of property acquisition, and

WHEREAS, on March 20, 2015, Stanislaus Council of Governments (StanCOG) notified local agencies including the City of Modesto that additional Regional Surface Transportation Program (RSTP) grant funds had become available, and

WHEREAS, on December 8, 2015 by Resolution 2015-467 the City Council accepted $72,674 in RSTP funds to add to the Preliminary Engineering (PE) and Right of Way (ROW) phase of the project with $9,416 in Local Funds, and

WHEREAS, on December 8, 2015 during Closed Session staff received Council authorization to present the Appraisal Summary Statement and Summary of the Basis for Just Compensation to MS Portfolio, LLC and to authorize staff to negotiate purchase of the property required for the project, and

WHEREAS, City staff is recommending acquisition of a Public Utility Easement for the construction of the bus stop, and

WHEREAS, a Grant of Public Utility Easement is required for the acquisition of a Public Utility Easement and City Staff recommends approving the Grant of Public Utility Easement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Grant of Public Utility Easement with MS Portfolio, LLC for the acquisition of a 2,447 square foot Public Utility Easement, located at 3401 Dale Road (A.P.N. 076-031-022), for the CML 5059(197) Bus Turnout on SB Dale Road Project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement, and all related documents required to close escrow.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-173

RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE CERTIFICATE OF ACCEPTANCE FOR THE GRANT OF PUBLIC UTILITY EASEMENT, LOCATED AT 3401 DALE ROAD (A.P.N. 076-031-022), OWNED BY MS PORTFOLIO, LLC FOR THE CML 5059(197) BUS TURNOUT SB DALE ROAD PROJECT

WHEREAS, Section 27281 of the Government Code requires a public agency to accept real property prior to the recordation of a deed or adopt a resolution accepting real property, and

WHEREAS, the City of Modesto desires to accept a 2,447 square foot Public Utility Easement, for the acquisition of property interests located at 3401 Dale Road (A.P.N. 076-031-022), owned by MS Portfolio, LLC to be purchased by the City of Modesto for CML 5059(197) Bus Turnout on SB Dale Road Project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to sign the Certificate of Acceptance for the Public Utility Easement for the acquisition of property interests located at 3401 Dale Road (A.P.N. 076-031-022), owned by MS Portfolio, LLC to be purchased by the City of Modesto for the CML 5059(197) Bus Turnout on SB Dale Road Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-174

RESOLUTION APPROVING A GRANT OF TEMPORARY CONSTRUCTION EASEMENT AGREEMENT WITH MS PORTFOLIO, LLC FOR ACQUISITION OF A 5,135 SQUARE FOOT TEMPORARY CONSTRUCTION EASEMENT, LOCATED AT 3401 DALE ROAD (A.P.N. 076-031-022), FOR CML 5059(197) BUS TURNOUT SB DALE ROAD PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ALL RELATED DOCUMENTS REQUIRED TO CLOSE ESCROW

WHEREAS, the purpose of the CML 5059(197) Bus Turnout SB Dale Road Project is to provide a bus stop located on the west side of Dale Road, south of Veneman Avenue, where a bus can stop without blocking southbound traffic flow, and

WHEREAS, on December 11, 2012 by Resolution 2012-509 City Council accepted Congestion Mitigation and Air Quality (CMAQ) funds for Preliminary Engineering (PE) in the amount of $85,000 for the CML 5059(197) Bus Turnout SB Dale Road Project, and

WHEREAS, Caltrans has determined that this project has no significant impacts on the environment as defined by National Environmental Policy Act (NEPA), and

WHEREAS, on January 6, 2015 by Resolution No. 2015-08 City Council accepted $101,810 in CMAQ funds for the Right of Way (ROW) and Utility Relocation phase of the project with $13,190 in Local Funds, and

WHEREAS, staff has completed the construction plans, project specifications and preliminary construction estimate, and

WHEREAS, all required dry utility investigations/designs have been performed, and an appraisal and a review appraisal have been performed in the area of property acquisition, and

WHEREAS, on March 20, 2015, Stanislaus Council of Governments (StanCOG) notified local agencies including the City of Modesto that additional Regional Surface Transportation Program (RSTP) grant funds had become available, and

WHEREAS, on December 8, 2015 by Resolution 2015-467 City Council accepted $72,674 in RSTP funds to add to the Preliminary Engineering (PE) and Right of Way (ROW) phase of the project with $9,416 in Local Funds, and

WHEREAS, on December 8, 2015 during Closed Session, staff received Council authorization to present the Appraisal Summary Statement and Summary of the Basis for Just Compensation to MS Portfolio, LLC and to authorize staff to negotiate purchase of the property required for the project, and

WHEREAS, City staff is recommending acquisition of a Temporary Construction Easement for the construction of the bus stop, and

WHEREAS, a Grant of Temporary Construction Easement is required for the construction portion of the project and City staff recommends approving the Grant of Temporary Construction Easement Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Grant of Temporary Construction Easement Agreement with MS Portfolio, LLC for the acquisition of a 5,135 square foot Temporary Construction Easement, located at 3401 Dale Road (A.P.N. 076-031-022), for the CML 5059(197) Bus Turnout on SB Dale Road Project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement, and all related documents required to close escrow.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-175

RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE CERTIFICATE OF ACCEPTANCE FOR THE GRANT OF TEMPORARY CONSTRUCTION EASEMENT, LOCATED AT 3401 DALE ROAD (A.P.N. 076-031-022), OWNED BY MS PORTFOLIO, LLC FOR THE CML 5059(197) BUS TURNOUT SB DALE ROAD PROJECT

WHEREAS, Section 27281 of the Government Code requires a public agency to accept real property prior to the recordation of a deed or adopt a resolution accepting real property, and

WHEREAS, the City of Modesto desires to accept a 5,135 square foot Temporary Construction Easement, for the acquisition of property interests located at 3401 Dale Road (A.P.N. 076-031-022), owned by MS Portfolio, LLC to be purchased by the City of Modesto for CML 5059(197) Bus Turnout on SB Dale Road Project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to sign the Certificate of Acceptance for the Temporary Construction Easement for the acquisition of property interests located at 3401 Dale Road (A.P.N. 076-031-022), owned by MS Portfolio, LLC to be purchased by the City of Modesto for the CML 5059(197) Bus Turnout on SB Dale Road Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-176

RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE PURCHASE OF THIRTEEN REPLACEMENT, AND SEVEN NEW HALF-TON PICKUP TRUCKS FOR THE PUBLIC WORKS, UTILITIES, AND POLICE DEPARTMENTS TO ALBANY FORD, ALBANY, CA, AND AUTHORIZING THE PURCHASING MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE ORDER FOR AN ESTIMATED TOTAL COST OF $585,319

WHEREAS, the replacement of thirteen half-ton pickup trucks for various departments has been subjected to a thorough evaluation and has met or exceeded the replacement criteria before being placed on the replacement list, and

WHEREAS, the purchase of seven new half-ton pickup trucks for various departments was approved in the adopted Fiscal Year 2015-16 budget to support the growth in personnel, and

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for new vehicles and heavy equipment listed in **Attachment** "A", through various competitive processes, and

WHEREAS, the departments are currently using holdback units or rental units to perform daily tasks. The long term effect of using rental equipment results in higher cost to the department, and

WHEREAS, The Purchasing Division issued RFB 1516-22 for the purchase of twenty non-brand specific half-ton pickup trucks on the City's website under the commodity codes for half-ton trucks and specialized bodies. Prospective bidders were given notice online of the bid opportunity, and

WHEREAS, bids were formally opened in the City Clerk's office on March 1, 2016. Three companies chose to respond. All three companies provided responsive and responsible bids, and

WHEREAS, based on providing the overall lowest responsive and responsible bid, City staff recommends the award of bid for the purchase of twenty half-ton pickup trucks to Albany Ford, Albany CA, for a total estimated cost of $585,319, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of bid for the purchase of twenty half-ton pickup trucks to Albany Ford, Albany, CA conforms to the Modesto Municipal Code, 8-3.203, and

WHEREAS, sufficient funds for thirteen replacement half-ton pickups are budgeted in Fiscal Year 2015-16, in the replacement fund account for all City Departments including Public Works, Utilities, and the Police Department, and

WHEREAS, sufficient funds for seven new half-ton pickups are budgeted in Fiscal Year 2015-16, in Utilities and Public Works accounts.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid for the purchase of thirteen replacement, and seven new half-ton pickup trucks for the Public Works and Utilities Departments to Albany Ford, Albany, CA, for an estimated total cost of $585,319.

BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, is authorized to issue a purchase order.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	Ah You
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Attachment "A"

Qty	Cost Center Description	Fund	Cost Center	Account	Funds Budgeted	Description of Item to be Replaced	Replace Equip #	Yrs	Vehicle Deficiencies
1	Wastewater Plant Operations	4210	44312	57003	$17,850	TRK 1/2 Ton Ext Cab	New Add	0	Support expanded operations
1	Sutter Plant Maintenance	4210	44313	57003	$17,820	TRK 1/2 Ton w/ext cab	New Add	0	Support expanded operations
2	Tertiary Treatment	4210	44316	57003	$35,640	TRK 1/2 Ton w/ext cab	New Add	0	Support expanded operations
1	Solid Waste Management	4891	56010	57003	$17,850	TRK 1/2 Ton Ext Cab	New Add	0	Support expanded operations
1	Tree Nursery	4892	56045	57003	$17,850	TRK 1/2 Ton Crew Cab	New Add	0	Support expanded operations
1	Tree Nursery	4892	56055	57003	$17,820	TRK 1/2 Ton ext cab	New Add	0	Support expanded operations
1	Enviromental Services	5409	53246	57003	$35,000	TRK 1/2 Ton crew	30159	15	Support expanded operations
1	Transit Services	5409	53246	57003	$26,000	TRK 1/2 Ton Ext Cab	30741	9	High Maintenance Costs, Poor Cond.
1	Police Investigations	5409	53246	57003	$25,000	TRK 1/2 Ton Crew Cab	30577	11	High Maintenance Costs, Poor Cond.
1	Water Systems Maintenance	5409	53246	57003	$26,000	TRK 1/2 Ton Crew Cab	30629	10	High Maintenance Costs, Poor Cond.
1	Wastewater Collections	5409	53246	57003	$26,000	TRK 1/2 Ton Crew Cab	30111	15	High Maintenance Costs, Poor Cond.
1	Fleet Services	5409	53246	57003	$26,000	TRK 1/2 Ton Crew Cab	30118	15	High Maintenance Costs, Poor Cond.
1	Wastewater Collections	5409	53246	57003	$26,000	TRK 1/2 Ton Crew Cab	30176	15	High Maintenance Costs, Poor Cond.
1	Police Abandoned Vehicle	5409	53246	57003	$25,000	TRK 1/2 Ton Ext Cab	30286	14	High Maintenance Costs, Poor Cond.
1	Enviromental Services	5409	53246	57003	$30,000	TRK 1/2 Ton Crew Cab	30171	15	High Maintenance Costs, Poor Cond.
1	Green Waste	5409	53246	57003	$30,000	TRK 1/2 TON PU F/S 4X4 W/LIFT	30198	15	High Maintenance Costs, Poor Cond.
1	Parks Service & Maintenance	5409	53246	57003	$26,000	TRK 1/2 Ton Ext Cab	30177	15	High Maintenance Costs, Poor Cond.
1	Parks Service & Maintenance	5409	53246	57003	$26,000	TRK 1/2 Ton Ext Cab	30178	15	High Maintenance Costs, Poor Cond.
1	Wastewater Monitoring Center	5409	53246	57003	$30,000	TRK 1/2 TON PU Ext Cab	30180	15	High Maintenance Costs, Poor Cond.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-177

RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE PURCHASE OF TWO REPLACEMENT STREET SWEEPERS FOR THE PUBLIC WORKS DEPARTMENT TO MUNICPAL MAINTENANCE EQUIPMENT, SACRAMENTO, CA, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE ORDER FOR AN ESTIMATED TOTAL COST OF $610,006

WHEREAS, the replacement of two street sweepers for the Public Works Department, Street Sweeping Division have been subjected to a thorough evaluation and have met or exceeded the replacement criteria before being placed on the replacement list, and

WHEREAS, replacement units are essential in maintaining current operations, facilities, and/or services, and

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for new vehicles and heavy equipment, through various competitive processes, and

WHEREAS, The Purchasing Division issued RFB 1516-19 for the purchase of two non- brand specific street sweepers on the City's website under the commodity code for trucks with specialized bodies. Prospective bidders were notified online of the bid opportunity. Six companies chose to download the RFB document, and

WHEREAS, bids were formally opened in the City Clerk's office on February 2, 2016. Three companies chose to respond. There were no local vendors capable of providing this type of equipment. Two companies provided responsive and responsible bids, and

WHEREAS, based on providing the overall lowest responsive and responsible bid, City staff recommends the award of bid for the purchase of two street sweepers to Municipal Maintenance, Sacramento, CA, for a total estimated cost of $610,006, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of bid for the purchase of two street sweepers to Municipal Maintenance Equipment, Sacramento, CA, conforms to the Modesto Municipal Code, 8-3.203, and

WHEREAS, sufficient funds are budgeted in Fiscal Year 2015-16, in account: 5409-53246-57003. Funding for these vehicles was collected thru the internal service fund (ISF) via straight-line depreciation over the life of the vehicle.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid for the purchase of two street sweepers to Municipal Maintenance Equipment, Sacramento, CA, for an estimated total cost of $610,006.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to issue a purchase order.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 2016, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-178

RESOLUTION APPROVING REINSTATEMENT OF THE DROUGHT STAGE II REQUIREMENTS OF THE CITY OF MODESTO DROUGHT CONTINGENCY PLAN TO ALLOW OUTDOOR WATERING TO TWO DAYS A WEEK EFFECTIVE MAY 1, 2016 THROUGH OCTOBER 31, 2016

WHEREAS, on March 17 2015, the State Water Resources Control Board (SWRCB) adopted additional emergency drought regulations to govern the use of urban water in California, which required the City of Modesto to meet a thirty-six percent (36%) cumulative reduction for the period of June 2015 through February 2016, and

WHEREAS, Section 11-1.14 of the Modesto Municipal Code authorizes the City Council to establish rules and regulations by resolution concerning the City's municipal water system, the use of water, and water conservation, and

WHEREAS, on November 24, 2015 City Council, by Resolution No. 2015-455, revised the City of Modesto Drought Contingency Plan and enacted Drought Stage IIA requirements to restrict outdoor watering to one day a week effective December 1, 2015, and

WHEREAS, California continues to endure severe drought conditions and most of the state, including our local area, is experiencing exceptional drought conditions as defined by the United States Drought Monitor, and

WHEREAS, the Governor recently extended the emergency drought regulations through October 2016 by executive order, and

WHEREAS, the SWRCB eased the restriction for the City of Modesto to require a thirty-four percent (34%) cumulative reduction in water use through October 2016, and

WHEREAS, staff recommended that the City Council approve returning to Drought Stage II of the Drought Contingency Plan effective May 1, 2016 through October 31, 2016 and,

WHEREAS, Drought Stage II of the Drought Contingency Plan implements a two-day per week outdoor watering schedule for all City of Modesto customers with addresses ending in an even number watering only on Tuesdays and Saturdays and addresses ending in an odd number watering only on Wednesdays and Sundays, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves reinstatement of the Drought Stage II requirements of the City of Modesto Drought Contingency Plan that restrict outdoor watering to two days a week effective May 1, 2016 through October 31, 2016.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-179

RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(600) (STANCO)

WHEREAS, a verified application for an amendment to Section 21-3-9 of the Zoning Map was filed by STANCO on December 10, 2015, to reclassify from R-1, Low-Density Residential Zone, to Planned Development Zone, P-D (600) for a four-unit medium-density supportive housing complex and community resource center, for property located at 522 E. Granger Avenue, described as follows:

R-1 to P-D(600)

Real Property in the City of Modesto, County of Stanislaus, State of California, described as follows:

PARCEL A AS SHOWN ON THAT CERTAIN PARCEL MAP FILED FOR RECORD ON MARCH 2, 1978 IN BOOK 26 OF PARCEL MAPS AT PAGE 89, STANISLAUS COUNTY RECORDS.

CONTAINING 0.41 acres more or less

Also including the southern 30.00 feet of E. Granger Avenue immediately adjacent to the above-described property.

APN: 031-002-046-000

WHEREAS, after a public hearing held on March 7, 2016, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 2016-06, that rezoning of the property as requested will not be detrimental to the public health, safety or welfare because the rezone to a Planned Development Zone with medium-density residential uses would provide for development that meets all City standards for a multi-family housing development, the requested zone change will result in an orderly planned use of land

because this multi-family residential development will be compatible with the surrounding residential uses adjacent to the site, and the requested zone change is in accordance with the community objectives as set forth in the Modesto Urban Area General Plan and any applicable specific plans(s) because the allowable uses of the Planned Development Zone, P-D(600) are consistent with the site's proposed General Plan Land Use Designation of "Mixed Use", which allows for medium-density residential uses, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on April 26, 2016, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which date and time said duly noticed public hearing was held, and

WHEREAS, after said public hearing the Council found and determined that the application of STANCO for a Planned Development Zone will not be detrimental to the public health, safety or welfare, will result in an orderly planned use of land, and is in accordance with the community objectives as set forth in the Modesto Urban Area General Plan and any applicable specific plans(s) for the reasons set forth in Planning Commission Resolution No. 2016-06 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3647-C.S. on the 26th day of April, 2016, reclassifying the above-described property from R-1 Low-Density Residential Zone, to Planned Development Zone, P-D(600),

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(600), is hereby approved subject to the following conditions:

1. Prior to the issuance of a building permit, all development shall conform to the development plan and building elevations titled "Proposed New Development: 522 Granger – 522 Granger Ave. Modesto, CA", stamped approved by the City Council on April 26, 2016.

2. Prior to issuance of a building permit, any variation from the approved site plan or building elevations on file with the City must be reviewed and approved by the Director of Community and Economic Development.

3. All construction documentation shall be coordinated for consistency, including but not limited to, architectural, structural, mechanical, electrical, plumbing, landscape and irrigation, grading, utility and street improvement plans. All such plans shall be consistent with the approved entitlement plans on file with the Planning Department.

4. Exterior building elevations showing building wall materials, roof types, exterior colors and appropriate vertical dimensions shall be included in the development construction drawings.

5. Prior to occupancy of any structure, striping of parking stalls, aisles and driveways shall conform to the provisions of MMC Section 10-2.2004, Parking Lot Design.

6. Parking stalls adjacent to a landscape planter or walkway should have a dimension of 9 ft. by 15.5 ft. with a 2.5 ft. overhang. Compact stalls should be 7.5 ft. by 12.5 ft. with a 2.5 ft. overhang. All required overhang should be added to the required landscape or walkway. The use of wheelstops is discouraged. For situations where a landscape planter or walkway is not adjacent to the parking stalls and wheelstops are necessary, stalls should have a dimension of 9 ft. by 18 ft. Compact stalls with a wheelstop should be 7.5 ft. by 15. ft. Parking stalls should be redesigned accordingly.

7. Along pedestrian corridors, the use of low mounted bollard light standards, which reinforce pedestrian scale, shall be used. Steps and ramps should be illuminated wherever possible, with built-in light fixtures to the satisfaction of the Director of Community and Economic Development.

8. The design of light fixtures and their structural supports should be architecturally compatible with the main structures on the site. Light fixtures should be architecturally integrated into the design of a structure

to the satisfaction of the Director of Community and Economic Development.

9. All signs shall comply with the sign requirements of the R-3 Zone.

10. Prior to Certificate of Occupancy of any structure, all ground mounted utility structures such as transformers and HVAC equipment shall be located out of view from a public street to the satisfaction of the Director of Community and Economic Development. Equipment shall be placed underground or adequately screened though the use of landscaping or masonry walls.

11. Any public improvements that are missing, damaged or not to current City standards shall be designed per City standards in accordance with City Code (Article 7-1.701), standards and specifications, such improvements may include, but not be limited to curb & gutter, drive approach, sidewalk, ADA access ramps, fire hydrants and street lights. All public improvement plans shall be designed by a Registered Engineer, reviewed and approved by the City Engineer prior to issuance of an Encroachment permit.

12. A 10-inch water main fronts the property in Granger Avenue, which is available for connection and adequately sized. It is recommended to utilize existing water service connections for the proposed building. If a new connection or an upgrade to the existing connection is requested, then water connection fees will be applicable and an encroachment permit from the City has to be obtained prior to any construction.

13. A 10-inch sewer main fronts the property in Granger Avenue, which is available for connection and adequately sized. It is recommended to utilize existing sewer service connection for the proposed building. If a new connection or an upgrade to the existing connection is requested, then sewer connection fees will be applicable and an encroachment permit from the City has to be obtained prior to any construction.

14. There is not an existing positive storm drain system available for this project to connect to. Storm water has to be kept on site and has to be designed to current City of Modesto standards. Provide Storm water calculations for checking along with off-site plans prior to building permit issuance.

15. The driveway on Granger Avenue shall be designed to a commercial flared driveway per City of Modesto standard detail 1009.

16. Prior to the issuance of a Grading or Building Permit, Developer shall prepare and submit a Water Pollution Control Plan (WPCP) or Local

SWPPP to Land Development Engineering, Stormwater for review. The submittal shall include a description of all erosion, sediment, and pollution control BMPs to be used at the construction site to prevent sediment and other sources of pollution from entering the City storm drain system as well as a site plan showing their placement.

17. Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall submit improvement plans conforming to design requirements of the most current edition City of Modesto Guidance Manual for Development, Stormwater Quality Control Measures.

18. Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall submit a plan for trash enclosures to be sufficiently elevated to prevent stormwater run-on from parking lot. Floor of enclosures shall be graded to drain into adjacent landscape areas.

19. Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall submit a plan to integrate Low Impact Development (LID) principles into the project design. The plan shall retain and infiltrate the first 0.5" of stormwater runoff on site, and incorporate pervious landscape features into the project design wherever possible.

20. Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall submit a plan to provide permanent, post-construction treatment (grass swale, vegetative strip, or other approved proprietary device) to remove pollutants from the first 0.5" of stormwater run-off from site.

21. Prior to the issuance of a Grading, Demolition, or Building Permit, Property Owner shall provide a signed and notarized Stormwater Treatment Device Access and Maintenance Agreement to Land Development Engineering, Stormwater for recording.

22. At the time of issuance of a building permit, the developer shall pay development impact fees at the established rate. Such fees may include but are not limited to, sewer and water connection fees, community facility fees, building permit and plan check fees.

23. Applicant to submit landscape and irrigation plans that are compliant with current State of California Model Water Use Ordinance for review and approval when they submit building plan sets to Development Services.

24. Applicant shall plant drainage basin with a "no-mow"-type grass to prevent erosion of soil. This area shall be irrigated to prevent dying off during the summer months.

25. Construction of the community center and dwelling units shall conform to the requirements of the California Building Code and California Fire Code.

26. An Automatic Fire Sprinkler system designed in accordance with NFPA 13 and 13R will be required in the proposed community resource center, family area addition, service addition and dwelling units.

27. All department Conditions of Approval for the project shall be included on the sheet following the title sheet, which shall be continuously maintained on-site during project construction to the satisfaction of the Chief Building Official.

28. All existing underground and aboveground utilities, irrigation, and electrical lines shall be protected, relocated, or removed as required by the respective utility company, Modesto Irrigation District, and/or City Engineer. Easements for utilities, irrigation, and electrical lines to remain shall be dedicated as required.

29. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris, and all exposed wall surfaces shall be kept free of graffiti.

30. Prior to start of construction, all-weather, hard-surfaced roadways shall be constructed and maintained free of obstructions at all times during construction as required by Director of Community and Economic Development.

31. The property owner and developer shall, at their sole expense, defend, with counsel selected by the City, indemnify and hold harmless the City of Modesto, its agents, officers, directors and employees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to payment of attorney's fees and costs, by reason of, or arising out of, this development approval. The obligation to defend, indemnify and hold harmless shall include but is not limited to any action to arbitrate, attack, review, set aside, void or annul this development approval on any grounds whatsoever. The City of Modesto shall promptly notify the developer of any such claim, action, or proceeding and shall cooperate fully in the defense.

In addition, the following recommended Conditions of Approval are mitigation measures from the Modesto Urban Area General Plan Master Environmental Impact Report that should be applied to the project:

32. AQ-40: The City of Modesto shall require all access roads, driveways, and parking areas serving new commercial and industrial development are to be constructed with materials that minimize particulate emissions in

accordance with the requirements of SJVAPCD Regulation VIII and are appropriate to the scale and intensity of the use.

33. AQ-42: All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.

34. AQ-43: All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.

35. AQ-44: All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.

36. AQ-45: With the demolition of buildings up to six stories in height, all exterior surfaces of the building shall be wetted during demolition.

37. AQ-46: When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.

38. AQ-47: All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.)

39. AQ-48: Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.

40. AQ-49: Within urban areas, track out shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.

41. AQ-50: Any site with 150 or more vehicle trips per day shall prevent carryout and track out.

42. AQ-51: Limit traffic speeds on unpaved roads to 15 mph.

45. AQ-52: Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent (1%).

46. AQ-53: Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site.

47. AQ-54: Install wind breaks at windward side(s) of construction areas.

48. AQ-55: Suspend excavation and grading activity when winds exceed 20 mph. Regardless of wind speed, an owner/operator must comply with Regulation VIII's 20 percent (20%) opacity limitation.

49. AQ-56: Limit the area subject to excavation, grading and other construction activity at any one time.

50. N-3: Construction equipment and vehicles should be equipped with properly operating mufflers according to the manufacturers' recommendations. Air compressors and pneumatic equipment should be equipped with mufflers, and impact tools should be equipped with shrouds or shields. Equipment that is quieter than standard equipment should be utilized. Haul routes that affect the fewest number of people should be selected.

51. The City's Noise Ordinance (Modesto Municipal Code Section 4-9.101) prohibits the "loud and raucous discharge into the open air of the steam of any steam equipment or exhaust from any stationary internal-combustion engine."

52. The Noise Ordinance prohibits the loud and raucous operation or use of any of the following before 7:00 a.m. or after 9:00 p.m. daily (except Saturday and Sunday and State or Federal holidays, when the prohibited time shall be before 9:00 a.m. and after 9:00 p.m.):

    a. A hammer or any other device or implement used to pound or strike an object.

    b. An impact wrench or other tool or equipment powered by compressed air.

    c. A hand-powered saw.

    d. Any tool or piece of equipment powered by an internal-combustion engine such as, but not limited to, chain saw, backpack blower, and lawn mower.

    e. Any electrically powered (whether by alternating current electricity or by direct current electricity) tool or piece of equipment used for cutting, drilling, or shaping wood, plastic, metal, or other materials or objects, such as, but not limited to a saw, drill, lathe, or router.

    f. Any of the following: heavy equipment (such as but not limited to bulldozer, steam shovel, road grader, back hoe), ground drilling and boring equipment (such as but not limited to derrick or dredge), hydraulic crane and boom equipment, portable power generator or pump, pavement equipment (such as but not limited to

pneumatic hammer, pavement breaker, tamper, compacting equipment), pile-driving equipment, vibrating roller, sand blaster, gunite machine, trencher, concrete truck, and hot kettle pump.

g. Any construction, demolition, excavation, erection, alteration, or repair activity. In the case of urgent necessity and in the interest of public health and safety, the Chief Building Official may issue a permit for exemption from these. Such period shall not exceed three (3) working days in length while the emergency continues but may be renewed for successive periods of three (3) days or less while the emergency continues. The Chief Building Official may limit such permit as to time of use and/or permitted action, depending upon the nature of the emergency and the type of action requested.

h. Construction equipment and vehicles should be equipped with properly operating mufflers according to the manufacturers' recommendations. Air compressors and pneumatic equipment should be equipped with mufflers, and impact tools should be equipped with shrouds or shields.

53. MEIR Table V-8-1 (e, f)

e. If any find is determined to be significant by a qualified archeologist, representatives from the construction contractor and the City, the qualified archeologist, and a representative of the Native American community (if the discovery is an aboriginal burial) would meet to determine the appropriate course of action.

f. All cultural materials recovered as part of a monitoring program would be subject to scientific analysis, professional curation, and a report prepared according to current professional standards.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(600):

The entire construction program be accomplished in one phase, construction to begin on or before April 26, 2018, and completion to be not later than April 26, 2020.'

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above approved development plan shall be made in accordance with the provisions of Section 10-7.108 of the Modesto Municipal Code.

SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 1 of Chapter 7 of Title 10 of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(600), becomes effective.

BE IT FURTHER RESOLVED that the conditions of project approval set forth herein include certain fees, dedication requirements, reservations requirements, and other exactions, and that pursuant to Government Code Section 66020(d)(1), these conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions.

BE IT FURTHER RESOLVED that the applicant is hereby further notified that the ninety (90) days approval period in which a protest of these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a) can be filed, begins on April 26, 2016, and that if a protest is not filed within this ninety (90)-day period complying with all of the requirements of Section 66020, the applicant will be legally barred from later challenging such exactions.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 2016, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

APPROVED AS TO LEGAL DESCRIPTION

By: _____
Community & Economic Development Department
Planning Division

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-180

RESOLUTION FINDING THAT THE FOLLOWING SUBSEQUENT PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE NO. 2007072023): AMENDMENT OF SECTION 21-3-9 OF THE ZONING MAP TO REZONE FROM R-1, LOW-DENSITY RESIDENTIAL ZONE, TO PLANNED DEVELOPMENT ZONE, P-D(600), PROPERTY LOCATED AT 522 E. GRANGER AVENUE (STANCO)

WHEREAS, on October 14, 2008, the City Council of the City of Modesto certified the Final Master Environmental Impact Report ("Master EIR") (SCH No. 2007072023) for the Modesto Urban Area General Plan, and

WHEREAS, STANCO has proposed that the zoning designation for property on the south side of E. Granger Avenue west of Sunrise Avenue be amended to rezone from R-1, Low-Density Residential Zone to Planned Development Zone, P-D(600), in the City of Modesto ("Project") for a four-unit medium density supportive housing complex and community resource center, and

WHEREAS, pursuant to Section 21157.1 of the Public Resources Code, the City of Modesto's Community & Economic Development Department prepared an Environmental Assessment Initial Study EA/C&ED 2016-03 ("Initial Study") which analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the report, and

WHEREAS, in accordance with CEQA guidelines beginning on February 11th, 2016, the City caused to be published a 20-day notice of the City's intent to make a finding that the subsequent project conforms with the Master EIR, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on April 26th, 2016, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed rezone to Planned Development Zone, P-D(600), a copy of which is **attached** hereto as **Exhibit** "A", and incorporated herein by reference, and based on substantial evidence in the Initial Study makes the following findings:

1. An Initial Study was prepared by the City of Modesto that analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the report.

2. The subsequent project will have no additional significant effect on the environment, as defined in subdivision (d) of Section 21158 of the Public Resources Code that was not identified in the Master EIR.

3. No new or additional mitigation measures or alternatives are required.

4. The subsequent project is within the scope of the project covered by the Master EIR.

5. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

6. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community & Economic Development Director is hereby authorized and directed to file a notice of approval or determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 2016, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT A

Initial Study

EA/C&ED 2016-03

City of Modesto

Finding of Conformance to General Plan Master EIR:

Initial Study Environmental Checklist C&ED No. 2016-03

For the proposed:

STANCO Multi-Family Supportive Housing Complex

Prepared by:
City of Modesto
Community & Economic Development Department
Planning Division

February 8, 2016

Updated: September 2014

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City of Modesto
Master EIR Initial Study Environmental Checklist

I. PURPOSE

CEQA allows for the limited environmental review of subsequent projects under the City's Master Environmental Impact Report ("Master EIR" or "MEIR"). This Initial Study Environmental Checklist ("Initial Study") is used in determining whether Hintze Avenue Subdivision is "within the scope" of the project analyzed in the Modesto Urban Area General Plan Master EIR (SCH# 2007072023) (Public Resources Code section 21157.1). When the Initial Study supports this conclusion, the City will issue a finding of conformance.

A subsequent project is "within the scope" of the Master EIR when:

1. it will have no additional significant effects on the environment that were not addressed as significant effects in the Master EIR; and

2. no new or additional mitigation measures or alternatives are required.

"Additional significant effects" means a project-specific effect that was not addressed as a significant effect in the Master EIR. [Public Resources Code Section 21158(d)]

The determination must be based on substantial evidence in the record. "Substantial evidence" means facts, reasonable assumptions predicated upon facts, or expert opinion based on facts. It does not include speculation or unsubstantiated opinion. (CEQA Guidelines Section 15384)

II. PROJECT DESCRIPTION

A. Title: STANCO – Multi-Family Supportive Housing Complex

B. Address or Location: South side of E. Granger Avenue, West of Sunrise Avenue East of Melrose Avenue located at 522 E. Granger Avenue

C. Applicant: Steve Madison-STANCO Affordable Housing Corp., 1207 13th Street, Suite 2, Modesto, CA 95356

D. City Contact Person: Rita Doscher

Project Manager: Rita Doscher
Department: Community and Economic Development
Phone Number: (209) 577-5267
E-mail address: rdoscher@modestogov.com

E. Current General Plan Designation(s): MU, Mixed Use

F. Current Zoning Classification(s): R-1, Low Density Residential Zone

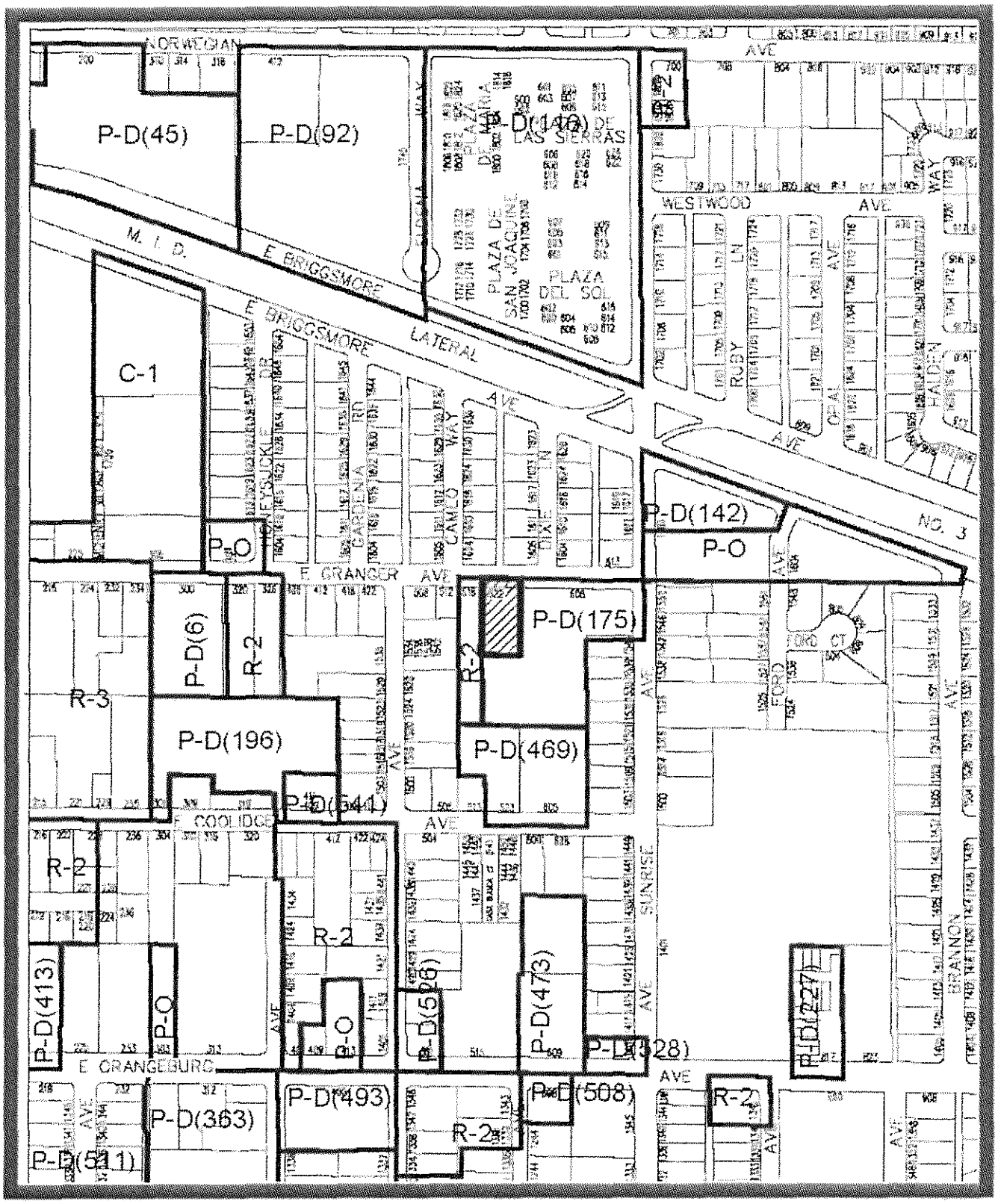
G. Surrounding Land Uses:

North: Single-Family Residential
South: P-D(175) Single Story Apartments
East: P-D(175) Single Story Apartments
West: R-2, Single Story Apartments

H. Project Description, including the project type listed in Section II.C

The project site is a 0.41 acre parcel. The project will consist of four single story multi-family dwelling units (approximately 706 square feet each) totaling 2,827 square feet to be provided for supportive housing, and the conversion and expansion of the existing residence (approximately 2,693 square feet) for an onsite community resource center. Required parking, common areas and new fencing are to be provided. The entitlement includes the rezoning of the parcel from R-1, Low Density Residential Zone, to a new Planned Development Zone, with Medium-High Density Residential Zone uses. In addition, the new driveway off of E. Granger Avenue will be improved to meet City standards as required by the City Engineer.

I. Other Public Agencies Whose Approval is Required:
None

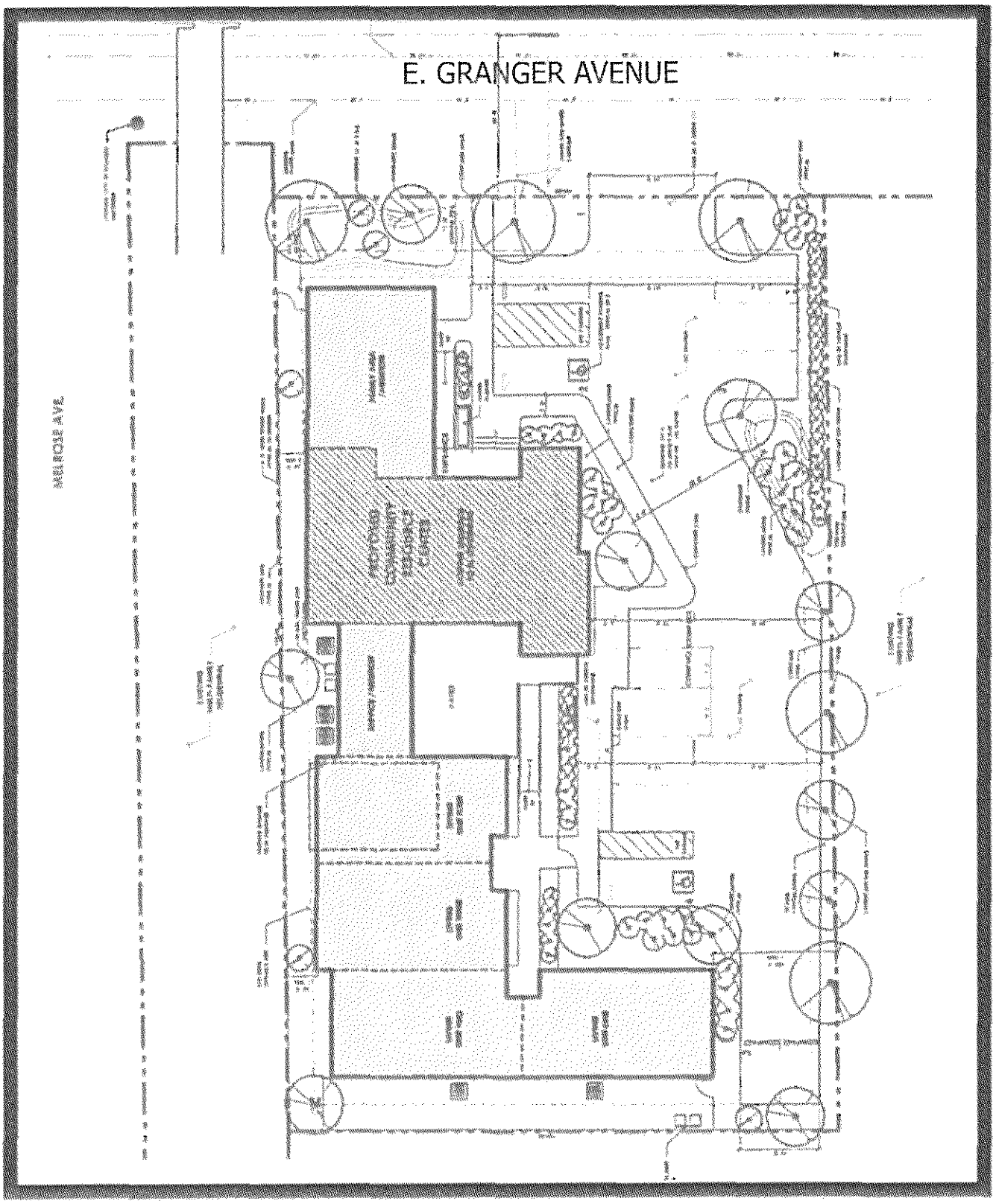


AREA MAP OF PROPOSED REZONING R-1 TO P-D

PDZ-15-001

522 E. GRANGER AVENUE

North



PROPOSED SITE PLAN
PDZ-15-001
522 E. GRANGER AVENUE

North

III. FINDINGS/DETERMINATION (SELECT ONE ON THE BASIS OF THE ANALYSIS IN SECTION IV)

1. X Within the Scope - The project is within the scope of the Master EIR and no new environmental document or Public Resources Code Section 21081 findings are required. All of the following statements are found to be true:

A. The subsequent project will have no additional significant effect on the environment, as defined in subdivision (d) of Section 21158 of the Public Resources Code, that was not identified in the Master EIR.

B. No new or additional mitigation measures or alternatives are required.

C. The subsequent project is within the scope of the project covered by the Master EIR.

D. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

E. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

2. ____ Mitigated Negative Declaration Required - On the basis of the above determinations, the project is not within the scope of the Master EIR. A mitigated negative declaration will be prepared for the project. The following statements are all found to be true:

A. The subsequent project is within the scope of the project covered by the Master EIR.

B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

C. The project will have one or more potential new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures are being required of the project that will reduce the effects to a less-than-significant level.

D. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

3.____ Focused EIR Required- On the basis of the above determinations, the project is not within the scope of the Master EIR. A Focused EIR will be prepared for the project. All of the following statements are found to be true:

A. The subsequent project is within the scope of the project covered by the Master EIR.

B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

C. The project will have one or more new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures or alternatives are required as a result.

D. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

_____	Associate Planner	February 10, 2016
Project Manager	Title	Date

4. Within the Scope Analysis of this Document:

The Master EIR allows projects to be found within the scope of the MEIR if certain criteria are met. If the following statements are found to be true for all 21 impact categories included in this Initial Study, then the proposed project is addressed by the MEIR analysis and is within the scope of the MEIR. Any "No" response must be discussed.

		YES	NO
(1)	The lead agency for subsequent projects shall be the City of Modesto or a responsible agency identified in the Master EIR.	☒	☐
(2)	City policies which reduce, avoid, or mitigate environmental effects will continue to be in effect and, therefore, would be applied to subsequent projects where appropriate. The policies are described in the list of policies in place and mitigation measures attached to the Initial Study template. Project impacts would be mitigated to a less-than-significant level using MEIR mitigations only.	☒	☐
(3)	Federal, State, regional, and Stanislaus County regulations do not change in a manner that is less restrictive on development than current law (i.e., would not offer the same level of protection assumed under the Master EIR).	☒	☐
(4)	No specific information concerning the known or potential presence of significant resources is identified in future reports, or through formal or informal input received from responsible or trustee agencies or other qualified sources.	☒	☐
(5)	The development will occur within the boundaries of the City's planning area as established in this Urban Area General Plan.	☒	☐
(6)	Development within the project will comply with all appropriate mitigation measures contained and enumerated in the 2008 General Plan Master EIR.	☒	☐

5. Currency of the Master EIR Document

The MEIR should be reviewed on a regular basis to determine its currency, and whether additional analysis/mitigation should be incorporated into the MEIR via a Supplemental or Subsequent EIR (CEQA Section 21157.6). Staff has reviewed Sections 1 through 21 of this document in light of the criteria listed below to determine whether the MEIR is current. The analysis contained within the Master EIR is current as long as the following circumstances have not changed. Any "no" response must be explained.

		YES	**NO**
(1)	Certification of the General Plan Master EIR occurred less than five years prior to the filing of the application for this subsequent project.	☐	☒
(2)	This project is described in the Master EIR and its approval will not affect the adequacy of the Master EIR for any subsequent project because the City can make the following findings:	☒	☐
(a)	No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified.	☒	☐
(b)	No new information, which was not known and could not have been known at the time the Master EIR was certified as complete, has become available.	☒	☐
(c)	Policies remain in effect which require site-specific mitigation, and avoidance or other mitigation of impacts as a prerequisite to future development.	☒	☐

Discussion:

(1) The General Plan Master EIR was certified on October 14, 2008, so more than five years has passed since the MEIR was certified. However, the analysis contained in the MEIR is still adequate for subsequent projects, as documented in the discussion below.

(2) The project is consistent with the analysis contained in the MEIR. This is documented in the discussion of the individual issue areas of this initial study.

(2)(a) There have been no substantive changes to the General Plan since the MEIR was certified that would create additional significant environmental effects that were not analyzed by the MEIR.

(2)(b) There has been no new information that would affect the adequacy of the analysis contained in the MEIR.

(2)(c) All policies contained in the MEIR that require site-specific mitigation or avoidance of impacts remain in effect and will be applied to the project as appropriate.

IV. ENVIRONMENTAL ANALYSIS

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, discloses whether the proposed project may cause any project-specific significant effect on the environment that was not examined in the Final Master EIR (MEIR) for the General Plan and whether new or additional mitigation measures or alternatives may be required as a result. The Initial Study thereby documents whether or not the project is "within the scope" of the Master EIR.

Pursuant to Public Resources Code Section 21157.1, no new environmental document or findings are necessary for projects that are determined to be within the scope of the MEIR. Adoption of the findings specified in Section III.1, above after completion of the Initial Study fulfills the City's obligation in that situation.

All environmental effects cited reflect 2025 conditions resulting from the Urban Area General Plan, as identified in the Master EIR.

The environmental impact analysis in the Master EIR for the Urban Area General Plan is organized in twenty-one subject areas. The following analysis is based on the impact analyses contained in Chapter V of the Master EIR. For ease of reference, the sections are numbered in the same order as the analyses in Chapter V.

1. TRAFFIC AND CIRCULATION

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable traffic and circulation impacts expected after application of mitigations/policies:

Direct Impacts

Effect: Increased automobile traffic will result in roadway segments (see MEIR on Table 1-7, pages V-1-32 to V-1-34) operating at LOS D, Modesto's significance threshold for automobile traffic, or lower (LOS E or F).

Effect: The substantial increase in traffic relative to the existing load and capacity of the street system will cause, either individually or cumulatively, the violation of automobile service standards established by StanCOG's Congestion Management Plan for designated roads and highways.

Effect: A substantial increase in automobile vehicle miles traveled and automobile vehicle hours of travel and a decrease in average automobile vehicle speed (see MEIR Table 1-6, page V-1-31).

Cumulative Impacts

Effect: Potential for growth inducement or acceleration of development resulting from highway and local road projects.

Effect: Substantial increase in traffic in relation to the existing traffic load and capacity of the street system, including a violation, either individually or cumulatively, of an automobile LOS standard established by the Congestion Management Plan for designated roads and highways.

Effect: Increased demand for capacity-enhancing alterations to existing roads or automobile traffic reduction.

Other impact categories affected by Traffic and Circulation are addressed throughout this Initial Study (see also Section 2, Degradation of Air Quality; Section 3, Generation of Noise; Section 7 Loss of Sensitive Wildlife and Plant Habitat; Section 8, Disturbance of Archaeological/Historic Sites; Section 14 Increased Demand for Fire Services; Section 18, Energy; Section 19, Visual Resources; Section 20, Land Use and Planning, and Section 21, Climate Change).

b. Master EIR and/or New Mitigation Measures Applied to the Project

Traffic and Circulation mitigation measures pertinent to this project are found on MEIR pages V-1-9 through V-1-28. All mitigation measures appropriate to the project, including any new measures, will be incorporated into or made conditions of approval of this project and are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures regarding traffic from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-1.B of the Master EIR provides analysis of Traffic and Circulation impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: A subsequent development project will have a new significant effect on the environment if it would exceed the following criteria:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1. TRAFFIC AND CIRCULATION				
1) The proposed project exceeds traffic generation assumptions in the Master EIR for the site by 100 trips or more and City Engineering and Transportation staff has determined that the project would have additional potentially significant project-specific effects that are not avoided or reduced by the Master EIR's mitigation measures.	☐	☐	☐	☒
2) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☒
3) The proposed project would cause additional roadway segments in the General Plan area to exceed LOS D and/or cause additional violations of standards in the Congestion Management Plan, and/or cause an increase in automobile vehicle miles or vehicle hours of travel or a decrease in automobile travel speed, as compared to the impacts disclosed in the Master EIR.	☐	☐	☐	☒
4) The proposed project would cause emergency response times to exceed acceptable standards established by the Fire Department, as compared to impacts disclosed in the Master EIR (see Section 14, Increased Demand for Fire Services).	☐	☐	☐	☒
5) The proposed project would result in less parking than required by the Municipal Code or as determined by staff.	☐	☐	☐	☒
6) The proposed project would conflict with adopted policies, plans, or programs that support alternative transportation, including, but not limited to the Regional Transportation Plan, the Sustainable Communities Strategy, the Bicycle Action Plan, and so on.	☐	☐	☐	☒
7) The proposed project would result in an increase in automobile vehicle miles traveled on a per capita basis, in excess of that considered in the Urban Area General Plan MEIR.	☐	☐	☐	☒

Discussion:

(1) The project site is zoned R-1, Low Density Residential with the proposal to rezone to a new Planned Development Zone, as part a STANCO multi-family supportive housing complex located on the south side of E. Granger Avenue west of Sunrise Avenue. As part of the

planned development submittal, the addition of four new one bedroom residential dwelling units and the conversion and expansion of the existing house to an onsite community resource center is proposed. The proposed change to allow for the supportive housing complex will not result in an increase in traffic for the site.

(2) The proposed project would not exceed a level of service standard established by the county congestion management agency (StanCOG).

(3) There are no significant changes in the level of service or the volume-capacity ratio as a result of the project and therefore there are no significant cumulative (long term) traffic impacts.

(4) Police and Fire Staff have reviewed this proposal and Fire has requested the standard Automatic Fire Sprinkler system in the proposed community resource center, family area addition, service addition and dwelling units.

(5) The proposed multi-family units and community resource center will provide parking in accordance with the Municipal Code.

(6) The proposed project has been reviewed by Traffic, Planning and Transit staff and would not conflict with any adopted plans for alternative transportation.

(7) The proposed project would not result in a significant increase in automobile vehicle miles traveled (per capita) in excess of what was considered in the Urban Area General Plan.

2. DEGRADATION OF AIR QUALITY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable air quality impacts expected after application of mitigations/policies:

Direct Impacts

Effect: Expected automobile traffic will result in increased operational emissions of reactive organic gases (ROG) and oxides of nitrogen (NO_X) (see MEIR Table 2-8, page V-2-27).

Effect: Expected automobile traffic will result in increased emissions of particulate matter 10 microns or less (PM_{10}) and 2.5 microns or less in diameter ($PM_{2.5}$) (see MEIR Table 2-8, page V-2-27).

Effect: Expected automobile traffic will result in increased carbon monoxide (CO) levels in the project area (see MEIR Table 2-7, page V-2-26, and Table 2-8, page V-2-27).

Cumulative Impacts

The Master EIR indicates the same impacts identified as direct impacts above will contribute to regional impacts on air quality for the criteria pollutants ROG, NO_x, PM_{10}, and $PM_{2.5}$.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Air quality mitigation measure(s) pertinent to the proposed project are found on pages V-2-13 through V-2-24 of the Master EIR. All mitigation measures appropriate to the project will be

incorporated into or made conditions of approval of this project and are listed in Section V, Mitigation Measures Applied to Project.

MEIR AQ-20
To be consistent with the SJVAPCD's Air Quality Guidelines for General Plans, the City of Modesto should determine air quality impacts using analysis methods and significance thresholds recommended by the SJVAPCD. (General Plan Policy VII-H.2 [n])

MEIR AQ-26
Review of new development shall be coordinated with SJVAPCD's staff to ensure all projects subject to the SJVAPCD rule 9510 (Indirect Source Review) comply fully with the rule. This rule fulfills the SJVAPCD's emission reduction commitments in the PM10 and Ozone Attainment Plans through design features and onsite approval for a development project, or any portion thereof, which upon full build out will include any of the following:

- 50 residential units
- 2,000 square feet of commercial space
- 25,000 square feet of light industrial space
- 100,000 square feet of heavy industrial space
- 20,000 square feet of medical office space
- 39,000 square feet of general office space
- 9,000 square feet of educational space
- 10,000 square feet of government space
- 20,000 square feet of recreational space
- 9,000 square feet of space not identified above. (General Plan Policy VII-H.2[u])

SJVUAPCD Regulation VIII Control Measures for Construction Emissions of PM-10. The following controls are required to be implemented at all construction sites.

MEIR AQ-42
All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.

MEIR AQ-43
All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.

MEIR AQ-44
All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.

MEIR AQ-46
When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.

MEIR AQ-47
All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (the use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.)

MEIR AQ-48
Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.

MEIR AQ-49
Within urban areas, track out shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.

MEIR AQ-50
Any site with 150 or more vehicle trips per day shall prevent carryout and track out.

The following measures should be implemented at construction sites when required to mitigate significant PM10 impacts(note, these measures are to be implemented in addition to Regulation VIII requirements):

MEIR AQ-52
Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent (1%).

MEIR AQ-53
Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site.

MEIR AQ-54
Install wind breaks at windward side(s) of construction areas.

MEIR AQ-55
Suspend excavation and grading activity when winds exceed 20 mph. Regardless of windspeed, an owner/operator must comply with Regulation VIII's 20 percent (20%) opacity limitation.

MEIR AQ-56
Limit the area subject to excavation, grading and other construction activity at any one time.

c. Project-Specific Effects

Section V-2.B of the Master EIR is the analysis of air quality impacts resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
2. DEGRADATION OF AIR QUALITY				
1) The proposed project exceeds the project-level emissions thresholds established for CO, ROG, NO_x, PM_{10}, and $PM_{2.5}$ by the San Joaquin Valley Air Pollution Control District (SJVUAPCD) and is not consistent with the development assumptions for	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
the project site, as established in the Urban Area General Plan and Master EIR.				
2) The proposed project does not incorporate the best management practices established by the SJVAPCD for CO, ROG, NO_x, PM_{10}, and $PM_{2.5}$.	☐	☐	☒	☐
3) The proposed project does not comply with the air quality policies in the Modesto Urban Area General Plan.	☐	☐	☐	☒
4) The proposed project would expose sensitive receptors to pollutant concentrations in excess of those expected to occur as a result of implementation of the Urban Area General Plan.	☐	☐	☒	☐
5) The proposed project would create objectionable odors affecting a substantial number of people.	☐	☐	☐	☒

Discussion:

(1) The proposed project includes the conversion and expansion of the existing residence to a community resource center and future development of four one bedroom multi-family residential supportive housing units on approximately 0.41 acres of land. Air pollution emissions associated with the proposed project would result from construction activities and increased traffic volumes. The net increase in emissions generated by these activities and other secondary sources would not exceed the thresholds of significance recommended by the San Joaquin Valley Air Pollution Control District or the development assumptions established in the Master EIR.

(2) The project was referred to the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) for comments. Best management practices established by the SJVAPCD for CO, ROG, NO_x, PM_{10}, and $PM_{2.5}$ have been incorporated as conditions of approval. The project is required to comply with SJVUAPCD Rule VIII (Fugitive Dust Rules) per MEIR Mitigation Measures MEIR AQ-42 – MEIR AQ-56, which identifies control measures for PM10 emissions during the construction phase, as listed above under Existing Mitigation Measures Applicable to this Project.

In addition, the project is subject to SJVAPCD rule 9510 (Indirect Source Review). This rule fulfills the SJVAPCD's emission reduction commitments in the PM10 and Ozone Attainment Plans through design features or by payment of applicable off-site mitigation fees.

(3) The project is consistent with the City's policies regarding air quality therefore; project-specific effects will be less than significant.

(4) The project is surrounded on all four sides with land that is developed with single-family and multi-family residential uses. The land uses proposed are not in themselves significant contributors to air pollution levels. The primary source of air pollution associated with the development would be traffic related. Since the traffic impacts do not result in a significant

impact, there are no traffic-related air quality impacts. The PM10 emissions created through construction activities will be mitigated as called for by the MEIR with the mitigation measure listed above.

(5) Construction activities for the project could potentially include the application of architectural coatings and asphalt paving materials that could generate localized temporary odors. The use of diesel-powered construction equipment could also generate localized temporary odors. Construction activities will be mitigated as called for by the MEIR with the mitigation measures listed above. Further, uses permitted within the proposed commercial development would not create objectionable odors that would affect a substantial number of people.

3. GENERATION OF NOISE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable noise impacts expected after application of mitigations/policies:

Direct Impacts

Effect: Future automobile traffic noise levels and roadway construction and maintenance activities resulting from development of the Urban Area General Plan will exceed the City's noise thresholds at various locations, but particularly in areas adjacent to heavily traveled roadways (see MEIR Table 3-3, page V-3-10, and Figure VII-2 and Table 3-6, pages V-3-18 and V-3-19).

Effect: Expected noise from airport operations and airport construction projects may expose up to 468 dwellings and three churches to noise levels of 65 dB CNEL and up to eight dwellings to noise levels of 70 dB CNEL.

Effect: Expose noise-sensitive land uses to noise from the construction of bicycle and transit projects.

Effect: Expose noise-sensitive land uses to noise from freight and passenger rail operations.

Cumulative Impacts

Effect: Traffic from development in the City of Modesto would, when combined with traffic from new development in the County and other cities, contribute to a cumulative increase in roadside noise levels on major roads and highways throughout Stanislaus County.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Noise policies and mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-3-11 through V-3-15 of the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project and any new measures are listed in Section V, Mitigation Applied to Project.

Discussion:

The mitigation measure to be applied to this project includes N-3 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-3.B of the MEIR discloses noise impacts resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not analyzed in the Master EIR.

Significance Criteria: Determination of the proposed project's effects are based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
3. GENERATION OF NOISE				
1) The proposed project will exceed the standards for noise level and hours of operation established by the Modesto noise ordinance.	☐	☐	☐	☒
2) The proposed project will not comply with the noise policies of, or otherwise be inconsistent with, the Modesto Urban Area General Plan.	☐	☐	☐	☒
3) The proposed project will result in an increase in ambient noise levels in the project vicinity above those disclosed in the Master EIR.	☐	☐	☐	☒
4) The proposed project will result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels disclosed in the Master EIR implementation of the Urban Area General Plan.	☐	☐	☒	☐

Discussion:

(1-4) The proposed residential uses are not expected to generate a significant amount of noise. There will be construction noise associated with the project including heavy equipment. Noise mitigation measure N-3 called for by the General Plan for projects within the baseline developed area has been incorporated and will mitigation construction related noise impacts to a less than significant level.

4. EFFECTS ON AGRICULTURAL LANDS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on agricultural lands expected after application of mitigations/policies:

Direct Impacts

Effect: Between 1995 and 2025, development of the Urban Area General Plan may convert up to approximately 26,000 acres of farmland in various categories in the Planned Urbanizing Area to urban uses.

Effect: Approximately 1,200 acres of urban development along a 28.5-mile boundary 350 feet wide between urban and agricultural uses could be affected by continued agricultural operations, including noise, dust, and chemical overspray or drift.

Cumulative Impacts

Effect: Growth within Modesto's planning area would contribute considerably to the loss of agricultural land within Stanislaus County, accounting for the conversion of as much as approximately 26,000 acres of farmland in various categories in the Planned Urbanizing Area from 1995 to 2025.

b. Master EIR and/or New Mitigation Measures Pertinent to the Project

Agricultural land mitigation measures pertinent to the proposed project are found on pages V-4-6 to and V-4-8 of the Master EIR. All mitigation measures appropriate to the project and any new mitigation to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures regarding agricultural lands from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-4.B of the Master EIR discloses the impacts resulting from the implementation of the Urban Area General Plan on agricultural lands. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
4. EFFECTS ON AGRICULTURAL LANDS				
1) The proposed project is inconsistent with the Urban Area General Plan's policies relating to agricultural land.	☐	☐	☐	☒
2) The proposed project will either directly or indirectly result in the development of land outside the 2008 Urban Area General Plan's planning area boundary.	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
3) The proposed project will conflict with existing zoning for agricultural use, or there is an existing Williamson Act contract on the project site.	☐	☐	☐	☒
4) The proposed project will involve other changes in the existing environment not anticipated in the Master EIR which, due to their location or nature, could result in conversion of farmland to non-agricultural use.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the General Plan land use policies relating to agricultural land. It is an infill project proposed within the urbanized area of the City. The site currently has an existing house and no agricultural land will be converted for the development of the proposed projects.

(2) The project is within the Baseline-Developed area of the City and therefore will not result in the development of land outside the 2008 planning area boundaries.

(3) The project site is not zoned for agriculture nor is it under Williamson Act contract.

(4) The project will not involve changes to the existing environment that could result in the conversion of farmland to non-agricultural uses. The surrounding properties are developed with urban uses.

5. INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on long-term water supplies expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts have been disclosed in the Master EIR.

Cumulative Impacts

Effect: Operational yields of the Modesto and Turlock subbasins, both of which underlie the City of Modesto, are unknown, although the City is participating in a study with the United States Geological Survey in order to quantify the operational yields of both subbasins. Groundwater withdrawals from both basins by the City, when combined with other users' withdrawals, may result in overdrafting both subbasins.

Effect: Despite available options, during drought years, significant water shortages are forecast for the San Joaquin River basin, which includes both the Modesto and Turlock subbasins, by 2020.

Modesto would make a cumulatively considerable contribution to the cumulative impact on water supply under drought conditions.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Water supply mitigation measures pertinent to the proposed project are found on pages V-5-6 through V-5-12 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures regarding water supply from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-5.B of the Master EIR discloses impacts on long-term water supplies resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
5. INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES				
1) The proposed project is inconsistent with water supply policies in the Urban Area General Plan.	☐	☐	☐	☒
2) Water demand for the proposed project will exceed estimates for similar projects or for development on the project site anticipated in the Urban Area General Plan or sufficient water supplies are not otherwise available to serve the project from existing entitlements and resources.	☐	☐	☐	☒
3) The proposed project would deplete groundwater supplies to a greater degree than anticipated in the Urban Area General Plan or would interfere with groundwater recharge.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the water supply policies in the General Plan.

(2) The project was referred to Land Development Engineering Staff who determined the proposed development will not exceed estimates or water supplies needed to serve other entitlements and resources.

(3) The proposed project is consistent with the ground water demands assumed in the General Plan. The project would not have a significant effect on ground water recharge or depletion of long-term water supplies.

6. INCREASED DEMAND FOR SANITARY SEWER SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on sanitary sewer services after application of mitigations/policies:

Direct Impacts

Effect: Development resulting from implementation of the Urban Area General Plan will require substantial new sewage treatment and disposal capacity, treatment plant improvements, sewer mains and collection lines, and pump stations. The Wastewater Master Plan anticipates the need for these facilities and its EIR evaluates the impact of developing those facilities. Potential impacts include degradation of water quality through erosion and chemical releases; localized flooding; construction noise; exposure of construction workers and the public to hazardous materials; and on the habitat of the elderberry longhorn beetle, burrowing owl, and Swainson's hawk, as well as certain other regulated habitats. All of these impacts are mitigated to a less-than-significant level.

Additional impacts that are not mitigated to a less-than-significant level include loss of farmland cause by construction of the Phase IA tertiary treatment facility at the Jennings Road Secondary Treatment Facility, an increase in pollutant loads from increased wastewater flows to the San Joaquin River, and an increase in noise and criteria air pollutants due to construction activities, including traffic.

Cumulative Impacts

Effect: No additional cumulative impacts were identified in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Sewer service mitigation measures pertinent to the proposed project are found on pages V-6-3 through V-6-8 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-6.B of the Master EIR discloses impacts on the Increased Demand for Sanitary Sewer Service resulting from implementation of the Urban Area General Plan. The following is an analysis of

whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
6. INCREASED DEMAND FOR SANITARY SEWER SERVICES				
1) The proposed project is inconsistent with wastewater policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project will generate sewage flows greater than those anticipated in the Urban Area General Plan for the project site.	☐	☐	☐	☒
3) The proposed project will result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the wastewater policies in the General Plan, including Policy V.D.2a, which requires the City to maintain the standards for effluent and bio-solids from its wastewater treatment plants as established by the Central Valley Regional Water Quality Control Board, in compliance with the Federal Clean Water Act and the State Porter-Cologne Act. Wastewater for the project will be treated at the City's primary and secondary wastewater treatment plants and discharged into the San Joaquin River. The existing wastewater plants have adequate capacity to serve the project.

(2-3) The project was review by Land Development Engineering Staff who determined there is sufficient capacity in the City's wastewater collection system. The wastewater is ultimately treated at the City's Primary and Secondary treatment plant. According to the Wastewater Master Plan, recent improvements to the Primary and Secondary Plant have resulted in adequate treatment capacity to accommodate the City's anticipated growth through 2030. There is sufficient treatment capacity to serve the project in addition to existing demands.

7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on sensitive wildlife and plant habitat expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant impacts on sensitive wildlife and plan habitat are expected to occur with the application of the policies contained in the Urban Area General Plan.

Cumulative Impacts

Effect: Implementation of the Urban Area General Plan will contribute to the cumulative impact of habitat loss in the San Joaquin Valley. Requiring density development than has occurred in the past or that is expected in the future would minimize the City's contribution to the cumulative loss of habitat. Nonetheless, this is a significant and unavoidable impact.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Wildlife and plant habitat mitigation measures pertinent to the proposed project are found on pages V-7-17 through V-7-24 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures regarding water supply from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-7.B of the Master EIR discloses impacts on the Loss of Sensitive Wildlife and Plant Habitat resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT				
1) The project is inconsistent with the policies pertaining to the loss of sensitive wildlife and plant habitat contained in the Urban Area General Plan.	☐	☐	☐	☒
2) Consultation with the California Department of Fish and Game or the U.S. Fish and Wildlife Service determines that the project would have a significant effect on a candidate, sensitive, or special status species in excess of the impact disclosed in the Master EIR.	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
3) The proposed project would have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption, or other means, in excess of the impact disclosed in the Master EIR.	☐	☐	☐	☒
4) The proposed project would substantially interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.	☐	☐	☐	☒
5) Conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	☐	☐	☐	☒
6) The proposed project would conflict with provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the General Plan's land use policies. It is a multi-family residential project that is consistent in land use and density to what was assumed by the General Plan.

(2-4) The project site is not within a biologically sensitive site as defined by Figure V-7-1 of the MEIR. The California Department of Fish and Game and the U.S. Fish and Wildlife Service were consulted in the production of the MEIR.

(5-6) The project is not in conflict with any local policies or ordinances protecting biological resources, nor is in conflict with any adopted habitat conservation plan.

8. DISTURBANCE OF ARCHAEOLOGICAL/HISTORICAL SITES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on archaeological/historical sites expected after application of mitigations/policies:

Direct Impacts

Effect: Modification resulting in a substantial adverse change in the significance of a historic resource or the demolition of a listed or eligible historic resource.

Effect: The modification or demolition of a structure more than 50 years in age may be significant.

Effect: Discovery of archaeological resources in areas outside of the riparian corridors, as a result of construction activities.

Effect: Construction in an area of high archaeological sensitivity.

Cumulative Impacts

Effect: No additional cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Archaeological or historic mitigation measures pertinent to the project being analyzed in this Initial Study are found on page V-8-16 through V-8-20 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project:

Discussion:

No mitigation measures regarding water supply from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-8.B of the MEIR discloses impacts on archaeological/historical resources resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
8. DISTURBANCE OF ARCHAEOLOGICAL/ HISTORICAL SITES				
1) The proposed project is inconsistent with the archaeological/historical resource policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would demolish a building eligible for listing as a historic resource or remove a landmark from the Modesto inventory.	☐	☐	☐	☒
3) The proposed project would modify or demolish a structure more than 50 years in age.	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
4) The project would adversely affect a cultural resource that is either listed or eligible for listing in the California Register of Historical Resources.	☐	☐	☐	☒
5) Conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the archeological and historical resource policies in the General Plan.

(2-3) The existing house, built in 1959, is not listed or eligible as a historic resource or landmark and will not be demolished.

(4) The project would not affect a resource that is listed or eligible for listing in the California Register of Historic Resources.

(5) The project does not conflict with local policies affecting biological resources.

9. INCREASED DEMAND FOR STORM DRAINAGE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on storm drainage expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: The population of Stanislaus County is projected to increase in a fashion similar to that of Modesto, resulting in additional urban development and associated increases in impervious surface area and associated increases in storm water runoff. Cumulative hydrologic impacts of storm water flows from Modesto urban areas and other areas of the County could occur due to the fixed capacity of MID and TID irrigation canals to convey drainage west to the San Joaquin River. If drainage channels in some areas prove insufficient to handle the increased drainage discharges, existing storm water runoff from urban and agricultural areas during large storm events would have to be interrupted until water levels receded to a point allowing the resumption of discharges to the channel. Ceasing discharges to drainage channels could cause inundation in and around the drainage conveyance pipeline systems, surface drainage channels, detention basins, and other urban areas. This cumulative impact is considered significant and unavoidable.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Storm Drainage mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-9-4 through V-9-9. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project:

Discussion:

City Engineering staff has reviewed the project and required conditions of approval to implement General Plan Policies for development including compliance with the Strom Drain Management Plan and the utilization of low impact strategies and meet the standards contained in the "Guidance Manual for New Development-Storm Water Quality Control Measures." No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-9.B of the MEIR discloses impacts on the demand for storm drainage resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
9. INCREASED DEMAND FOR STORM DRAINAGE				
1) The proposed project is inconsistent with the storm drainage policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or offsite, as compared to impacts anticipated to result from the Urban Area General Plan or create substantial unanticipated sources of polluted runoff.	☐	☐	☐	☒
3) The proposed project does not utilize Low Impact Development strategies to reduce runoff from the site and increase infiltration, resulting in no net increase in runoff before and after development.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with applicable storm drain policies in the Urban Area General Plan. Construction activities will comply with the requirements of the City's Storm Water Management Plan under its municipal NPDES stormwater permit, and the State Water Resources Control Board's General Permit for Discharges of Storm Water Associated with Construction Activity (MIER Policy SD-9). In addition, the City will ensure that new development complies with the City of Modesto's Stormwater Management Program: Guidance Manual for New Development Stormwater Quality Control Measures (MIER Policy SD-11). These policies will be implemented as conditions of project approval.

(2) The City's Land Development Engineering Staff have reviewed the project and determined the project would not create significant flooding or unanticipated sources of runoff. The development is in an area that is served by Rockwells for stormwater. Implementation of City Standards Chapter 5 Section 4.02 for Rockwell design standards in the cul-de-sac will be required. All lots shall be graded from the back to the front to insure all storm water is disposed to right-of-way. Storm drain improvement plans shall be submitted to the City Engineer for review and approval prior to issuance of an Encroachment permit. The project will not contribute additional water runoff that would exceed the capacity of the storm drainage system.

(3) The project will utilize low impact strategies and meet the standards contained in the "Guidance Manual for New Development-Storm Water Quality Control Measures." This requirement will be implemented as a condition of project approval.

10. FLOODING AND WATER QUALITY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on flooding and water quality expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Flooding and Water Quality mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-10-6 through V-10-9 of the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project:

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-10.B of the Master EIR provides analysis of Flooding and Water Quality impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
10. FLOODING AND WATER QUALITY				
1) The proposed project is inconsistent with the flooding and water quality policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project does not comply with the regulatory requirements of the federal Clean Water Act or the State Porter-Cologne Act.	☐	☐	☐	☒
3) The proposed project would place more housing within a 100-year flood hazard zone than assumed in the Urban Area General Plan.	☐	☐	☐	☒
4) The proposed project would place structure within a 100-year flood hazard area so that they would impede or redirect floodwater or would substantially alter the existing on-site drainage pattern or a watercourse, in such a way as to cause flooding on- or offsite.	☐	☐	☐	☒
5) The proposed project does not comply with Modesto's Guidance Manual for New Development Storm Water Quality Control Measures.	☐	☐	☐	☒
6) The proposed project would violate water quality standards or waste discharge requirements.	☐	☐	☐	☒
7) The proposed project would substantially alter the existing drainage pattern of the site or area or a watercourse in a manner that would result in substantial erosion or siltation on- or offsite in excess of the assumptions of the Urban Area General Plan.	☐	☐	☐	☒
8) The proposed project would create or contribute runoff, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff, not expected as part of Urban Area General Plan implementation.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the flooding and water quality policies in the General Plan.

(2) The project would comply with the Federal Clean Water Act and the Porter Cologne Act requirements.

(3) The project is not located within a 100-year flood plain and is limited to commercial uses.

(4) The project is not located within a 100-year flood plain.

(5) The project will comply with the Guidance Manual for New Development Storm Water Quality Control Measures (MIER Policy SD-11). This will be implemented as a condition of project approval.

(6) The project will not violate water quality standards or waste discharge requirements.

(7) The project would not substantially alter the existing drainage pattern of the site, area or a watercourse in a manner that would result in erosion or siltation.

(8) The City's Land Development Engineering Staff have reviewed the project and determined the project would not create significant flooding or unanticipated sources of runoff. The project will not contribute additional water runoff that would exceed the capacity of the storm drainage system.

11. INCREASED DEMAND FOR PARKS AND OPEN SPACE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on parks and open space expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Parks and open space mitigation measures pertinent to the proposed project are found on pages V-11-3 through V-11-9 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project:

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-11.B of the MEIR discloses impacts of the Urban Area General Plan on parks and open space. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
11. INCREASED DEMAND FOR PARKS AND OPEN SPACE				
1) The proposed project is inconsistent with the parks and open space policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would eliminate parks or open space.	☐	☐	☐	☒
3) The proposed project would cause an increase in the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility in question would occur or be accelerated or the proposed project would include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the parks and open space policies in the General Plan.

(2) The project would not eliminate an existing park or designated open space. The project is on a site with an existing single-family home.

(3) The project would not result in an increase in the use of existing park facilities as it only involves the addition of 4 one-bedroom dwelling units and conversion and expansion of the existing residence, and deterioration or other physical changes to the facilities are not expected to occur as a result of the project.

12. INCREASED DEMAND FOR SCHOOLS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on school facilities expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR. By statute, the impact of new students is considered to be mitigated below a level of significance by payment of school impact fees and the exercise of any or all of the financing options set out in Government Code Section 65997.

Cumulative Impacts

Effect: Similar to direct impacts of implementation of the Urban Area General Plan, no residual significant direct impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Mitigation relies upon the implementation of the policies in place under the Modesto Urban Area General Plan. As long these policies are applied to all subsequent projects, no new mitigation is necessary. Further, payment of school impact fees and compliance with SB 50 is statutorily deemed to be full mitigation of school impacts (Government Code Section 65995).
The following schools mitigation measures on pages V-12-5 through V-12-7 of the Master EIR are pertinent to the proposed project. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures are listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-12.B of the Master EIR discloses impacts resulting from implementation of the Urban Area General Plan associated with increased demand for schools. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
12. INCREASED DEMAND FOR SCHOOLS				
1) The proposed project is inconsistent with the policies relating to schools in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project does not comply with SB 50/Proposition 1A funding provisions, or succeeding measures which state that compliance results in less-than-significant impacts on schools.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the policies relating to schools in the General Plan.

(2) The project was referred to Modesto City Schools who indicated no opposition to the project.

13. INCREASED DEMAND FOR POLICE SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on police services expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Police services mitigation measures pertinent to the proposed project are found on pages V-13-2 through V-13-5 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-13.B of the Master EIR discloses impacts on police services resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
13. INCREASED DEMAND FOR POLICE SERVICES				
1) The proposed project is inconsistent with policies relating to police services in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would result in the need for new or significantly altered facilities not considered as part of the Urban Area General Plan or Master EIR which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the policies relating to police services in the General Plan.

(2) The project would not result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives. The project meets City Standards for emergency services access.

14. INCREASED DEMAND FOR FIRE SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on fire services expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Fire Services mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-14-4 through V-14-7 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-14.B of the Master EIR discloses impacts on fire services resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
14. INCREASED DEMAND FOR FIRE SERVICES				
1) The proposed project is inconsistent with the fire service policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would result in the need for new or significantly altered facilities not considered as part of the Urban Area General Plan or Master EIR which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives.	☐	☐	☐	☒
3) The proposed project, based upon substantial evidence, would cause the erosion or elimination of fire protection services in adjoining fire protection districts.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the fire service policies in the General Plan.

(2) The project would not result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives. The project site will be serviced by Fire Station No. 3 at 637 El Vista Avenue, 1.47 miles distant.

(3) The project would not significantly impact adjacent fire districts or result in the elimination of fire protection services.

15. GENERATION OF SOLID WASTE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on solid waste expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Solid waste mitigation measures pertinent to the proposed project are found on pages V-15-4 through V-15-7 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.
Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-15.B of the Master EIR discloses solid waste impacts resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
15. GENERATION OF SOLID WASTE				
1) The project is inconsistent with the solid waste policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The County is unable to expand its solid waste disposal capacity, as expected, causing all new development to result in cumulative impacts on the County's disposal capacity.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the solid waste policies in the General Plan.

(2) This project was referred to the Solid Waste Division for review, and no indication was given that there would be a problem serving this project.

16. GENERATION OF HAZARDOUS MATERIALS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts regarding hazardous materials expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Hazardous materials mitigation measures pertinent to the proposed project are found on pages V-16-8 through V-16-13 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-16.B of the Master EIR discloses impacts on hazardous materials resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
16. GENERATION OF HAZARDOUS MATERIALS				
1) The project is inconsistent with the hazardous materials policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
3) The proposed project would be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would create a significant hazard to the public or the environment.	☐	☐	☐	☒
4) The proposed project would be constructed on a contaminated site not known to the State of California as of March 2008.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the hazardous materials policies in the General Plan.

(2) The project does comply with all applicable federal, state, and county standards and regulations relative to the handling, storage, disposal, and transport of hazardous or toxic materials or wastes. (No hazardous materials will be involved with this project).

(3) The project would not be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would not create a significant hazard to the public or the environment.

(4) The project site is not known to contain any contaminants.

17. GEOLOGY, SOILS, AND MINERAL RESOURCES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts related to geology, soils, and mineral resources expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Geology, soils, and mineral resource mitigation measures pertinent to the proposed project are found on pages V-17-9 and V-17-10 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of the proposed project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-17.B of the Master EIR discloses geology, soils, and mineral resource impacts resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
17. GEOLOGY, SOILS, AND MINERAL RESOURCES				
1) The project is inconsistent with policies relating to geology, soils, and mineral resources contained in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would expose people or structures to potential substantial adverse effects including the risk off loss, injury, or death involving fault rupture, strong seismic activity; location on an expansive soil; result in the loss of topsoil; location on soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater; result in the loss of known mineral resources that would be of value to the region and the state; or result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with policies relating to geology, soils, and mineral resources in the General Plan.

(2) The project would not be located on soil that is unstable, or that would become unstable as a result of the project. There are no known mineral resources of value to the region and the state on the property.

18. ENERGY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to energy expected after application of mitigations/policies:

Direct Impacts

Effect: Continued development in the Planned Urbanizing Area would have an impact on available energy supplies. Energy consumption likely would increase substantially by 2025 as a result of implementation of the Urban Area General Plan.

Cumulative Impacts

Effect: Implementation of the Urban Area General Plan will have a cumulatively considerable impact on energy consumption.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following energy mitigation measures pertinent to the proposed project are found on pages V-18-2 through V-18-8 in the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on energy resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
18. ENERGY				
1) The proposed project is inconsistent with policies relating to energy in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would result in energy consumption during construction, operation, maintenance, or removal that is more wasteful,	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
inefficient, and unnecessary than assumed in the Urban Area General Plan.				

Discussion:

(1) The project is consistent with the energy policies in the General Plan.

(2) The project would not result in energy consumption during construction, operation, maintenance or removal that is more wasteful, inefficient and unnecessary than assumed in the General Plan.

19. EFFECTS ON VISUAL RESOURCES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on visual resources expected after application of mitigations/policies:

Direct Impacts

Effect: New development in the Planned Urbanizing Area will occur in areas that are in agricultural production or are otherwise lightly developed, which could lead to the introduction of light and glare in areas that have little nighttime illumination.

Cumulative Impacts

Effect: No additional cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following visual resources mitigation measures pertinent to the proposed project are found on pages V-19-3 and V-19-4 in the Master EIR. All mitigation measures appropriate to the proposed project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on energy resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
19. EFFECTS ON VISUAL RESOURCES				
1) The proposed project is inconsistent with policies relating to visual resources in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would degrade views from riverside areas and parks to a greater degree than assumed in the Urban Area General Plan.	☐	☐	☐	☒
3) The proposed project would degrade views of riverside areas from public roadways and nearby properties to a greater degree than assumed in the Urban Area General Plan.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the policies relating to the visual resources in the General Plan.

(2) The project would not impact views from riverside areas and parks.

(3) The project would not impact views of riverside areas from roadways or nearby properties.

20. LAND USE AND PLANNING

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to land use and planning expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following land use and planning mitigation measures pertinent to the proposed project are found on pages V-20-6 through V-20-17 in the Master EIR. All mitigation measures appropriate to the

project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-20.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on land use and planning. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.
Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
20. LAND USE AND PLANNING				
1) The proposed project is inconsistent with land use and planning policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project contains elements that would physically divide an established community in a way not assumed in the Urban Area General Plan.	☐	☐	☐	☒
3) The proposed project conflicts with a land use plan, policy or regulation established for the purpose of avoiding or mitigating an environmental impact by an agency that has jurisdiction over the proposed project.	☐	☐	☐	☒
4) The proposed project conflicts with an applicable habitat conservation plan or natural community conservation plan.	☐	☐	☐	☒

Discussion:

(1) The project is designated Mixed Use in the General Plan. The proposed multi-family residential supportive housing complex is consistent with the current General Plan Land Use designation. The project is consistent with land use and planning policies in the General Plan.

(2) The project would not divide an established community. The areas to the north, west, east and south is developed with single-family and multi-family residential zoned uses. The proposed complex is consistent with the surround uses and would not divide the existing neighborhood.

(3) The project does not conflict with the land use plan, policies and regulations of the City of Modesto designed to mitigate project impacts.

(4) The project does not conflict with applicable habitat conservation plans or natural community conservation plans.

21. CLIMATE CHANGE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to climate change expected after application of mitigations/policies:

Direct Impacts

Effect: Impacts resulting from implementation of the Urban Area General Plan are not substantial enough to result in a significant direct impact on climate change, as disclosed in the Master EIR.

Cumulative Impacts

Effect: Implementation of the Urban Area General Plan will have a cumulatively considerable impact on climate change.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following climate change mitigation measures pertinent to the proposed project are found on pages V-21-7 through V-21-10 in the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on climate change. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
21. CLIMATE CHANGE				
1) The proposed project is inconsistent with policies relating to climate change in the Urban Area	☐	☐	☒	☐

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
General Plan.				
2) The proposed project would result in average automobile trip lengths or CO_2 emissions higher than those assumed in the Master EIR.	☐	☐	☒	☐
3) The proposed project would conflict with the Sustainable Communities Strategy or Alternative Planning Strategy that the Air Resources Board has agreed will achieve the goals of AB 32.	☐	☐	☒	☐

Discussion:

(1) The City of Modesto General Plan Master EIR addressed potential climate change impacts due to development and other activities associated with the Urban Area General Plan (UAGP). The Urban Area General Plan Master EIR (MEIR) determined that buildout of the UAGP would make a cumulatively considerable contribution to global climate change. The UAGP nonetheless authorizes development that will contribute to global climate change by virtue of the production of greenhouse gases. The MEIR states the projected rate of growth of vehicle miles traveled (VMT) will increase the City's contribution to global climate change as the City develops. Development under the UAGP is expected to generate approximately 1,096,226.4 metric tons per year above 2005 emissions. The City Council adopted a Statement of Overriding Considerations in 2008, finding that the benefits of the UAGP outweighed the City's increased contribution to global climate change.

The MEIR identifies policies CL-3 through CL-26 as policies in effect that have been determined to reduce, avoid or mitigate air quality environmental impacts within the existing City limits and within the Planned Urbanizing Areas as they annex and develop. These policies include but are not limited to, the use of shade trees to reduce the heat island effect, current energy efficient building standards to reduce energy consumption, and the inclusion of facilities for alternative transportation. The proposed project is required to develop in accordance with climate change policies included in the UAGP and the MIER.

(2) Climate change is an inherently cumulative impact because no single project can produce enough greenhouse gases to substantially alter the global climate. No thresholds have been set for individual or cumulative greenhouse gases. Nonetheless, the proposed project would result in greenhouse gas emissions due primarily to automobile travel and energy use for lighting, heating, cooling and other activities. The primary source of CO_2 emissions generated from the project would be related to automobile trips. As identified under the traffic and circulation discussion, traffic engineering staff has determined that the project will be in substantial conformance with the GP MEIR assumptions for traffic generation, the CO_2 emissions generated from the project would also be in substantial conformance with that which was assumed under the GP MEIR analysis.

(3) A Sustainable Communities Strategy has not yet been implemented by the Air Resources Board. Future development will be required to comply with the provisions of the Sustainable Communities Strategy once it is established.

V. MITIGATION MEASURES APPLIED TO THE PROPOSED PROJECT

If the Initial Study results in the determination that a Finding of Conformance can be adopted for the proposed project Section A below applies. If the Initial Study results in the determination that a Finding of Conformance cannot be adopted and a Mitigated Negative Declaration/EIR must be prepared for the project then Section B, below applies.

A. Master EIR Mitigation Measures Applied to the Project

Pursuant to Public Resources Code Section 21157.1(c), in order for a Finding of Conformance to be made, all appropriate mitigation measures from the Master EIR shall be incorporated into the proposed project. Urban Area General Plan Policies/Master EIR mitigation measures shall be made part of the proposed project prior to approval by means of conditions of project approval or incorporation into the appropriate document or plan.

All applicable and appropriate mitigation measures have been applied to the project (see mitigation measures listed below).

B. New or Additional Mitigation Measures or Alternatives Required

Where the project's effects would exceed the significance criteria for each environmental impact category, a mitigated negative declaration or Focused EIR must be prepared. Staff has reviewed the project against the significance criteria thresholds established in the Master EIR for all impact categories in this Initial Study.

A Mitigated Negative Declaration or Focused EIR shall be prepared for the project. The following additional project-specific mitigation measures listed below are necessary to reduce the identified new significant effect:

Traffic and Circulation:

N/A

Degradation of Air Quality:

SJVUAPCD Regulation VIII Control Measures for Construction Emissions of PM-10. The following controls are required to be implemented at all construction sites.

MEIR AQ-42
All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.

MEIR AQ-43
All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.

MEIR AQ-44
All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.

MEIR AQ-46
When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.

MEIR AQ-47
All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.)

MEIR AQ-48
Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.

MEIR AQ-49
Within urban areas, track out shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.

MEIR AQ-50
Any site with 150 or more vehicle trips per day shall prevent carryout and track out.

The following measures should be implemented at construction sites when required to mitigate significant PM10 impacts (note, these measures are to be implemented in addition to Regulation VIII requirements):

MEIR AQ-52
Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent (1%).

MEIR AQ-53
Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site.

MEIR AQ-54
Install wind breaks at windward side(s) of construction areas.

MEIR AQ-55
Suspend excavation and grading activity when winds exceed 20 mph. Regardless of windspeed, an owner/operator must comply with Regulation VIII's 20 percent (20%) opacity limitation.

MEIR AQ-56
Limit the area subject to excavation, grading and other construction activity at any one time.

Generation of Noise:

MEIR N-3
The project shall comply with the City's noise ordinance. Construction equipment and vehicles should be equipped with properly operating mufflers according to the manufacturers' recommendations. Air

compressors and pneumatic equipment should be equipped with mufflers, and impact tools should be equipped with shrouds or shields. Equipment that is quieter than standard equipment should be utilized. Haul routes that affect the fewest number of people should be selected.

Effects on Agricultural Lands:

N/A

Increased Demand for Long-Term Water Supplies:

N/A

Increased Demand for Sanitary Sewer Services:

N/A

Loss of Sensitive Wildlife and Plant Habitat:

N/A

Disturbance of Archaeological/Historic Sites:

MEIR Table V-8-1(e, f)

Increased Demand for Storm Drainage:

MEIR SD-9
Construction activities shall comply with the requirements of the City's Storm Water Management Plan under its municipal NPDES stormwater permit, and the State Water Resources Control Board's General Permit for Discharges of Storm Water Associated with Construction Activity.

Flooding and Water Quality:

N/A

Increased Demand for Parks and Open Space:

N/A

Increased Demand for Schools:

N/A

Increased Demand for Police Services:

N/A

Increased Demand for Fire Services:

N/A

Generation of Solid Waste:

N/A

Generation of Hazardous Materials:

N/A

Geology, Soils, and Mineral Resources:

N/A

Energy:

N/A

Effects on Visual Resources:

N/A

Land Use and Planning:

N/A

Climate Change:

N/A

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-181

RESOLUTION RESCINDING RESOLUTION NO. 2014-129 AND ADOPTING SEWER SERVICE RATES, EFFECTIVE JULY 1, 2016, FOR FISCAL YEARS 2016-17 THROUGH 2020-21 IN ACCORDANCE WITH PROPOSITION 218

WHEREAS, the City of Modesto provides wastewater (sewer) service to over 60,000 accounts consisting of residential, multi-family, commercial, and industrial customers located within the City of Modesto as well as the City of Ceres and the Empire Sanitary District and portions of unincorporated Stanislaus County; and

WHEREAS, the City's sewer utility is a self-supporting utility enterprise funded by customer revenues; and

WHEREAS, the City's current sewer rate structure requires significant adjustments to fund the utility and maintain compliance with Proposition 218, the law that governs water and sewer rates; and

WHEREAS, Proposition 218 amended the California Constitution to establish a process that public agencies must follow when imposing new or increasing "property related fees" (Cal. Const. Article XIIID); and

WHEREAS, sewer service fees are property-related fees and thus subject to Proposition 218's procedural and substantive requirements; and

WHEREAS, the City previously approved a sewer rate structure in accordance with Proposition 218 by Resolution No. 2007-463 in 2007 and adopted subsequent adjustments based on the rate structure thereafter; and

WHEREAS, the City engaged Bartle Wells Associates ("BWA") in 2015 to conduct a comprehensive review of the City's sewer rates and charges in accordance with Proposition 218; and

WHEREAS, BWA prepared a report dated January 2016 entitled "City of Modesto Sewer Rate and Fee Study" ("Report"), containing analyses and recommendations for adjusting the City's sewer rates and charges; and

WHEREAS, the Report analyzes the number of sewer customers, projections for customer growth, sewer revenues, sewer capital improvement programs, operations and maintenance needs, customer services costs, and volume and strength of wastewater discharge; and

WHEREAS, the Report concludes that the revenues generated under existing sewer rates are insufficient to meet sewer utility's revenue requirements for fiscal year 2016-17 and subsequent years, given changes and new developments in the City's sewer system, including new capital improvement projects identified in the soon to be completed Wastewater Master Plan Update; and

WHEREAS, the Report recommends increasing the City's existing sewer rates and charges, and makes certain recommendations for the City's sewer services rates for the period beginning fiscal year 2016-17; and

WHEREAS, the Report demonstrates that the recommended rates do not exceed the reasonable cost of providing such service or regulatory activity and, as such, the proposed rates are not levied for general revenue purposes; and

WHEREAS, the Report also demonstrates that the recommended rates result in charges to property owners or ratepayers that do not exceed the proportionate cost of providing sewer services attributable to the parcel or persons; and

WHEREAS, the City mailed a notice of the public hearing, and notice of oral and written protest procedures against the proposed rate increases to all affected property

owners and ratepayers in compliance with California Constitution Article XIIID, Section 6; at least forty-five days in advance of the public hearing at which this Resolution was considered; and

WHEREAS, on April 26, 2016, the City Council duly held the public hearing , and at its conclusion the City Clerk tabulated the number of written and oral protests received, if any, and reported that there was not a majority protest of the proposed rates by owners or authorized representatives of identified property owners or ratepayers receiving wastewater services.

FINDINGS

WHEREAS, the Council of the City of Modesto hereby finds as follows:

(A) The purposes of the updated wastewater (sewer) services rates established pursuant to this Resolution are to: (1) recover the reasonable estimated cost of the services for which the rates are charged; (2) provide that such costs are allocated among City sewer customers so as to bear a fair and reasonable relationship to customers' burdens on and benefits from City sewer services; (3) ensure that charges for wastewater services do not exceed the proportionate cost of providing sewer services attributable to each parcel ; (4) secure the financial stability of the sewer system; (5) ensure high quality service; and (6) provide a sound financial plan that will assist in funding capital improvement projects necessary to serve wastewater customers.

(B) The updated sewer services rates established pursuant to this Resolution are not levied for general revenue purposes.

(C) After consideration of the Report, the testimony received at the noticed public hearing, the agenda report, the background documents to the agenda report, and all

correspondence received (together, "Record"), the City Council of the City of Modesto approves and adopts the Report by this Resolution.

(D) Adoption of the rates set forth in this Resolution is intended to recover costs necessary to maintain the current level of City sewer services for current and future City customers. As such, such rates as they relate to provision of sewer services to City customers are not a "project" within the meaning of the California Environmental Quality Act or C.E.Q.A. (Public Resources Code § 21080(b)(8)(D)).

(E) The Record establishes that the costs listed in the Report as those incurred by the City in providing sewer services to City customers are reasonable estimates of the cost of providing such services, and that the revisions recommended in the Report for existing sewer service rates are necessary to recover the reasonable, estimated cost of providing such services for which the rates are charged, to allocate such costs among City customers so that they bear a fair and reasonable relationship to customers' burdens on and benefits from City's sewer services, to ensure that charges for wastewater services do not exceed the proportionate cost of providing sewer services attributable to each parcel and to secure the financial stability of City's sewer utility in accordance with the analyses contained in the Report.

The procedures followed and the rates adopted are in compliance with California Constitution Article XIIID.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto as follows:

SECTION 1. DEFINITIONS. For the purposes of this Resolution the definitions set forth in Section 5-6.103 of Chapter 6 of Title 5 of the Modesto Municipal

Code entitled "Definitions" shall apply, except as provided herein or as context requires a different meaning.

(A) Director: The City officers(s) or designee(s) in charge of utilities.

(B) Monthly Account Charge: A monthly fee charged to every sewer account to pay the actual fixed sewer system costs not allocable to sewer flow and strength components.

(C) Person: Any individual, partnership, corporation or other legal entity whatsoever apply for or receiving City sewer service.

(D) Cannery Segregation Line (CanSeg Line): The line used by City's cannery customers during caning season. The CanSeg Line collects and conveys the canneries' process flow directly to the Rancho for land application. The cannery process flow does not receive treatment during the cannery season.

(E) Apartment: One (1) dwelling unit located within in a building or portion thereof containing five (5) or more dwelling units; one (1) mobile home space in a mobile home park.

(F) Secondary Scalping: Secondary treatment to be provided to City's cannery customers' process water.

(G) Single Family Residential: One (1) dwelling unit or a suite of one (1) or more rooms which is occupied by or intended to be occupied by one (1) family; one (1) mobile home on any area or tract of land.

(H) Multiple Family: One (1) dwelling unit located within a building or portion thereof containing two (2) to four (4) dwelling units; one (1) additional dwelling unit or mobile home on any area or tract of land.

SECTION 2. SEWER SERVICE CHARGE FOR RESIDENTIAL SEWER SERVICE. Each person receiving residential sewer service shall pay a sewer service charge to the City . The maximum monthly sewer service charges for dwelling units, mobile homes, and mobile home spaces in mobile home parks, including the monthly account charge, for each of the next five fiscal years—beginning in Fiscal Year 2016/17 and ending at the end of Fiscal Year 2020/21—shall be as follows:

Residential Sewer Rates						
Category	**Current**	**FY2016/17**	**FY2017/18**	**FY2018/19**	**FY2019/20**	**FY2020/21**
Monthly Account Charge ($/Account)	$4.34	$4.40	$4.42	$4.46	$4.50	$4.54
Residential Rates ($/Dwelling Unit)						
Single Family Residential, Mobile Home on a lot	$27.58	$29.36	$31.36	$33.39	$35.67	$37.91
Multiple Family (2-4 Dwelling Units), one additional Dwelling Unit or Mobile Home on a lot	$23.67	$22.59	$24.03	$25.57	$27.50	$30.85
Apartments (5 or more Dwelling Units), Mobile Home Space in a Mobile Home Park	$17.96	$20.33	$21.50	$22.73	$24.36	$26.45

SECTION 3. SEWER SERVICE CHARGE FOR COMMERCIAL SERVICE. Each person receiving commercial sewer service shall pay a maximum sewer service charge to the City. The maximum monthly sewer service charges for commercial customers, including the monthly account charge, for each of the next five fiscal years—beginning in Fiscal Year 2016/17 and ending at the end of Fiscal Year 2020/21—shall be as follows:

Commercial Sewer Rates						
Category	**Current**	**FY2016/17**	**FY2017/18**	**FY2018/19**	**FY2019/20**	**FY2020/21**
Commercial Quantity Charge ($/100 cubic feet)						
Group 1-BOD + TSS is 400 mg/l or less	$2.35	$2.76	$3.01	$3.29	$3.55	$3.88
Group 2-BOD + TSS is 401 mg/l to 900 mg/l	$2.89	$3.78	$4.07	$4.40	$4.70	$5.07
Group 2-BOD + TSS is 901 mg/l to 1,400 mg/l	$3.45	$4.80	$5.13	$5.50	$5.85	$6.27
Group 4-BOD + TSS is 1,401 mg/l or more	$4.11	$6.03	$6.40	$6.83	$7.23	$7.71

(A) Commercial users shall be grouped according to Biochemical Oxygen Demand (hereinafter referred to as BOD) and Total Suspended Solids (hereinafter referred to as TSS) strength characteristics and shall pay sewer service charges based on the quantity of water used, and the waste strength characteristics measured in milligrams per liter (hereinafter referred to as mg/l). The Director shall determine the waste strength characteristics of commercial users and assign them to one of the commercial

users groups set forth in the table above.

(B) Commercial users shall have all water used on the premises metered in order to determine the users' sewer service charges.

(1) Commercial users on a public water system other than the City's shall obtain a metered water service from the water purveyor and shall pay the sewer service charge which would be made were such water from the City's water system.

(2) Commercial users receiving any water from a private source shall allow the City to furnish, install and maintain a water meter with the user

paying for the cost of the meter and installation. The user shall pay the sewer service charge which would be made were such water from the City's water system. Authorization shall be granted to City from user to install, read and maintain said meter by user executing an agreement on a form furnished by the Director.

(C) In the case of existing meters which are under the ownership of users, the City will assume responsibility for maintenance of such meters upon:

(1) Receipt of transfer of title from the owner in a form satisfactory to the Director, and

(2) Authorization being granted to City for reading and maintaining the meter as set forth in paragraph (b) above.

(D) Churches, assembly halls and similar facilities shall be considered Group 1.

(E) Schools Districts will have their wastewater flow computed by either of the following methods at their discretion:

(1) School Districts may elect to be billed on water consumption as a Group 1 Commercial discharger.

(i) A one-time inspection by the City's Water Division staff to confirm there is no indoor water use on the outdoor use meter will be done at no charge to the District.

(ii) An annual audit and site inspection will be conducted by the City and paid for by the District.

(a) Inspection fee will be based on time and materials.

(2) School Districts that have not separated all of their outdoor water systems may elect to continue to be billed based on estimates of the average volume per pupil/staff times the average daily attendance (ADA) of pupils plus staff.

(i) School District will be required to enter into an agreement with the City consenting to be billed on an ADA basis.

(ii) The Director is authorized to enter into these agreements with the School Districts on behalf of the City.

(iii) Should the School District fail or refuse to enter into the above noted agreement, District will be billed based on water consumption until an agreement is executed.

(3) For School Districts planning to separate their outdoor water systems in the future, the City will provide the option to be billed on water consumption on an annual basis.

SECTION 4. SEWER SERVICE CHARGE FOR INDUSTRIAL SERVICE. Each person receiving industrial sewer service shall pay a maximum sewer service charge to the City. The maximum monthly sewer service charges for industrial customers, including the monthly account charge, for each of the next five fiscal years—beginning in Fiscal Year 2016/17 and ending at the end of Fiscal Year 2020/21—shall be as follows:

Industrial Charges (these three components are additive)

Category	Current	FY2016/17	FY2017/18	FY2018/19	FY2019/20	FY2020/21
Flow Charge ($/Million gallons)	$2,534	$2,604	$2,888	$3,212	$3,516	$3,901
BOD Charge ($/1,000 lbs)	$129	$213	$226	$238	$246	$263
TSS Charge ($/1,000 lbs)	$224	$441	$454	$471	$491	$504

(A) The charges for industrial wastewater services—flow, BOD, and TSS—are additive, such that the total monthly charge shall be based upon the amount of each component listed in the table above.

(B) The monthly sewer service charges for industrial users shall be based in part on the number of millions gallons of total flow at the rates set forth in the table above.

(1) If an industrial customer has an effluent meter for industrial flow measurement and a sanitary sewage meter, the total flow shall be the sum of the metered flows. If an industrial customer has an unmetered connection for disposal of sanitary sewage, the estimated volume may be established by the Director. The estimated volume shall be based on the number and type of plumbing fixture units contributing to the system along with any other flow information available which indicates the total volume of sanitary sewage.

(2) In the absence of an effluent meter, an influent meter shall be used, and total flow shall be based upon the influent meter reading.

(C) The BOD and TSS charges for industrial and sanitary discharges shall be based on the measured or estimated BOD and TSS for each type of flow.

SECTION 5. FLOW ESTIMATES. The Director will estimate flow where he/she determines metered flow measurements are unreliable.

SECTION 6. SEPTAGE CHARGE FOR DUMPING SEPTIC WASTE AT THE SEWAGE TREATMENT PLANT. The City accepts septic waste at its sewage treatment plant. Each person dumping septic waste at the sewage treatment plant shall

pay a maximum sewer service charge to the City. The maximum septage charge for each of the next five fiscal years—beginning in Fiscal Year 2016/17 and ending at the end of Fiscal Year 2020/21—shall be as follows:

Septage Quantity Charge						
Category	**Current**	**FY2016/17**	**FY2017/18**	**FY2018/19**	**FY2019/20**	**FY2020/21**
Flow charge per 1,000 gallons	$67	$61	$63	$66	$69	$71

SECTION 7. SEWER SERVICE CHARGE FOR CANSEG LINE SEWER SERVICE. Each person using CanSeg Line sewer service shall pay a maximum sewer service charge to the City. The maximum monthly sewer service charges for CanSeg customers, including the monthly account charge, for each of the next five fiscal years—beginning in Fiscal Year 2016/17 and ending at the end of Fiscal Year 2020/21—shall be as follows:

CanSeg Line Sewer Rates						
Category	**Current**	**FY2016/17**	**FY2017/18**	**FY2018/19**	**FY2019/20**	**FY2020/21**
Monthly Account Charge ($/Account)	$4.34	$4.40	$4.42	$4.46	$4.50	$4.54
CanSeg Line Charges (these three components are additive)						
Flow Charge ($/Million gallons)	$2,534.00	$2,680	$2,841	$3,012	$3,191	$3,384
BOD Charge ($/1,000 lbs)	$129.00	$1.39	$1.48	$1.57	$1.66	$1.76
TSS Charge ($/1,000 lbs)	$224.00	$4.04	$4.29	$4.54	$4.81	$5.11

(A) The charges for CanSeg Line services—flow, BOD, and TSS—are additive, such that the total monthly charge shall be based upon the amount of each component listed in the table above.

(B) The monthly sewer service charges for CanSeg Line users shall be based in part on the number of millions gallons of total flow at the rates set forth in the table above.

(1) If a CanSeg Line user has an effluent meter for industrial

flow measurement and a sanitary sewage meter, the total flow shall be the sum of the metered flows. If a CanSeg Line customer has an unmetered connection for disposal of sanitary sewage, the estimated volume may be established by the Director. The estimated volume shall be based on the number and type of plumbing fixture units contributing to the system along with any other flow information available which indicates the total volume of sanitary sewage.

(2) In the absence of an effluent meter, an influent meter shall be used, and total flow shall be based upon the influent meter reading.

(C) The BOD and TSS charges for CanSeg Line discharges shall be based on the measured or estimated BOD and TSS for each type of flow.

SECTION 8. SEWER SERVICE CHARGE FOR SECONDARY SCALPING. Secondary scalping service is anticipated to come online in Fiscal Year 2020/21. Each person receiving secondary scalping sewer service shall pay a maximum sewer service charge to the City. The maximum monthly sewer service charges for secondary scalping customers, including the monthly account charges, shall be as follows:

Secondary Scalping Rates

Category	Rate or Charge
Secondary Scalping Rates (these components are additive)	
Flow Charge ($/Million gallons)	$891.84
BOD Charge ($/1,000 lbs)	$98.25
TSS Charge ($/1,000 lbs)	$305.65
Annual Secondary Scalping Secondary Can Seg Capacity Charge (these components are additive)	
Flow ($/Million gallons per day, maximum day capacity)	$117,837.54
BOD ($/lbs per day, maximum day capacity)	$11.43
TSS ($/lbs per, maximum day capacity)	$27.29

(A) The usage-based charges for secondary scalping sewer services—flow, BOD, and TSS—are additive, such that the total monthly charge shall be based upon the amount of each component listed in the table above. In addition, customers who opt to have their wastewater processed through the secondary scalping system will be charged an annual fee labeled a "capacity fee" in the Study, in the amounts set forth in the table above.

(B) The monthly usage-based sewer service charges for secondary scalping sewer services shall be based in part on the number of millions gallons of total flow at the rates set forth in the table above.

(1) If a secondary scalping customer has an effluent meter for industrial flow measurement and a sanitary sewage meter, the total flow shall be the sum of the metered flows. If an secondary scalping customer has an unmetered connection for disposal of sanitary sewage, the estimated volume may be established by the Director. The estimated volume shall be based on the number and type of plumbing fixture units contributing to the system along with any other flow information available which indicates the total volume of sanitary sewage.

(2) In the absence of an effluent meter, an influent meter shall be used, and total flow shall be based upon the influent meter reading.

(C) The BOD and TSS charges for secondary scalping sewer services shall be based on the measured or estimated BOD and TSS for each type of flow.

SECTION 8. SEWAGE TREATMENT FOR OUTSIDE PUBLIC AGENCIES. Pursuant to agreements approved by the City Council , the City of

Modesto will accept and treat sewage collected from sewer systems external to the City and the City's Sewer District No. 1. The City's charges for treatment of sewage collected from outside of the City and the City's Sewer District No. 1 are negotiated by the parties to and established in the agreements.

SECTION 9. INFLATOR INDEX AND REASSESSMENT OF COST OF SERVICE. The cost of service set forth above shall be re-examined not less than every four (4) years by professionals competent in the field. Such professionals shall provide a report to the City updating both the fixed and volume based costs as appropriate and as recommended to the Council by the Director and Director of Finance. Beginning on July 1, 2017 and annually thereafter, the Director of Finance with the concurrence of the Director, shall have the authority to adjust the above rates by an amount not to exceed the not-seasonally-adjusted annual percentage increase in the April Consumer Price Index (CPI) for Urban Wage Earners and Clerical Workers for the San Francisco CMSA that is currently prepared by the Department of Finance.

SECTION 10. EFFECTIVE DATE. This Resolution shall go into effect and be in full force and operation on or after July 1, 2016.

SECTION 11. RESCISSION OF PRIOR RESOLUTIONS. All previous sewer rate and fee resolutions relating to or derived from the sewer rate structure adopted by Resolution No. 2007-463, including Resolution No. 2014-129, are hereby rescinded effective July 1, 2016.

SECTION 12. ANNUAL REVIEW OF ADOPTED RATE INCREASES. The City Council shall conduct an annual review of each adopted sewer rate increase prior to its implementation for fiscal years beginning after June 30, 2017. Said review

shall be completed by the City Council at least sixty (60) days in advance of the new sewer rate becoming effective. The rates shown in this Resolution shall be implemented on the dates shown unless City Council takes action otherwise.

SECTION 13. SEVERABILITY. The rates, charges, and all portions of this Resolution are severable. Should any of the rates or any portion of this Resolution be adjudged to be invalid and unenforceable by a body of competent jurisdiction, the remaining rates, charges and/or portions of the resolution shall be and continue in full force and effect, except as to those rates, charges and/or portions of this Resolution that have been adjudged invalid. This City Council declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of this Resolution be enforced.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 2016, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-182

RESOLUTION APPROVING A SEWER CAPACITY FEE STUDY PREPARED BY BARTLE WELL ASSOCIATES AND ADOPTING SEWER CAPACITY CHARGES, EFFECTIVE JULY 1, 2016

WHEREAS, the City of Modesto provides wastewater (sewer) service to over 60,000 accounts consisting of residential, multi-family, commercial, and industrial customers located within the City of Modesto as well as the City of Ceres and the Empire Sanitary District and portions of unincorporated Stanislaus County; and

WHEREAS, the City's sewer utility is a self-supporting utility enterprise primarily funded by customer revenues such as sewer service rates and sewer connection fees and capacity charges; and

WHEREAS, Section 5-6.801 of the Modesto Municipal Code authorizes the Council to establish, by resolution, charges for connecting a property to the City's sewage system known as sewer connection fees or capacity charges; and

WHEREAS, sewer capacity charges are a one-time charge levied to new and expanded residential and commercial developments seeking to connect to the City's sewage system that account for the costs associated of expanding capacity to serve new development; and

WHEREAS, sewer capacity charges must be adopted pursuant to the Mitigation Fee Act ("the Act," Gov. Code § 66000 et seq.) which authorizes public agencies to impose capacity charges on development projects to defray some, or all, of the costs of public improvements related to those projects; and

WHEREAS, the City engaged Bartle Wells Associates ("BWA"), to prepare a nexus report demonstrating the nexus between the costs of facilities serving new

development and the proposed sewer capacity charges and to calculate the amount of the charges to satisfy the requirements of the Act; and

WHEREAS, on April 26, 2016, the City Council held a lawfully noticed public hearing to consider the proposed sewer capacity fee.

FINDINGS

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto hereby finds as follows:

(A) The foregoing recitals are true and correct and made a part of this Resolution.

(B) The City of Modesto Sewer Capacity Fee Study, prepared by BWA, dated April 2016 (**Exhibit** A) ("Study"), is approved by Council and is incorporated by reference as part of this Resolution, as if set forth fully herein.

(C) The documents and other material constituting the record for these proceedings are located and available during regular business hours at the City of Modesto, Utilities Division, 1010 10th Street, Modesto, California.

(D) The sewer capacity fee set forth in this Resolution, is a "capacity charge" as that term is defined in Government Code section 66013(b)(3), the purpose of which is to finance the repair and replacement of existing sewer facilities and to upgrade and construct new sewer facilities to expand capacity to accommodate impacts caused by new development in the City.

(E) The sewer capacity charge set forth in this Resolution, as demonstrated in the Study, does not exceed the estimated reasonable cost of providing sewer transportation and treatment facilities to new development.

(F) Collection, management, and expenditure of the sewer capacity charge will comply with the requirements of Government Code section 66013, because as demonstrated in this Resolution, the charge and any interest accrued will be deposited in a separate fund, and the City will annually report on the monies collected and expended.

(G) In adopting and imposing the sewer capacity charge, the City has complied with the procedures for adoption described in Government Code sections 66016, 66017, and 66018, because the City held a lawfully noticed public hearing on April 26, 2016, at which oral and written presentations could be made, the proposed sewer capacity charge is to be adopted by Resolution, and the proposed sewer capacity charge will not become effective until July 1, 2016, which is more than sixty (60) days from the date of the public hearing

BE IT FURTHER RESOLVED, by the Council of the City of Modesto as follows:

SECTION 1. DEFINITIONS. For the purposes of this Resolution the definitions set forth in Section 5-6.103 of Chapter 6 of Title 5 of the Modesto Municipal Code entitled "Definitions" shall apply, except as provided herein or as context requires a different meaning.

(A) Capacity Charge or Capacity Fee shall mean a one-time charge to be paid by or on behalf of a prospective wastewater discharger for new or modified facilities existing in or planned to be added to the City Wastewater System, minus Deficiencies. Capacity Fee and Capacity Charge are used interchangeably in this Resolution and the Study.

(B) City Wastewater System shall mean the City's physical assets dedicated to the provision of wastewater transmission and treatment, including assets for the collection, treatment, pumping, storage, land application, metering, testing and reporting of wastewater, within or connected to physical assets in City's Municipal Sewer District No. 1.

(C) Connection shall mean the attachment of pipe facilities to the City Wastewater System to commence wastewater transmission and treatment service.

(D) Deficiencies shall mean Wastewater facilities required by law, or recommended by generally recognized authority, as being necessary to the provision of a modern, safe, adequate wastewater system of the City's size, with prudent reserves of transmission and treatment infrastructure to meet reasonable foreseeable contingencies that are absent from the City Wastewater System at any particular point in time.

(E) Director shall mean the City officer(s) or designee(s) in charge of utilities.

(F) Wastewater Flow or Flow shall mean the actual or estimated maximum daily quantity of wastewater or wastewater flow being transmitted for treatment expressed in gallons per day (gpd).

(G) Solids Content shall mean a synonym for Total Suspended Solids ("TSS"), the primary indicator of the cost of treatment and/or removal of the solid components of wastewater expressed in pounds per day (ppd). Solids Content and TSS are used interchangeably in this Resolution and the Study, and are also referred to as pollutant loading.

(H). Strength shall mean a synonym for Five Day Biochemical Oxygen Demand ("BOD"), the primary indicator of the cost of treatment of the organic content of

wastewater expressed in pounds per day (ppd). Strength and BOD are used interchangeably in this Resolution and the Study, and are also referred to as pollutant loading.

(I) Unit Costs of Capacity shall mean the cost in dollars and/or cents per gallon ($/gpd) or pound ($/ppd), as appropriate, to transmit wastewater flow and pollutant loading.

(J) Unit of Capacity shall mean wastewater flow and pollutant loading.

(K) Wastewater shall mean sewer. Wastewater and sewer are used interchangeably in this Resolution and the Study.

Single Family Residential: One (1) dwelling unit or a suite of one (1) or more rooms which is occupied by or intended to be occupied by one (1) family; one (1) mobile home on any area or tract of land.

(M) Multiple Family: One (1) dwelling unit located within a building or portion thereof containing two (2) to four (4) dwelling units; one (1) additional dwelling unit or mobile home on any area or tract of land.

(N) Apartment: One (1) dwelling unit located within in a building or portion thereof containing five (5) or more dwelling units; one (1) mobile home space in a mobile home park.

SECTION 2. RESIDENTIAL SEWER CAPACITY CHARGE IMPOSED.

(1) The Sewer Capacity Fees for residential development, on or before July 1, 2016, are based on the specific type of development and the reasonable estimates of the flow and loading characteristics of each particular development type. The residential Sewer Capacity Charges shall be as follows:

Residential Sewer Capacity Fees				
Single Family Dwelling Unit or Mobile Home on Lot	**Flow**	**BOD**	**TSS**	**Total**
	gpd	270 mg/l	310 mg/l	
Flow and Loads	215	0.484137	0.555861	
Unit Cost	$9.44	$232.66	$900.59	
Proposed Capacity Fee	$2,030	$113	$501	$2,643
			Current fee	$5,146
Multi-family Dwelling Unit	**Flow**	**BOD**	**TSS**	**Total**
		270 mg/l	310 mg/l	
Flow and Loads	175	0.394065	0.452445	
Unit Cost	$9.44	$232.66	$900.59	
Proposed Capacity Fee	$1,652	$92	$407	$2,151
			Current fee	$4,419
Apartment Dwelling Unit or Mobile Home in Mobile Home Park	**Flow**	**BOD**	**TSS**	**Total**
		270 mg/l	310 mg/l	
Flow and Loads	150	0.33777	0.38781	
Unit Cost	$9.44	$232.66	$900.59	
Proposed Capacity Fee	$1,416	$79	$349	$1,844
			Current fee	$3,354

(2) The Unit Costs of Capacity Charge for connecting residential dischargers, on and before July 1, 2016, shall be $9.44 per gallon per day of Flow, $232.66 per pound of BOD per day, and $900.59 per pound of TSS per day.

SECTION 3. NON-RESIDENTIAL SEWER CAPACITY FEE IMPOSED.

(1) The Sewer Capacity Charge for a non-residential development, on or before July 1, 2016, shall be based on the specific type of new development and the reasonable estimates of the flow and loading characteristics of each particular development type. The non-residential Sewer Capacity Charges shall be as follows:

Schedule of Non-residential Sewer Capacity Fees

User Classification	Current Fee		Wastewater Flow		BOD (mg/l)	TSS (mg/l)	Proposed Fee	% Change
Office Building								
General Office	**$1.77**	per sf	0.1	gpd/sf	200	200	**$1.13**	-36%
Medical/Dental Office	**$3.90**	per sf	0.22	gpd/sf	200	200	**$2.49**	-36%

Medical Clinic	**$6.57**	per sf	0.37	gpd/sf	200	200	**$4.19**	-36%
Dental Clinic	**$3.19**	per sf	0.18	gpd/sf	200	200	**$2.04**	-36%
Institutional								
Auditorium	**$2.13**	per seat	0.12	gpd/seat	200	200	**$1.36**	-36%
Assembly Hall - Food Prepared Off-Site	**$3.37**	per sf	0.19	gpd/sf	200	200	**$2.15**	-36%
Assembly Hall - Food Prepared On-Site	**$5.34**	per sf	0.19	gpd/sf	1000	600	**$3.02**	-43%
Church	**$28.75**	per seat	1.62	gpd/seat	130	130	**$17.28**	-40%
Hospital	**$4,436.12**	per bed	250	gpd/bed	200	200	**$2,832.57**	-36%
Institutional Residential Care Facility - 7 Beds or More	**$1,774.45**	per bed	100	gpd/bed	200	200	**$1,133.03**	-36%
Country Club - Non-Resident Member	**$709.78**	per capita	20	gpd/capita	200	200	**$226.61**	-68%
County Club - Resident Member	**$1,774.45**	per capita	100	gpd/capita	200	200	**$1,133.03**	-36%
Picnic Park	**$177.44**	per capita	10	gpd/capita	200	200	**$113.30**	-36%
Pool	**$177.44**	per capita	10	gpd/capita	200	200	**$113.30**	-36%
Tennis Courts, Outdoor with Toilets and Showers	**$1,951.89**	per capita	110	gpd/capita	200	200	**$1,246.33**	-36%
Tennis Courts, Indoor with Toilets and Showers	**$5,145.90**	per capita	290	gpd/capita	200	200	**$3,285.78**	-36%
School								
K-8	**$88.72**	per capita	5	gpd/capita	130	130	**$53.34**	-40%
High School/College	**$177.44**	per capita	10	gpd/capita	130	130	**$106.69**	-40%
Warehouse/Distribution	**$0.53**	per sf	0.03	gpd/sf	200	200	**$0.34**	-36%
Retail/Commercial								
General Retail/Commercial	**$0.89**	per sf	0.04	gpd/sf	200	200	**$0.45**	-49%
Auto Body Shop/Auto Dealers	**$1.95**	per sf	0.11	gpd/sf	200	200	**$1.25**	-36%
Bakeries	**$10.96**	per sf	0.39	gpd/sf	1000	600	**$6.20**	-43%
Beauty Shop/Day Spa (with wash sinks)	**$4.79**	per sf	0.27	gpd/sf	200	200	**$3.06**	-36%
Bars without Dining	**$6.21**	per sf	0.35	gpd/sf	200	200	**$3.97**	-36%
Bowling Alley (including dining)	**$5.41**	per sf	0.23	gpd/sf	600	600	**$3.48**	-36%
Cafeteria	**$8.71**	per sf	0.31	gpd/sf	1000	600	**$4.92**	-43%
Car Wash	**$17.21**	per sf	0.97	gpd/sf	200	200	**$10.99**	-36%
Coffee House – No Food Prep	**$7.10**	per sf	0.4	gpd/sf	200	200	**$4.53**	-36%
Dry Cleaner	**$0.89**	per sf	0.05	gpd/sf	200	200	**$0.57**	-36%
Dry Goods	**$0.89**	per sf	0.05	gpd/sf	200	200	**$0.57**	-36%
Delicatessen, Sandwich Shop, Take-N-Bake Pizza	**$11.61**	per sf	0.35	gpd/sf	300	300	**$4.30**	-63%
Donut Shop	**$13.94**	per sf	0.6	gpd/sf	600	500	**$8.62**	-38%
Gyms, Health Clubs	**$4.97**	per sf	0.28	gpd/sf	200	200	**$3.17**	-36%
Health Clubs – No Showers, Pool or Spa	**$3.73**	per sf	0.21	gpd/sf	200	200	**$2.38**	-36%

User Classification	Current Fee		Wastewater Flow		BOD (mg/l)	TSS (mg/l)	Proposed Fee	% Change
Hotels, Motels – Excluding bars and restaurants	**$2,306.78**	per room	130	gpd/room	200	200	$1,472.93	-36%
Laundry - Industrial	**$2,457.69**	per sf	100	gpd/sf	450	240	$1,211.58	-51%
Laundries – Coin Operated	**$2,306.78**	per machine	130	gpd/machine	150	110	$1,372.44	-41%
Laundries, Full Service Dry Cleaner	**$11.40**	per sf	0.55	gpd/sf	150	110	$5.81	-49%
Market – Grocery	**$2.48**	per sf	0.14	gpd/sf	200	200	$1.59	-36%

Mortuaries	**$2.38**				800	800		
Plant Nursery	**$1.42**	per sf	0.09	gpd/sf	800	800	$1.53	-36%
Printers	**$2.48**	per sf	0.08	gpd/sf	200	200	$0.91	-36%
Restaurant – Fast Food and Small Non-Franchise	**$16.86**	per sf	0.14	gpd/sf	200	200	Eliminated	
Restaurant – Fast Food and Small Non-Franchise with Grease Interceptor	**$12.09**	per sf	0.4	gpd/sf	1000	600	$4.81	-60%
Restaurant – Full Service Franchise	**$29.23**	per sf	0.4	gpd/sf	400	240	Eliminated	
Restaurant - Full Service Franchise with Grease Interceptor	**$20.96**	per sf	0.9	gpd/sf	1000	600	$10.82	-48%
Recreational Vehicle Park	**$2,129.34**	per sf	0.9	gpd/sf	400	240	$1,359.63	-36%
Theaters	**$26.79**	per RV Space	120	gpd/RV	200	200	$17.11	-36%
Veterinary Hospital	**$4.08**	per seat	1.51	gpd/seat	200	200	$2.61	-36%
Shopping Center – Up to 25% Dining	**$6.51**	per sf	0.23	gpd/sf	200	200	$3.99	-39%
Shopping Center – Up to 50% Dining	**$12.84**	per sf	0.32	gpd/sf	400	300	$7.62	-41%
Shopping Center – Up to 75% Dining	**$20.41**	per sf	0.56	gpd/sf	600	400	$11.80	-42%

SECTION 4. DIRECTOR AUTHORITY. The Director is hereby authorized to charge the new Capacity Charges between the adoption date of this Resolution and the date the fees are effective.

SECTION 5. PAYMENT OF CAPACITY FEE. The Capacity Charge for residential construction set forth above shall be paid at the time a building permit is issued for a building or structure. In those cases where a building exists, the Capacity Charge shall be collected at the time at which a plumbing permit is issued to connect the building or structure to the City Wastewater System. The Capacity Charge for non-residential property set forth above shall be paid at the time an encroachment permit is issued for the connection. The Council may, by resolutions adopted from time to time,

establish conditions under which a capacity fee may be spread over time and paid in installments.

SECTION XX. SCHEDULE OF CHARGES.

SCHEDULE OF CHARGES
FOR CONNECTION TO CITY WASTEWATER SYSTEM

MMC Reference	Name of Charge and Itemization	Charge
5-6.802	Subtrunk Extension Charge:	
	Residential & Commercial	$645.00 per gross acre

The acreage used to determine wastewater subtrunk connection fees shall be as follows:

The acreage used to determine the wastewater subtrunk fee shall be the total area developed, or being developed, which is owned, leased, or controlled by the user.

In those instances where the total acreage owned, leased, or controlled by the user is greater than that developed, the Director is authorized to determine the acreage to be used in determining the subtrunk extension charge. The remaining acreage shall pay a subtrunk extension charge at such time as that acreage is developed.

Notwithstanding anything to the contrary contained in Chapter 6 of Title 5 of the MMC and this Resolution, the Council shall have the power to determine, by agreement, the total acreage developed or being developed which is owned, leased, or controlled by a user meeting the criteria set forth below:

(1) The user will establish a new industry or expand an existing industry within the Modesto Municipal Sewer District that results in more than 225 (two hundred twenty-five) new, permanent, on-site, full-time employees; and

(2) The user will construct a new industrial building or building addition with total floor space in excess of one hundred seventy-five thousand (175,000) square feet with total project costs in excess of twenty million dollars ($20,000,000).

If the property is later developed beyond that development approved by the Council, the developer shall pay a wastewater subtrunk charge on the additional acreage developed, including any portion of the property that has already been developed but, for whatever reason, has not been included in the calculation of wastewater subtrunk redemption charges. If the user fails to meet either of the criteria after development, the agreement shall be void and a wastewater subtrunk charge shall be paid based on the total acreage developed or being developed had the above criteria not been applied.

SECTION 6. POLICIES AFFECTING APPLICABLE SEWER CAPACITY CHARGES IN VARIOUS CIRCUMSTANCES:

(A) Non-residential Sewer Capacity Charges shall be based solely upon estimated or actual wastewater Flow, BOD , and TSS.

(B) The Director may develop a schedule of estimated Flow, BOD, and TSS Content for new or modified connections which may be reviewed annually by staff and the Finance Committee.

(C) The Director may also develop a schedule of estimated or actual Flow, BOD, and TSS for any proposed changes in use, building or structure footprint, size of a parcel, or partial development of a larger parcel which, in the reasonable discretion of the Director, could result in a net change in wastewater Flow, BOD, and/or TSS.

(D) Where use or size changes or partial development result in an estimated net change in estimated or actual Flow, BOD, and TSS, the Capacity Charge shall be calculated using the appropriate Unit Costs for that net charge.

(E). When the remainder of a partially developed parcel is improved, the Capacity Charge for the improved portion of the parcel shall be calculated based upon estimated Flow, BOD, and TSS.

(F) The Director may review the actual water use for each non-residential account approximately twelve (12) months post-connection to verify the original Flow estimate.

(G) The Director may review the Flow, BOD, and TSS of commercial and industrial accounts approximately twelve (12) months post-connection to verify the original estimates.

(H) If any of the above post-connection reviews reveal a variance of at least plus or minus ten percent (10%) from the estimated capacity fee components, additional Capacity Charges or refund of the variance shall result based on the entire variance.

(I) Where the bond redemption charges have been paid for an entire parcel which is not completely developed, the Capacity Charge for the undeveloped portion shall be calculated based on the estimated Flow, BOD, and TSS expected from the land to be developed, and reduced by the part of the previously paid bond redemption charge proportional to the previously undeveloped area of the entire parcel.

(J) If a parcel contains more than one use, the Capacity Charge shall be based on the sum of the estimated Flow, BOD, and TSS from each expected use. In cases where the specific future use is not known, the Director may develop a composite estimated Flow, BOD, and TSS based on similar type developments.

SECTION 7. INFLATOR INDEX. The Director shall have the authority, on an annual basis, effective July 1 of each year, to adjust Flow, BOD, and/or TSS based costs by an amount not to exceed the annual percentage increase reported in the month of April in the Construction Cost Index found in the Engineering News Record for the San Francisco region.

SECTION 8. WASTEWATER CAPACITY CHARGE DEFERRAL PROGRAM FOR EXISTING RESIDENTIAL UNITS SEEKING TO CONNECT TO THE CITY'S WASTEWATER TREATMENT SYSTEM.

(A) Existing residential units connecting to the City's wastewater treatment system shall be required to pay ten percent (10%) of the wastewater Capacity Charge at the time of connection.

(B) Existing residential units connecting to the City's wastewater treatment system shall be required to pay the remaining ninety percent (90%) over a ten (10)-year period with interest as established by the Director of Finance.

SECTION 9. SEVERABILITY. The fees, charges, and all portions of this Resolution are severable. Should any of the fees or any portion of this Resolution be adjudged to be invalid and unenforceable by a body of competent jurisdiction, the remaining rates, charges and/or portions of this Resolution shall be and continue in full force and effect, except as to those fees, charges and/or portions of the resolution that have been adjudged invalid. This City Council declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of this Resolution be enforced.

The foregoing Resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO
CALIFORNIA

City of Modesto

SEWER CAPACITY FEE STUDY

Draft Report
April 2016

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SECTION 1: EXECUTIVE SUMMARY

1.1 Background

The City of Modesto (City) is currently conducting a Wastewater Master Plan to determine capital improvements to the City's wastewater system. The City of Modesto provides wastewater (sewer) service to a population of over 200,000 within the City limits and to about 900 customers within the Empire Sanitary District. The City's wastewater system consists of a sewer collection system, the Sutter Wastewater Treatment Plant (primary treatment), the Jennings Wastewater Treatment Plant (secondary and tertiary treatment), a Cannery Segregation Pipeline (CanSeg Line), and the Ranch at the Jennings Plant. A new 12.6 million gallon per day tertiary treatment plant (Phase 2 plant) will come into service this year. Improvements to existing wastewater treatment facilities are needed to correct deficiencies in existing facilities and to expand the capacity of the wastewater system for new development.

The cost of facilities serving new development will be recovered through sewer capacity fee revenues. Capacity fees are one-time hook-up fees paid by development when permits are issued for construction. The City last conducted an in-depth sewer capacity fee study in 2007 and implemented the recommended fee in Resolution No. 2007-287. Since 2007, the City has adopted annual inflationary cost increases to the sewer fee. The City engaged Bartle Wells Associates (BWA) to conduct a comprehensive analysis to establish a nexus between the cost of facilities serving new customers and the sewer capacity fee. This study supports the City's 2015 Strategic Plan by recommending fair and reasonable sewer fees for new customers and by providing funding for the extension of sewer service to new business development areas.

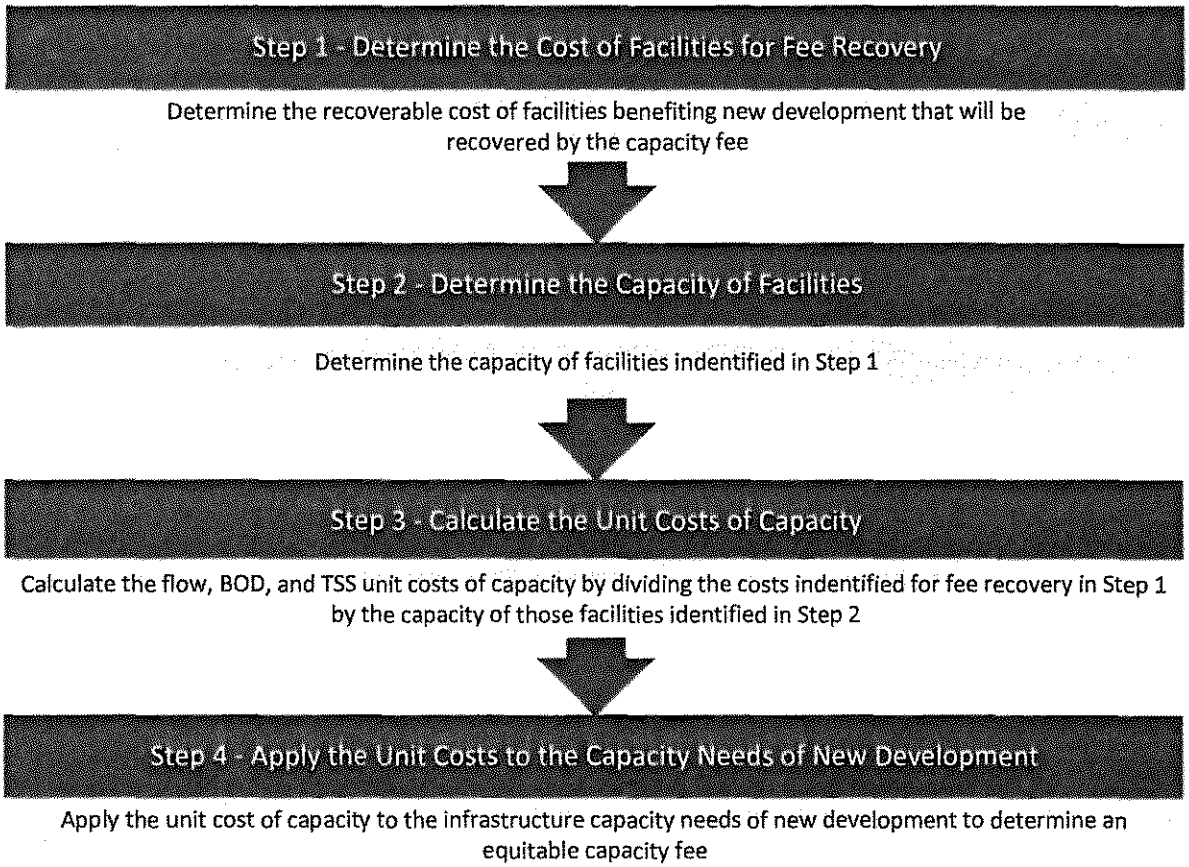
1.2 Capacity Fee Study Process

As part of the master planning process, Carollo Engineers identified wastewater system improvements. These improvements include projects to correct existing deficiencies and projects to expand the capacity of infrastructure to serve growth. Projects needed to correct existing deficiencies, also referred to as rehabilitation and reliability projects, benefit existing customers and should be funded through the City's monthly sewer rate revenue. Capacity expansion projects benefit new customers and should be funded through capacity fee revenue. By appropriately assigning the benefit of each project to existing customers or growth (new) customers, the City fairly recovers the cost of facilities and avoids cross-customer subsidies.

The cost of facilities allocated to growth is divided by the capacity of those facilities to calculate unit costs of capacity. For wastewater service, the units of capacity are wastewater flow and pollutant loading. Wastewater flow capacity is set as average day flow expressed as gallons per day (gpd). Pollutant loading capacity consists of pounds per day (ppd) of biochemical oxygen demand (BOD) and pounds per day of total suspended solids (TSS). The unit costs of capacity are expressed as $/gpd of flow and $/ppd of BOD and TSS.

The final step of the capacity fee study process is to apply the unit costs to the capacity required to serve new development. The flow and pollutant loading charges are multiplied by the estimated flow and loading for different types of customers. A summary of the capacity fee study process is provided in Figure 1.

Figure 1: Capacity Fee Study Process



1.3 Recommended Sewer Capacity Fee

This capacity fee study reflects:

- Updated facility cost information based on the Wastewater Master Plan
- Updated unit costs for flow, BOD, and TSS
- Revised flow and loading characteristics for residential and commercial customers
- City policy to actively monitor and enforce the requirement that all new restaurants install grease interceptors

The recommended capacity fee will lower the unit cost of flow and BOD capacity in the wastewater system and increase the unit cost of TSS. The recommended single family residential sewer capacity fee will reduce the current fee of $5,146 to $2,643 (see Table 1-1, below).

Table 1-1: Executive Summary Sewer Capacity Fees
City of Modesto
Sewer Capacity Fee Study

Category	Current (FY2016)	Proposed
Flow ($/gpd)	$14.85	$9.44
BOD ($/ppd)	$1,371.11	$232.66
TSS ($/ppd)	$364.32	$900.59
Single family residential Sewer capacity fee	$5,146	$2,643

SECTION 2: ALLOCATION OF FACILITIES

Bartle Wells Associates worked closely with City staff and Carollo Engineers to review wastewater system improvement capital costs and to determine an appropriate methodology for the calculation of the sewer capacity fee.

2.1 Methodology

In developing the Wastewater Master Plan, Carollo Engineers identified capital improvement projects to rehabilitate existing infrastructure and projects to expand capacity to serve growth. Rehabilitation projects improve existing infrastructure so that facilities can continue to provide service through build-out. Capacity expansion projects are triggered by the increased flows and pollutant loading of new development. These projects would not be needed absent growth. Based on the categorization of capital improvement projects, BWA recommends the incremental approach for calculation of the sewer capacity fee.

Incremental Approach (Buy-in + Expansion): Under this approach, new connections buy-in for the remaining share of capacity in existing facilities available to serve growth, plus pay for future expansion-related improvements needed to meet the capacity needs of growth through projected build-out.

- Cost Recovery: The cost of the estimated percentage of existing facilities available to serve growth plus the cost of anticipated expansion-related capital improvements (in current dollars)
- Denominator: Expansion capacity in City facilities with completion of the growth-related capital improvements

The proposed methodology recovers all capacity costs related to growth and avoids charging new development for existing system capacity costs that benefit existing users. The following subsections develop the buy-in and expansion costs for the sewer collection system and wastewater treatment facilities. Please note that the capital improvements described in this report do not include projects solely benefitting existing customers or projects benefitting the Cannery Segregation Line. Rehabilitation projects that benefit only existing customers are funded through monthly sewer rate revenues and project costs cannot be recovered from capacity fee revenues. Cannery Segregation Line projects benefit the City's five existing cannery customers and the project costs are proposed to be recovered as described in the *Sewer Rate and Fee Study Report, January 2016* (available at http://www.modestogov.com/uppd/reports/wastewater/rates/sewer_rate.asp).

2.2 Collection System Cost Allocation

Carollo Engineers developed capital improvement plans for the City's collection and treatment systems. Rehabilitation projects for the existing collection system are provided in Table 2-1. Projects are allocated between existing and future customers based on each group's proportional share of the average dry weather flow (ADWF) at build-out. The future customers' buy-in to the collection system consists of $43.6 million of repair and replacement costs.

Table 2-2 describes the collection system capacity expansion projects. Most expansion projects solely benefit future customers and are allocated 100% to growth. Projects that benefit both existing and future customers are allocated cost responsibility based on average dry weather flow at build-out. The total collection system expansion cost allocated to future customer is $39.2 million.

The combined cost of the collection system for future customers is $82.8 million. This cost is divided by 14.3 mgd, the incremental average day flow of future customers through build-out. Carollo Engineers determined that the current flow of the collection system is 70.7 mgd and build-out capacity is 85.0 mgd. Thus, the incremental capacity increase between the present and build-out is 14.3 mgd. The future customers' share of collection system costs ($82.8 million) is divided by the future customers' capacity (14.3 mgd) to calculate the unit cost of capacity of $5.79 per gallon per day.

Table 2-1: Collection Improvements – Buy-in to Facility Improvements
City of Modesto
Sewer Capacity Fee Study

Project	Description/Purpose	Project Cost	Existing ADWF (mgd)	Build-out ADWF (mgd)	Existing User Benefit %	Future User Benefit %	Existing Benefit	Future Benefit
River Trunk								
Gravity Pipeline - Open Space	Convey flows from the new Shackelford PS to the new River Trunk in Colorado	$1,944,000	1.2741	2.2800	56%	44%	$1,086,000	$858,000
Shackelford Lift Station - East of Crows Landing	Eliminate the siphon below the Tuolumne River	$2,989,000	1.2741	2.2800	56%	44%	$1,670,000	$1,319,000
Gravity Pipeline - Tuolumne Avenue	Provides gravity conveyance of the River Trunk flows from the discharge of the River Trunk force mains to the Sutter Plant	$3,211,000	10.23678	17.34000	59%	41%	$1,896,000	$1,315,000
Gravity Pipeline - Colorado Avenue	Provides gravity conveyance of the River Trunk flows from the discharge of the River Trunk force mains to the Sutter Plant	$8,648,000	10.23678	17.34000	59%	41%	$5,105,000	$3,543,000
Gravity Pipeline - Colorado Avenue	Provides gravity conveyance of the River Trunk flows from the discharge of the River Trunk force mains to the Sutter Plant	$7,442,000	10.23678	17.34000	59%	41%	$4,393,000	$3,049,000
Gravity Pipeline - Tuolumne Boulevard	Provide peak wet weather diversion for the existing Sutter Trunk	$1,137,000	10.23678	17.34000	59%	41%	$671,000	$466,000
Force Main - Tuolumne Boulevard	Two force mains allows the system to maintain flushing velocities through a wide range of flows and will convey flows from the River Trunk Pump Station	$5,818,000	10.23678	17.34000	59%	41%	$3,435,000	$2,383,000
Gravity Pipeline - Beard Brook North Gravity Alignment	A gravity extension of the Dry Creek crossing that conveys flows to the River Trunk Pump Station	$16,967,000	10.23678	17.34000	59%	41%	$10,017,000	$6,950,000
Gravity Pipeline - B Street	Reroute flows to the River Trunk Pump Station	$2,071,000	10.23678	17.34000	59%	41%	$1,223,000	$848,000
Gravity Pipeline - Sutter Avenue	Based on the results of the condition assessment, the Sutter Ave Trunk will require rehabilitation	$533,000	10.23678	17.34000	59%	41%	$315,000	$218,000
Gravity Pipeline - Open Space	Convey flows from the new Shackelford PS to the new River Trunk in Colorado	$14,069,000	10.23678	17.34000	59%	41%	$8,306,000	$5,763,000
River Trunk Lift Station - Morton Boulevard	Eliminate River Trunk inverted siphon and associated issues	$33,483,000	10.23678	17.34000	59%	41%	$19,767,000	$13,716,000
Rumble Trunk								
Rumble Lift Station - Rumble Road near Bay Lane	Increase the firm capacity from 1.37 mgd to 2.33 mgd to meet existing and future PWWFs.	$8,413,000	0.4560	0.6320	72%	28%	$6,070,000	$2,343,000

Project	Description/Purpose	Project Cost	Existing ADWF (mgd)	Build-out ADWF (mgd)	Existing User Benefit %	Future User Benefit %	Existing Benefit	Future Benefit
Empire Trunk								
Gravity Pipeline - Hoover Avenue	The existing pipelines exceed the maximum d/D under PWWF at approximately 95-percent capacity.	$476,000	0.073	0.085	86%	14%	$409,000	$67,000
Gravity Pipeline - Benson Avenue	The 15-inch diameter trunk in Benson Avenue exceeds the d/D criteria under PWWF at approximately 93 percent capacity.	$507,000	0.061	0.063	97%	3%	$491,000	$16,000
Benson Lift Station - Benson Avenue	Increase the firm capacity from 0.22 mgd to 1.3 mgd to meet existing and future PWWFs.	$4,656,000	0.0319	0.0320	99.65%	0.35%	4,640,000	$16,000
West Trunk								
Hahn Lift Station - Honey Creek Road and Nightingale Drive	Increase the firm capacity from 0.65 mgd to 1.3 mgd to meet existing and future PWWFs.	$4,976,000	0.45800	0.53375	86%	14%	$4,270,000	$706,000
Downtown Trunk								
Gravity Pipeline - Kimble Street and Floto Street	The existing 10-inch diameter pipelines exceed the maximum d/D criteria under PWWF at approximately 90-percent capacity.	$333,000	0.240	0.250	96%	4%	$319,000	$14,000
Gravity Pipeline - J Street	The trunk in J Street exceeds the maximum d/D criteria under PWWF and causes the existing 12-inch pipeline to surcharge.	$869,000	0.411	0.430	96%	4%	$831,000	$38,000
						Total	**$74,914,000**	**$43,628,000**
							mgd	**14.3**
						Buy-in to collection system ($/gpd)		**$3.05**

Table 2-2: Collection Improvements – Expansion
City of Modesto
Sewer Capacity Fee Study

Project	Description/Purpose	Project Cost	Existing ADWF (mgd)	Build-out ADWF (mgd)	Existing User Benefit %	Future User Benefit %	Existing Benefit	Future Benefit
Dale Trunk								
Gravity Pipeline - Undeveloped Area and Chapman Road	This group of improvements is recommended to service future growth within the Kiernan-Carver and Kiernan-Carver North CPD's.	$2,227,000			0%	100%	$0	$2,227,000
Chapman Lift Station - Chapman Road	The proposed lift station is necessary due to the extensive length, minimum slope of the proposed pipelines, and flat topography of the area.	$2,041,000			0%	100%	$0	$2,041,000
Lakewood Trunk								
Gravity Pipeline - Litt Road, Plainview Road, Claus Road, and Merle Ave	This group of improvements will service business, commercial and residential growth to the east within the Village One CPD.	$2,640,000			0%	100%	$0	$2,640,000
Litt Lift Station - Litt Road	The proposed lift station is necessary due to the extensive length, minimum slope of the proposed pipelines, and flat topography of the area.	$1,347,000			0%	100%	$0	$1,347,000
Rumble Trunk								
Gravity Pipeline - McHenry Avenue	This sewer trunk extension will provide service to future development in the Pelandale/McHenry CPD.	$200,000			0%	100%	$0	$200,000
Gravity Pipeline - Clairmount Avenue and Maud Kumpt Terrace	Under PWWF conditions this reach of the Rumble Trunk experiences flow depths in excess of the maximum d/D at approximately 90-percent capacity.	$2,470,000	1.0237	1.2686	81%	19%	$1,993,000	$477,000
North Trunk								
Gravity Pipeline - Bangs Ave, Tully Road and Palendale Ave, American Ave, and Kiernan Ave	Future development within the northern portion of the City will require the construction of several trunk sewers to serve customers.	$11,323,000			0%	100%	$0	$11,323,000
Pelandale Lift Station - Palendale Avenue	The proposed lift station is necessary due to the extensive length, minimum slope of the proposed pipelines, and flat topography of the area.	$180,000			0%	100%	$0	$180,000
Keirnan Lift Station - Kiernan Avenue and Carver Road	The proposed lift station is necessary due to the extensive length, minimum slope of the proposed pipelines, and flat topography of the area.	$354,000			0%	100%	$0	$354,000
Sonoma Trunk								
Gravity Pipeline - Undeveloped Area	This group of improvements is recommended to service future growth within Roselle-Claribel CPD.	$4,022,000			0%	100%	$0	$4,022,000
Wood Sorrel Lift Station - North of Woodsorrel Drive and Sylvan Avenue	The proposed lift station is necessary due to the extensive length, minimum slope of the proposed pipelines, and flat topography of the area.	$76,000			0%	100%	$0	$76,000

Sutter Trunk								
Gravity Pipeline - Jefferson Street	The trunk in Jefferson Avenue exceeds the d/D criteria at approximately 89 percent capacity.	$275,000	0.4018	0.5403	74%	26%	$204,000	$71,000
Ustick Trunk								
Gravity Pipeline - Whitmore Avenue	This group of improvements will service commercial and residential growth to the southwest within the Fairview CPD.	$980,000			0%	100%	$0	$980,000
Force Main - Whitmore Avenue	This group of improvements will service commercial and residential growth to the southwest within the Fairview CPD.	$99,000			0%	100%	$0	$99,000
Whitmore/Carpernter Lift Station - Whitmore Avenue	The proposed lift station is necessary due to the extensive length, minimum slope of the proposed pipelines, and flat topography of the area.	$710,000			0%	100%	$0	$710,000
Gravity Pipeline - Ustick Road	At build-out of Area 10 the PWWF from new growth will cause the Ustick Trunk to surcharge.	$700,000	0.2488	0.5700	44%	56%	$306,000	$394,000
West Trunk								
Gravity Pipeline - Undeveloped Area	These improvements are recommended to service future growth within the Beckwith-Dakota and College West CPDs	$1,333,000			0%	100%	$0	$1,333,000
Force Main - North Avenue	These improvements are recommended to service future growth within the Beckwith-Dakota and College West CPDs	$2,150,000			0%	100%	$0	$2,150,000
Gravity Pipeline - Dakota Avenue	These improvements are recommended to service future growth within the Beckwith-Dakota and College West CPDs	$319,000			0%	100%	$0	$319,000
Gravity Pipeline - Kansas Avenue	This improvement is recommended to service future growth within the Highway 132 CPD.	$1,433,000			0%	100%	$0	$1,433,000
Gravity Pipeline - Carpenter Road and Paradise Road	This improvement is recommended to service infill as the sewer service area extends to include county islands.	$769,000			0%	100%	$0	$769,000
Kansas Lift Station - Kansas Avenue and Altamont Court	The proposed lift station is necessary due to the extensive length, minimum slope of the proposed pipelines, and flat topography of the area.	$2,954,000			0%	100%	$0	$2,954,000
Dakota Lift Station - Dakota Road and Beckwith Court	The proposed lift station is necessary due to the extensive length, minimum slope of the proposed pipelines, and flat topography of the area.	$983,000			0%	100%	$0	$983,000
Woodland Lift Station - Woodland Avenue and Poust Road	It is proposed that the firm capacity be increased to 25.2 mgd from its current capacity of 20.9 mgd to meet future PWWFs.	$1,293,000	5.3586	8.7752	61%	39%	$790,000	$503,000
Gravity Pipeline - Carpenter Road to Sutter Plant	Build-out PWWF causes the lower reach of the West Trunk to exceed the maximum depth criteria at approximately 90 percent capacity.	$4,664,000	9.0840	13.8040	66%	34%	$3,069,000	$1,595,000
Gravity Pipeline - Veneman Avenue	The trunk in Veneman Avenue exceeds the d/D criteria at approximately 90 percent capacity.	$296,000	0.5790	0.6666	87%	13%	$257,000	$39,000
						Total	**$6,619,000**	**$39,219,000**
							mgd	**14.3**
						Expansion charge for collection system ($/gpd)		**$2.74**

2.3 Wastewater Treatment Cost Allocation

Wastewater flow within the City of Modesto's service area is collected and conveyed to the Sutter Wastewater Treatment Plant for primary treatment. The primary treated flow is then transported to the Jennings Wastewater Treatment Plant via an Outfall Pipeline. The Wastewater Master Plan includes improvements to eventually provide primary treatment at the Jennings Plant. Currently, at the Jennings Plant, the flow is conveyed through either the secondary treatment stream or the tertiary treatment stream. The tertiary treatment plant was recently upgraded and will begin operations this year. A buy-in to the tertiary treatment improvements is not included in the sewer capacity fee. Phase 2 of the tertiary improvements was conducted to meet new discharge requirements for the benefit of existing customers. Future recycled water capital improvements are also excluded from the capacity fee calculation. The City intends to finance recycled water projects and fund debt service costs via recycled water sales revenue.

Table 2-3, Table 2-4, and Table 2-5 describe wastewater treatment improvements for the Sutter Wastewater Treatment Plant, Outfall Pipeline, and Jennings Wastewater Treatment Plant that are at least partially allocated to future customers. Projects that solely benefit existing customers are not included in the capacity fee calculation. The Sutter Wastewater Treatment Plant and Outfall Pipeline improvements are allocated to existing and future customers based on build-out flow of the wastewater system. Improvements to the Sutter Wastewater Treatment Plant are needed to improve hydraulic capacity. Eventually, primary treatment facilities will be relocated to the Jennings Wastewater Treatment Plant. The Outfall Pipeline capital projects are needed to improve corroded facilities, eliminate flood risk, provide redundancy, and increase capacity. The Outfall Pipeline facilities will serve both existing and future customers through build-out.

The Jennings Wastewater Treatment Plant improvements consist of primary treatment projects to replace aging infrastructure at the Sutter Plant and secondary treatment improvements. The Jennings Plant improvements are allocated between existing and future customers based on the build-out capacity of the secondary treatment stream. The City is also planning to conduct secondary treatment expansion to allow existing cannery customers to increase their wastewater effluent and "scalp" flow to the secondary treatment plant. The improvements benefitting cannery customers are excluded from the sewer capacity fee calculations shown in this report. It is proposed that cannery customers will pay secondary scalping fees as described in the *Sewer Rate and Fee Study Report, January 2016.*

The final step in the cost allocation process is to assign facility costs to flow, BOD, and TSS. This ensures that each type of new development pays its proportional share of collection and treatment facilities. As shown in the previous subsection, collection treatment capacity is allocated solely to flow. Treatment capacity costs are allocated to flow, BOD, and TSS based on industry standard allocations. For example, most primary treatment projects are allocated 70%/10%/20% to flow, BOD, and TSS, respectively, and most secondary treatment projects are allocated 40%/30%/30% to flow, BOD, and TSS. The final result of these allocations is a capacity unit cost per gallon per day (gpd) of flow and pounds per day (ppd) of BOD and TSS.

Table 2-3: Sutter Plant Improvements - Buy-in to Facility Improvements
City of Modesto
Sewer Capacity Fee Study

Project Description	Total	Existing User Benefit %	Future User Benefit %	Existing User Cost	Future User Cost	Future User Costs Allocation			Total
						Flow	BOD	TSS	
Sutter Plant Improvements									
Allocation	85.0 mgd	70.7 mgd	14.3 mgd			14.3 mgd	42,934 ppd	38,164 ppd	
Headworks, Dryden Box, and Influent Flume Improvement Project									
New West Junction Structure	$300,000	83.2%	16.8%	$250,000	$50,000	100%	0%	0%	100%
Influent Screening	$4,075,000	83.2%	16.8%	$3,389,000	$686,000	70%	10%	20%	100%
Grit Removal	$1,469,000	83.2%	16.8%	$1,222,000	$247,000	70%	10%	20%	100%
Headworks Building Odor Control Improvements	$3,009,000	83.2%	16.8%	$2,503,000	$506,000	70%	10%	20%	100%
Influent Parshall Flumes	$336,000	83.2%	16.8%	$279,000	$57,000	100%	0%	0%	100%
Influent Screw Pump Addition	$2,198,000	0%	100%	$0	$2,198,000	70%	10%	20%	100%
Total	$11,387,000			$7,643,000	$3,744,000	$2,652,900	$363,700	$727,400	
$/unit						**$0.19/gpd**	**$8.47/ppd**	**$19.06/ppd**	

Table 2-4: Outfall Pipelines – Buy-in to Facility Improvements
City of Modesto
Sewer Capacity Fee Study

Project Description	Total	Existing User Benefit %	Future User Benefit %	Existing User Benefit	Future User Benefit	Future User Costs Allocation			Total
						Flow	BOD	TSS	
Outfall Pipelines									
Allocation	85.0 mgd	70.7 mgd	14.3 mgd			14.3 mgd			
Outfall Pump Station									
Outfall Pump Station Replacement	$17,332,000	83.2%	16.8%	$14,416,000	$2,916,000	100%	0%	0%	100%
Tuolumne River Pipe Crossings									
Replacement of Existing Crossings	$5,934,000	83.2%	16.8%	$4,936,000	$998,000	100%	0%	0%	100%
Crossing for Third Outfall	$5,012,000	83.2%	16.8%	$4,169,000	$843,000	100%	0%	0%	100%
Third Outfall Pipeline	$48,543,000	83.2%	16.8%	$40,376,000	$8,167,000	100%	0%	0%	100%
Total	$76,821,000			$63,897,000	$12,924,000	$12,924,000	$0	$0	**$12,924,000**
$/unit						**$0.90/gpd**			

Table 2-5: Jennings Plant Improvements – Buy-in to Facility Improvements
City of Modesto
Sewer Capacity Fee Study

Project Description	Total	Existing User Benefit %	Future User Benefit %	Existing User Cost	Future User Cost	Future User Costs Allocation			Total
						Flow	BOD	TSS	
Jennings Plant Improvements									
Allocation	27.4 mgd	20.4 mgd	7.0 mgd			7.0 mgd	14,595 ppd	6,422 ppd	
Primary Treatment and Solids Handling Facilities									
Primary Treatment Facilities	$15,969,000	74.5%	25.5%	$11,889,000	$4,080,000	70%	10%	20%	100%
Yard Piping and Structures	$13,174,000	74.5%	25.5%	$9,808,000	$3,366,000	70%	10%	20%	100%
Anaerobic Digesters	$40,855,000	74.5%	25.5%	$30,418,000	$10,437,000	70%	10%	20%	100%
Solids Processing Building	$11,756,000	74.5%	25.5%	$8,753,000	$3,003,000	70%	10%	20%	100%
Sludge Cake Drying Beds	$11,776,000	74.5%	25.5%	$8,768,000	$3,008,000	70%	10%	20%	100%
Secondary Treatment									
Fixed Film Reactors and Pump Station Rehabilitation	$9,150,000	74.5%	25.5%	$6,812,000	$2,338,000	40%	30%	30%	100%
Peroxide Feed System	$391,000	74.5%	25.5%	$291,000	$100,000	40%	30%	30%	100%
Aerators in Recirculation Channel	$1,802,000	74.5%	25.5%	$1,342,000	$460,000	40%	30%	30%	100%
Dissolved Air Flotation (DAF) Piping Modifications	$169,000	74.5%	25.5%	$126,000	$43,000	40%	30%	30%	100%
Total	$105,042,000			$78,207,000	$26,835,000	$17,902,000	$3,272,000	$5,661,000	**$26,835,000**
$/unit						**$2.56/gpd**	**$224.19/ppd**	**$881.53/ppd**	

SECTION 3: PROPOSED FEE

3.1 Capacity Unit Costs

The capacity fee unit costs developed in the previous section are totaled in Table 3-1. Table 3-2 compares the current and proposed unit costs. The proposed flow and BOD capacity unit costs are lower than current costs. The proposed TSS unit cost is higher.

Table 3-1: Sewer Capacity Fee Summary
City of Modesto
Sewer Capacity Fee Study

Component	Capital Costs Allocated to Future Users	Flow $/gpd	BOD $/ppd	TSS $/ppd
Collection System	$82,847,000	$5.79	$0.00	$0.00
Sutter Plant Improvements	$3,744,000	$0.19	$8.47	$19.06
Outfall Pipelines	$12,924,000	$0.90	$0.00	$0.00
Jennings Plant Improvements	$26,835,000	$2.56	$224.19	$881.53
Total Capacity Fee	**$126,350,000**	**$9.44**	**$232.66**	**$900.59**

Table 3-2: Capacity Unit Cost Comparison
City of Modesto
Sewer Capacity Fee Study

Category	Current (FY2016)	Proposed
Flow ($/gpd)	$14.85	$9.44
BOD ($/ppd)	$1,371.11	$232.66
TSS ($/ppd)	$364.32	$900.59

3.2 Discussion of Fee Adjustment

The recommended sewer capacity fee reflects an adjustment to the cost allocation of the tertiary treatment facilities. The cost basis for the current capacity fee was established in the report *Sewer Capacity Charges, April 2007* by Brown and Caldwell and the fee has been increased annually by an inflationary factor. The 2007 capacity fee report assumed that the City would conduct phased tertiary capital projects, as follows: Phase 1 - make improvements and expand capacity through 2011, Phase 2 - make improvements and expand capacity through 2016, and Phase 3 - make improvements and expand capacity through the projected build-out year of 2030. Ultimately, the City conducted capital projects to establish the tertiary treatment stream. However, the focus of the Phase 1 and Phase 2 tertiary projects shifted from capacity expansion to regulatory compliance. The Phase 2 projects, as constructed, were needed to maintain current capacity under more stringent discharge requirements. The secondary

treatment improvements will provide capacity for future development. In conclusion, the current capacity fee included tertiary treatment expansion projects that were ultimately revised. Secondary treatment expansion is preferred by the City as it is lower cost.

3.3 Residential Capacity Fee Impacts

The current and proposed residential sewer capacity fees are presented in Table 3-3. The proposed residential capacity fees reflect updated unit costs of capacity and updated flow and loading assumptions. Single family residential flow and loading characteristics were determined by Carollo Engineers as part of the Wastewater Master Plan. BWA estimated the flow of multi-family and apartment dwelling units.

Table 3-3: Residential Sewer Capacity Fees
City of Modesto
Sewer Capacity Fee Study

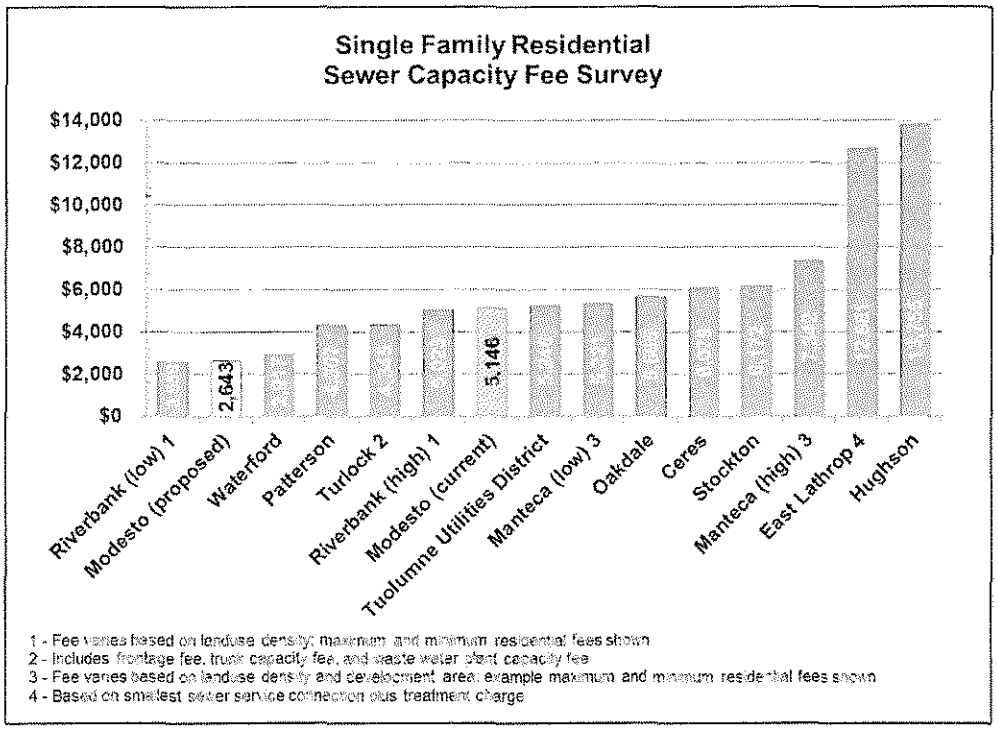
Single Family Dwelling Unit or Mobile Home on Lot	**Flow**	**BOD**	**TSS**	**Total**
	gpd	270 mg/l	310 mg/l	
Flow and Loads	215	0.484137	0.555861	
Unit Cost	$9.44	$232.66	$900.59	
Proposed Capacity Fee	$2,030	$113	$501	$2,643
			Current fee	$5,146

Multi-family Dwelling Unit	**Flow**	**BOD**	**TSS**	**Total**
		270 mg/l	310 mg/l	
Flow and Loads	175	0.394065	0.452445	
Unit Cost	$9.44	$232.66	$900.59	
Proposed Capacity Fee	$1,652	$92	$407	$2,151
			Current fee	$4,419

Apartment Dwelling Unit or Mobile Home in Mobile Home Park	**Flow**	**BOD**	**TSS**	**Total**
		270 mg/l	310 mg/l	
Flow and Loads	150	0.33777	0.38781	
Unit Cost	$9.44	$232.66	$900.59	
Proposed Capacity Fee	$1,416	$79	$349	$1,844
			Current fee	$3,354

As calculated above, the single family residential sewer capacity fee is proposed to decrease from $5,146 to $2,643. The fee change reflects both the adjustment to residential flow and loading characteristics and the change to the unit costs of capacity. The current residential capacity fee is in the mid-range of fees charged by other local wastewater agencies, and the proposed fee is on the lower-end of the surveyed fees.

Figure 2: Single Family Residential Sewer Capacity Fee Survey



3.4 Non-residential Capacity Fee Impacts

The sewer capacity fees for non-residential customers depend on the flow and loading characteristics for each type of new development. Blackwater Consulting Engineers, Inc. (Blackwater) conducted a review of the underlying flow and loading assumptions used by the City of Modesto in the report: *Non-residential Wastewater Capacity Charge Methodology, March 2014*. The non-residential sewer capacity fees recommended by BWA reflect Blackwater's flow and loading recommendations. Table 3-4 provides the current and proposed non-residential capacity fees and flow and loading assumptions. Commercial customers will receive decreases to the sewer capacity fees ranging from 36% to 68%. Going forward, BWA recommends the City monitor and enforce regulations requiring all new restaurants to install grease interceptors. The installation of grease interceptors will reduce the fats, oils, and grease entering the wastewater system and will result in lower capacity fees for restaurants.

Table 3-4: Schedule of Non-residential Sewer Capacity Fees
City of Modesto
Sewer Capacity Fee Study

User Classification	Current Fee		Wastewater Flow		BOD (mg/l)	TSS (mg/l)	Proposed Fee	% Change
Office Building								
General Office	**$1.77**	per sf	0.1	gpd/sf	200	200	**$1.13**	-36%
Medical/Dental Office	**$3.90**	per sf	0.22	gpd/sf	200	200	**$2.49**	-36%
Medical Clinic	**$6.57**	per sf	0.37	gpd/sf	200	200	**$4.19**	-36%
Dental Clinic	**$3.19**	per sf	0.18	gpd/sf	200	200	**$2.04**	-36%
Institutional								
Auditorium	**$2.13**	per seat	0.12	gpd/seat	200	200	**$1.36**	-36%
Assembly Hall - Food Prepared Off-Site	**$3.37**	per sf	0.19	gpd/sf	200	200	**$2.15**	-36%
Assembly Hall - Food Prepared On-Site	**$5.34**	per sf	0.19	gpd/sf	1000	600	**$3.02**	-43%
Church	**$28.75**	per seat	1.62	gpd/seat	130	130	**$17.28**	-40%
Hospital	**$4,436.12**	per bed	250	gpd/bed	200	200	**$2,832.57**	-36%
Institutional Residential Care Facility - 7 Beds or More	**$1,774.45**	per bed	100	gpd/bed	200	200	**$1,133.03**	-36%
Country Club - Non-Resident Member	**$709.78**	per capita	20	gpd/capita	200	200	**$226.61**	-68%
County Club - Resident Member	**$1,774.45**	per capita	100	gpd/capita	200	200	**$1,133.03**	-36%
Picnic Park	**$177.44**	per capita	10	gpd/capita	200	200	**$113.30**	-36%
Pool	**$177.44**	per capita	10	gpd/capita	200	200	**$113.30**	-36%
Tennis Courts, Outdoor with Toilets and Showers	**$1,951.89**	per capita	110	gpd/capita	200	200	**$1,246.33**	-36%
Tennis Courts, Indoor with Toilets and Showers	**$5,145.90**	per capita	290	gpd/capita	200	200	**$3,285.78**	-36%
School								
K-8	**$88.72**	per capita	5	gpd/capita	130	130	**$53.34**	-40%
High School/College	**$177.44**	per capita	10	gpd/capita	130	130	**$106.69**	-40%
Warehouse/Distribution	**$0.53**	per sf	0.03	gpd/sf	200	200	**$0.34**	-36%
Retail/Commercial								
General Retail/Commercial	**$0.89**	per sf	0.04	gpd/sf	200	200	**$0.45**	-49%
Auto Body Shop/Auto Dealers	**$1.95**	per sf	0.11	gpd/sf	200	200	**$1.25**	-36%
Bakeries	**$10.96**	per sf	0.39	gpd/sf	1000	600	**$6.20**	-43%
Beauty Shop/Day Spa (with wash sinks)	**$4.79**	per sf	0.27	gpd/sf	200	200	**$3.06**	-36%
Bars without Dining	**$6.21**	per sf	0.35	gpd/sf	200	200	**$3.97**	-36%
Bowling Alley (including dining)	**$5.41**	per sf	0.23	gpd/sf	600	600	**$3.48**	-36%
Cafeteria	**$8.71**	per sf	0.31	gpd/sf	1000	600	**$4.92**	-43%
Car Wash	**$17.21**	per sf	0.97	gpd/sf	200	200	**$10.99**	-36%
Coffee House – No Food Prep	**$7.10**	per sf	0.4	gpd/sf	200	200	**$4.53**	-36%
Dry Cleaner	**$0.89**	per sf	0.05	gpd/sf	200	200	**$0.57**	-36%
Dry Goods	**$0.89**	per sf	0.05	gpd/sf	200	200	**$0.57**	-36%
Delicatessen, Sandwich Shop, Take-N-Bake Pizza	**$11.61**	per sf	0.35	gpd/sf	300	300	**$4.30**	-63%
Donut Shop	**$13.94**	per sf	0.6	gpd/sf	600	500	**$8.62**	-38%
Gyms, Health Clubs	**$4.97**	per sf	0.28	gpd/sf	200	200	**$3.17**	-36%
Health Clubs – No Showers, Pool or Spa	**$3.73**	per sf	0.21	gpd/sf	200	200	**$2.38**	-36%

User Classification	Current Fee		Wastewater Flow		BOD (mg/l)	TSS (mg/l)	Proposed Fee	% Change
Hotels, Motels – Excluding bars and restaurants	**$2,306.78**	per room	130	gpd/room	200	200	$1,472.93	-36%
Laundry - Industrial	**$2,457.69**	per sf	100	gpd/sf	450	240	$1,211.58	-51%
Laundries – Coin Operated	**$2,306.78**	per machine	130	gpd/machine	150	110	$1,372.44	-41%
Laundries, Full Service Dry Cleaner	**$11.40**	per sf	0.55	gpd/sf	150	110	$5.81	-49%
Market – Grocery	**$2.48**	per sf	0.14	gpd/sf	200	200	$1.59	-36%
Mortuaries	**$2.38**				800	800		
Plant Nursery	**$1.42**	per sf	0.09	gpd/sf	800	800	$1.53	-36%
Printers	**$2.48**	per sf	0.08	gpd/sf	200	200	$0.91	-36%
Restaurant – Fast Food and Small Non-Franchise	**$16.86**	per sf	0.14	gpd/sf	200	200	Eliminated	
Restaurant – Fast Food and Small Non-Franchise with Grease Interceptor	**$12.09**	per sf	0.4	gpd/sf	1000	600	$4.81	-60%
Restaurant – Full Service Franchise	**$29.23**	per sf	0.4	gpd/sf	400	240	Eliminated	
Restaurant - Full Service Franchise with Grease Interceptor	**$20.96**	per sf	0.9	gpd/sf	1000	600	$10.82	-48%
Recreational Vehicle Park	**$2,129.34**	per sf	0.9	gpd/sf	400	240	$1,359.63	-36%
Theaters	**$26.79**	per RV Space	120	gpd/RV	200	200	$17.11	-36%
Veterinary Hospital	**$4.08**	per seat	1.51	gpd/seat	200	200	$2.61	-36%
Shopping Center – Up to 25% Dining	**$6.51**	per sf	0.23	gpd/sf	200	200	$3.99	-39%
Shopping Center – Up to 50% Dining	**$12.84**	per sf	0.32	gpd/sf	400	300	$7.62	-41%
Shopping Center – Up to 75% Dining	**$20.41**	per sf	0.56	gpd/sf	600	400	$11.80	-42%

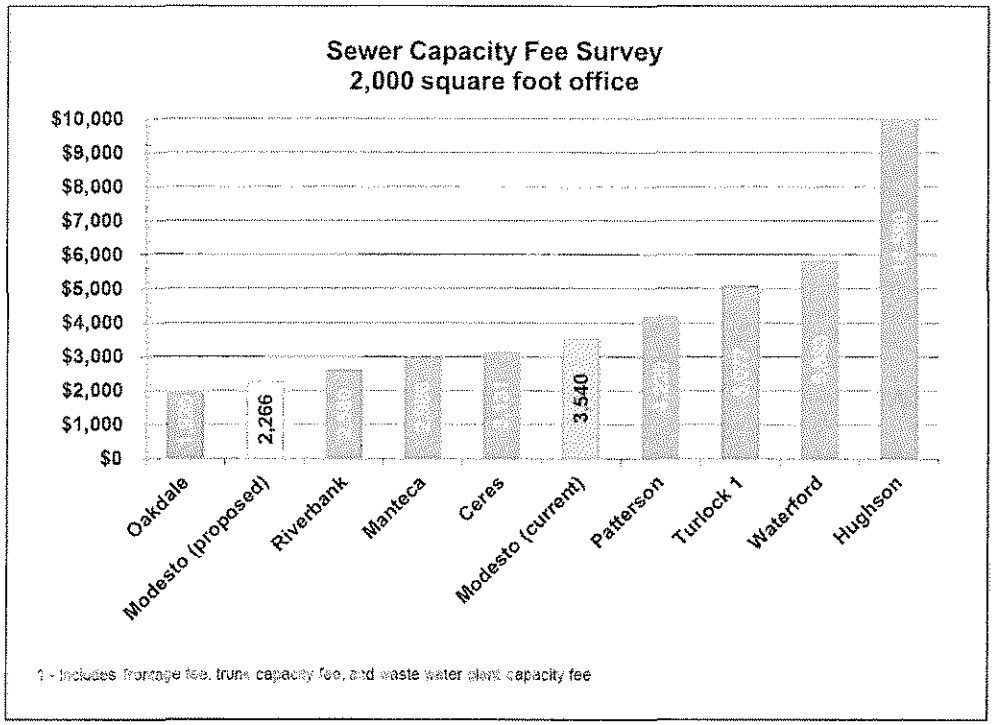
Shaded area indicates flow or loading assumption adjusted by Blackwater Consulting Engineers, Inc.

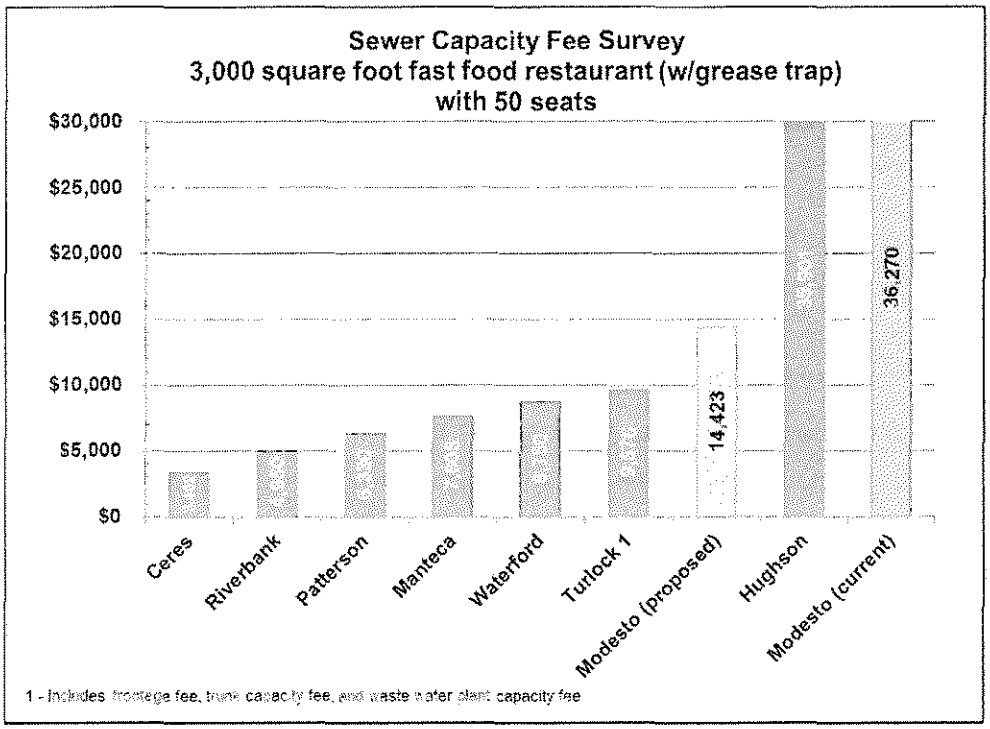
BWA calculated the capacity fees for an example office, restaurant, and warehouse, see Table 3-5. Non-residential capacity fee survey results are provided in Figure 3. For the example office, the current fee is in the mid-range of surveyed fees. The recommended office fee would be in the lower range of surveyed fees. The City of Modesto's current restaurant fee is one of the highest in the Central Valley. The proposed adjustment to the restaurant fee will decrease the fee significantly and bring the fee closer to the fee charged by the City of Turlock. The City of Modesto's current fee for the example warehouse is the lowest of the surveyed fees and will remain the lowest following the recommended fee adjustment.

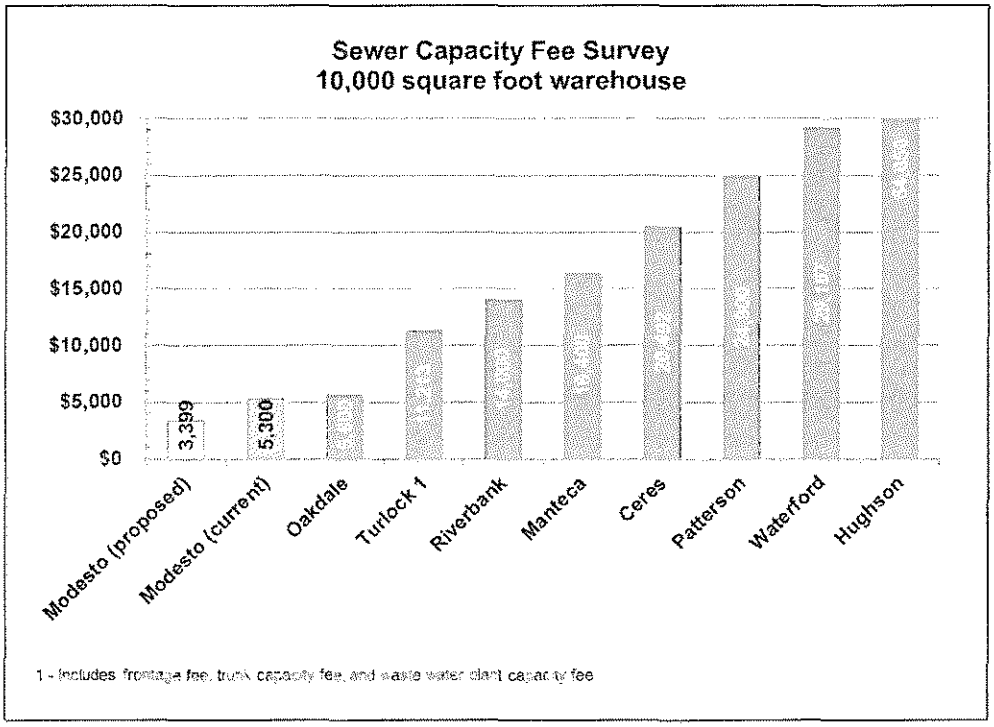
Table 3-5: Example Non-residential Capacity Fees
City of Modesto
Sewer Capacity Fee Study

	2,000 sq ft office building		3,000 sq ft fast food restaurant (grease trap), 50 seats		10,000 sq ft industrial warehouse	
Current: $/sq ft & total fee	$1.77	$3,540	$12.09	$36,270	$0.53	$5,300
Proposed: $/sq ft & total fee	$1.13	$2,266	$4.81	$14,423	$0.34	$3,399

Figure 3: Non-residential Sewer Capacity Fee Survey




Sewer Capacity Fee Survey
3,000 square foot fast food restaurant (w/grease trap)
with 50 seats
$30,000
$25,000
$20,000
$15,000
$10,000
$5,000
$0
14,423
36,270
Ceres
Riverbank
Patterson
Manteca
Waterford
Turlock 1
Modesto (proposed)
Hughson
Modesto (current)
1 - Includes frontage fee, trunk capacity fee, and waste water plant capacity fee


Sewer Capacity Fee Survey
10,000 square foot warehouse
$30,000
$25,000
$20,000
$15,000
$10,000
$5,000
$0
3,399
5,300
Modesto (proposed)
Modesto (current)
Oakdale
Turlock 1
Riverbank
Manteca
Ceres
Patterson
Waterford
Hughson
1 - Includes frontage fee, trunk capacity fee, and waste water plant capacity fee

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MODESTO CITY COUNCIL
RESOLUTION NO. 2016-183

RESOLUTION APPROVING AN APPLICATION FOR A SPECIAL EVENT PERMIT FOR XCLAMATION FESTIVAL 2016, AND CLOSING DOWNTOWN STREETS BETWEEN 9TH AND 12TH STREETS ON J STREET AND I STREET AND BETWEEN 9TH AND 11TH STREETS ON H STREET ON AUGUST 20, 2016 TO EARLY MORNING ON AUGUST 21, 2016

WHEREAS, Modesto Municipal Code Title 4, Chapter 1, Article 4 governs entertainment permits, and provides that the Entertainment Commission has the power and duty to accept, review, gather information regarding, and conduct hearings upon applications for special events permits, and

WHEREAS, the City Council is sitting as the Entertainment Commission due to conflict of interest between the Xclamation Festival 2016 (X-Fest) promoter, Chris Ricci Presents, Inc. and members of the Entertainment Commission, and

WHEREAS, X-Fest is an annual musical event that has been held in downtown Modesto since 2000 and provides musical venues, vendor booths, food and refreshments, and

WHEREAS, Chris Ricci Presents, Inc. submitted a Special Event Entertainment Permit Application on January 15, 2016 for a special event permit for X-Fest on April 5, 2016, which seeks the closure of downtown streets between 9th and 12th streets on J and I streets and between 9th and 11th Streets on H Street on August 20, 2016 to early morning on August 21, 2016, and

WHEREAS, Staff sent deficiency letters dated February 4, 2016 and March 22, 2016, and

WHEREAS, Staff deemed the Application complete on April 4, 2016 and the Notice required by Section 4-1.413(b) of the Modesto Municipal Code was posted on April 7, 2016.

WHEREAS, the City Council held public discussion on the application for a special event permit for X-Fest on April 5, 2016, at which time Staff, Chris Ricci, and the public had the opportunity to speak, and

WHEREAS, City Council conducted a public hearing in compliance with Modesto Municipal Code section 4-1.413 (c) on April 26, 2016, and

WHEREAS, testimony was heard and evidence was introduced with regard to public safety needs and concerns, insurance requirements, public support for X-Fest, economic impact of the event, and prior agreements regarding the event, and

WHEREAS, Section 4-1.413(f) of the Municipal Code provides that the Commission may impose conditions to the permit.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto does hereby make the following findings:

A. Finding: The proposed location of X-Fest complies with all of the health, zoning, fire and life safety requirements or standards of all laws of the State of California and the City of Modesto that are applicable to this event.

B. Finding: The proposed location of X-Fest can adequately accommodate the type and volume of vehicle and pedestrian traffic anticipated.

C. Finding: The proposed location of X-Fest has adequate safeguards to prevent emissions of noise, glare, dust or odor that might substantially interfere with the public health, safety, and welfare or the peaceful enjoyment of neighboring property.

D. Chris Ricci and Chris Ricci Presents, Inc., has not within the past five (5) years, been convicted of a felony or other crime of moral turpitude that is substantially related to the qualifications, functions or duties of a proprietor of the business that will conduct X-Fest.

E. Chris Ricci and Chris Ricci Presents, Inc., does not have a history of committing, permitting or failing to prevent violations of the Modesto Municipal Code, State law or any license or permit in connection with X-Fest.

F. Chris Ricci and Chris Ricci Presents, Inc., has not provided any false or misleading information in the application.

BE IT FURTHER RESOLVED by the Council of the City of Modesto, based on all the evidence in the record including, without limitation, evidence and testimony presented at the April 26, 2016, meeting that it approves the granting of a permit for X-Fest to *Chris Ricci Presents, Inc.*, with the following conditions to be satisfied thirty (30) days prior to the event unless otherwise noted:

1. Special Itinerant and Food Vendor Applications.
2. City of Modesto Business License for Chris Ricci Presents, Inc.
3. City of Modesto Business License and Certificate of Insurance evidencing general liability and workers' compensation insurance coverage for the event's security service, Total Protection Group.
4. Certificates of Insurance with insurance companies licensed in the State of California evidencing maintenance of the following stated insurance policies:

a. Workers Compensation – in compliance with the statutes of the State of California, plus employer's liability with a minimum limit of liability of $1,000,000.

b. General Liability insurance with a minimum limit of liability per occurrence of $5,000,000 including bodily injury and property damage, products and completed operations, personal and advertising injury coverage. If Commercial General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.

c. Liquor Liability coverage with minimum $1 million combined single limit coverage per occurrence.

d. Automobile Liability insurance covering all owned, non-owned and hired vehicles of applicant with a combined single limit of no less than one million dollars per occurrence. If vehicles are not owned or leased (long term) by the applicant, then only hired and non-owned coverage applies.

5. Modesto Daily and California Daily Alcoholic Beverage Control Applications from alcohol vendor.

6. Provide names and guard card permit numbers of all security guards provided by event's security company.

7. Require security personnel to remain on site at the event for at least two (2) hours after the conclusion of the event.

8. A signed license agreement, which provides, *inter alia,* that the applicant shall pay to the City a $5,000 administrative fee and that applicant shall reimburse the City for all of its expenses related to this event to include labor and materials for any damage to public or private property that occurs arising out of the event. Said License Agreement shall also

require other conditions for the event such as litter removal, acceptable noise levels, and barricades.

9. A Security Plan that is acceptable to the Police Chief no later than May 30, 2016.
10. A signed Outside Service Agreement with Modesto Police Department and the Fire Department.

Failure to meet the required conditions by the dates required, time being of the essence, shall result in an immediate termination of this Special Event Permit.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of April, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Kenoyer, Madrigal, Ridenour
NOES:	Councilmembers:	Grewal, Zoslocki, Mayor Brandvold
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

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MODESTO CITY COUNCIL
RESOLUTION NO. 2016-184

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO APPROVING AS TO FORM AND AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS IN CONNECTION WITH THE INCURRENCE OF AN OBLIGATION PURSUANT TO AN INSTALLMENT SALE AGREEMENT AND GRANT AND AUTHORIZING CERTAIN OTHER MATTERS RELATING THERETO

RECITALS:

WHEREAS, the City of Modesto is a charter city and a municipal corporation organized and existing under the laws of the State of California (the "City"); and

WHEREAS, pursuant to Section 200 of the Charter of the City of Modesto and the City of Modesto Wastewater Treatment Facilities Revenue Bond Law, constituting Chapter 6 of Title VIII of the Modesto Municipal Code (the "Bond Law"), the City is authorized to issue revenue bonds to finance the acquisition, construction, improvement, furnishing, equipping, remodeling, repair, reconstruction or rehabilitation of the wastewater treatment facilities of the City (the "Enterprise") or for the purpose of refunding bonds issued for such purposes; and

WHEREAS, the City has entered into a Wastewater Revenue Bond Indenture, dated as of April 1, 2005 (the "Master Indenture"), between the City and The Bank of New York Mellon Trust Company, N.A., as successor trustee (the "Trustee") to U.S. Bank National Association, providing for the issuance of wastewater revenue bonds thereunder and for the pledge of and first claim on the Net Revenues of the Wastewater System (as defined in the Master Indenture), which are held by the City in the Sewer Enterprise Fund established under the Master Indenture, to the payment of bonds and parity obligations issued thereunder; and

WHEREAS, in accordance with the Bond Law and the Master Indenture, as supplemented by a First Supplemental Indenture, dated as of April 1, 2005 (the "First Supplemental Indenture"), a Second Supplemental Indenture, dated as of April 1, 2005 (the "Second Supplemental Indenture"), and a Third Supplemental Indenture, dated as of December 1, 2006 (the "Third Supplemental Indenture," and together with the Master Indenture, the First Supplemental Indenture and the Second Supplemental Indenture, the "Indenture"), each by and between the City and the Trustee, the City has previously issued its City of Modesto, California Wastewater Revenue Refunding Bonds, Series 2005A (the "Series 2005A Bonds"), its City of Modesto, California Wastewater Revenue Refunding Bonds, Series 2005B ("Series 2005B Bonds") and its City of Modesto, California Wastewater Revenue Refunding Bonds, Series 2006A (the "Series 2006 Bonds," and together with the Series 2005A Bonds and the Series 2005B Bonds, the "Prior Bonds"); and

WHEREAS, the Indenture provides that the City may issue any indebtedness, installment sale obligation, lease obligation or other obligation of the City for borrowed money having an equal lien and charge upon the Net Revenues, therefore payable on a parity with the Prior Bonds (whether or not any Bonds are Outstanding under the Indenture) ("Parity Debt"), from time to time in accordance with the terms of the Indenture; and

WHEREAS, the City previously incurred an obligation (the "2011 SWRCB Obligation"), pursuant to a Project Finance Agreement, dated as of August 26, 2011, as amended on October 4, 2011 and May 11, 2012, by and between the State Water Resources Control Board, an administrative and regulatory agency of the State of

California (the "SWRCB"), and the City, which 2011 SWRCB Obligation constitutes Parity Debt pursuant to Section 3.05(c) of the Indenture; and

WHEREAS, the City previously issued a bond (the "Series 2015 Bond"), pursuant to a Bond Purchase Agreement, dated as of October 30, 2015, among the City, Capital One Public Funding, LLC, and The Bank of New York Mellon Trust Company, N.A., as paying agent, which Series 2015 Bond constitutes Parity Debt pursuant to Section 3.05(c) of the Indenture, and which refunded all of the Series 2005A Bonds and the November 1, 2023 and 2024 maturities of the Series 2006 Bonds; and

WHEREAS, the City desires to incur an obligation (the "2016 SWRCB Obligation"), which 2016 SWRCB Obligation shall constitute Parity Debt pursuant to Section 3.05(c) of the Indenture; and

WHEREAS, the City previously adopted its Resolution No. 2015-420, pursuant to which Resolution No. 2015-420 the City dedicated and pledged sewer charges to be used for payment of the 2016 SWRCB Obligation; and

WHEREAS, the City desires this Resolution (this "Resolution") to supersede and replace Resolution No. 2015-420 to the extent Resolution No. 2015-420 is inconsistent with this Resolution; and

WHEREAS, The Bank of New York Mellon Trust Company, N.A. serves as Trustee and has agreed to serve as paying agent, bond registrar and authentication agent (the "Paying Agent") for the 2016 SWRCB Obligation; and

WHEREAS, in connection with the issuance of the 2016 SWRCB Obligation, the City and the SWRCB propose to enter into an Installment Sale Agreement and Grant (the

"Installment Sale Agreement"), by and between the SWRCB and the City, pursuant to which the 2016 SWRCB Obligation will be incurred by the City; and

WHEREAS, the SWRCB requires, pursuant to the Installment Sale Agreement, that (i) the City maintain and fund a separate account (the "Reserve Account") in an amount (the "Reserve Amount") equal to one (1) year of debt service with respect to the 2016 SWRCB Obligation, and that such amount consists solely of revenues of the City and does not include any proceeds of any obligations the interest on which is excluded from gross income for federal income tax purposes or investment earnings thereon and (ii) the City adopt a resolution specifying the exact name of the revenue stream securing the 2016 SWRCB Obligation and the designated fund containing such revenues; and

WHEREAS, the form of the Installment Sale Agreement is on file with the City Clerk; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MODESTO DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. Recitals. The above recitals are true and correct.

Section 2. Pledge of Net Revenues and Designation of Sewer Enterprise Fund. The City hereby dedicates and pledges the Net Revenues (as defined in the Indenture) contained in the Sewer Enterprise Fund, on a parity with any Bonds or Parity Debt issued pursuant to the Indenture, to payment of any and all Clean Water State Revolving Fund and/or Water Recycling Funding Program financing for Clean Water State Revolving Fund Water Recycling Project No. C-06-8062-110. The City commits to collecting such Net Revenues and maintaining such Sewer Enterprise Fund throughout the term of such financing and until the City has satisfied its repayment obligation

thereunder unless modification or change is approved in writing by the SWRCB. So long as the 2016 SWRCB Obligation and the Installment Sale Agreement are outstanding, the City's pledge hereunder shall constitute a lien in favor of the SWRCB on the Sewer Enterprise Fund and the Net Revenues on a parity with any Bonds or Parity Debt, without any further action necessary. So long as the 2016 SWRCB Obligation and the Installment Sale Agreement are outstanding, the City commits to maintaining the Sewer Enterprise Fund and the Net Revenues at levels sufficient to meet its obligations under the Installment Sale Agreement.

Section 3. Installment Sale Agreement. The Installment Sale Agreement, in the form presented at this meeting and on file with the City Clerk, is approved. The Mayor (or in his or her absence, the Mayor Pro Tem), the City Manager or the Finance Director of the City (each, an "Authorized Officer"), acting singly, is authorized and directed, for and in the name and on behalf of the City, to execute and deliver the Installment Sale Agreement, with such additions or changes therein, whether material or otherwise, as such Authorized Officer may approve (such approval to be conclusively evidenced by such Authorized Officer's execution and delivery thereof).

Section 4. Establishment and Funding of the Reserve Account. The City authorizes the establishment of the Reserve Account and the funding of the Reserve Amount from Net Revenues, in accordance with the terms of the Installment Sale Agreement, and directs the Finance Director to take such action as necessary to complete such establishment and funding. The Reserve Amount shall consist solely of Net Revenues and shall not include any proceeds of any obligations the interest on which is

excluded from gross income for federal income tax purposes or investment earnings thereon.

Section 5. Resolution No. 2015-420. This Resolution shall supersede and replace Resolution No. 2015-420 to the extent Resolution No. 2015-420 is inconsistent with this Resolution.

Section 6. Other Acts. The Authorized Officers and all other officers of the City are authorized and directed, jointly and severally, to do any and all things, to execute and deliver any and all documents that they may deem necessary or advisable in order to consummate the sale, issuance and delivery of the 2016 SWRCB Obligation, or otherwise to effectuate the purposes of this Resolution, the Installment Sale Agreement, and any such actions previously taken by such officers are hereby ratified and confirmed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of May, 2016, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote.

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-185

RESOLUTION APPROVING A MASTER LICENSE AGREEMENT (MLA) TOGETHER WITH ITS FEE SCHEDULE FOR THE LINKMODESTO PROJECT PHASE ONE (1), TO BE USED BY THE INFORMATION TECHNOLOGY AND PUBLIC WORKS DEPARTMENTS FOR DEPLOYMENT OF FUTURE SMALL CELL AND WI-FI TECHNOLOGY ON THE CITY'S STREET LIGHT POLES. (FUNDING SOURCE: GENERAL FUND)

WHEREAS, LinkModesto is a City wide project designed to make high-speed internet access available throughout the City, and

WHEREAS, the City can lease space upon its vertical elements such as street light poles and Signals and buildings to cell carriers for placement of wireless Small Cell and Wi-Fi transceivers that are now small enough to be unobtrusive, and

WHEREAS, In LinkModesto Phase One, the City expects to receive lease payments (revenue) from cell service providers for placement of Small Cell devices on its street light poles and buildings, and

WHEREAS, to provide a daily measured amount of free Wi-Fi access to the public, the City will work with Wi-Fi providers to place, at no expense to the City, Wi-Fi transceivers on vertical elements such as Street Light Poles (SLP) in targeted areas of the City as well as on select City buildings, and

WHEREAS, to provide for guidelines and expectations for installation of transceivers, City has developed a Master License Agreement, **attached** hereto, for authorizing providers to install devices,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

RESCINDED
NOV 22 2016
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2016-465

SECTION I. MASTER LICENSE AGREEMENT. The City Council hereby approves the Master License Agreement (MLA), **attached** hereto as **Exhibit** A, for the LinkModesto project Phase One (1), to be used by the Information Technology and Public Works Departments for deployment of future Small Cell and Wi-Fi technology on the City's Street Light Poles.

SECTION II. ANNUAL FEE SCHEDULE. The City Council hereby approves the Annual Fee Schedule attached to the MLA.

SECTION III. EFFECTIVE DATE. This resolution shall become effective on and after May 3, 2016.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of May, 2016, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MASTER LICENSE AGREEMENT FOR THE INSTALLATION OF WIRELESS TELECOMMUNICATIONS FACILITIES BETWEEN THE CITY OF MODESTO AND [ ]

This Master License Agreement (the "Agreement") made this day of _____, 20__, by and between the City of Modesto, California, a municipal corporation (the "**CITY**"), and _____, a _____ (the "**LICENSEE**"). The City and Licensee are at times collectively referred to hereinafter as the "Parties" or individually as a "Party."

RECITALS

WHEREAS, the City owns and controls certain buildings, streetlight poles and/or other improvements and/or facilities (hereinafter "City Assets" or "City Property"), and

WHEREAS, Licensee is duly authorized under federal and state law to provide wireless communications services in Modesto, California, and

WHEREAS, Licensee desires to install, maintain and operate wireless communications facilities known as small cells or distributed antenna systems (hereinafter "Facilities") in and/or upon certain City Assets, some of which may be located in the public rights-of-way; and

WHEREAS, the Parties desire to enter into this Agreement to define the general terms and conditions would govern their relationship with installation, maintenance, and operation of Licensee's Facilities on City assets as hereinafter set forth; and

WHEREAS, City and Licensee acknowledge that they will enter into a supplemental license ("Supplement"), a copy of which is attached hereto as Exhibit A, with respect to each particular location or site which Licensee will install said Facilities.

NOW THEREFORE, in consideration of the mutual covenants contained herein, the Parties hereto agree as follows:

1. **LICENSE**. City hereby grants a non-exclusive, revocable license to install, attach, replace, operate, and maintain Licensee Facilities on certain City assets, described in the applicable Supplement. Such use is subject to all of the terms and conditions of this Agreement, including but not limited to Paragraph 3 below, and the applicable Supplement.

2. **TERM**. This Agreement shall be for a term of ten (10) years commencing upon the execution hereof by both Parties. Each Supplement shall be effective as of the date of execution by both Parties (the "Effective Date"), provided, however, the initial term of each Supplement shall be for ten (10) years and shall commence on the first day of the month following the day that Licensee commences installation of the equipment on the Property (the "**Commencement Date**").

   2.1 **Extensions.** Each Supplement shall automatically be extended for three (3) additional five (5) year terms unless Licensee terminates it at the end of the then current term by giving City written notice of the intent to terminate at least three (3) months prior to the end of the unexpired term. The initial term and all extensions under a Supplement shall be collectively referred to herein as the "Term". Notwithstanding anything herein, after the expiration of this Agreement, its terms and conditions shall survive and govern with respect to any remaining Supplements in effect until their expiration or termination.

   2.2 **Annual termination**. Notwithstanding anything to the contrary contained herein, provided Licensee is not in default hereunder beyond applicable notice and cure periods, Licensee shall have the right

to terminate each Supplement upon the annual anniversary of the Commencement Date provided that three (3) months prior written notice is given to City.

3. **USE**. Licensee shall use the Property identified in Supplement(s) for the purpose of installing, attaching, maintaining, repairing and operating their Facilities and uses incidental thereto. Licensee's facilities shall be installed, attached, maintained and operated in a workmanlike manner and accordance with all applicable local, state and federal laws, regulations, and specifications, including but not limited, the City's Specifications and Standards, all applicable orders, rules, and/or regulations issued by the California Public Utilities Commission (CPUC) and Federal Communications Commission (FCC); and the National Electric Code. Licensee shall confine activities on Property to strictly those necessary for the exercise of the privilege and activities hereby licensed and shall collaborate and cooperate with City so as not to interfere with the transaction of City business and the convenience of the public, or jeopardize the safety of persons or property. Licensee shall promptly comply with such further conditions and requirements as City may hereafter prescribe.

3.1 **Governmental Approvals.** It is understood and agreed that Licensee's ability to use the Property is contingent upon its obtaining after the execution date of each Supplement all of the certificates, permits and other approvals (collectively the "Governmental Approvals") that may be required by any Federal, State or Local authorities as well as a satisfactory building or utility pole structural analysis which will permit Licensee use of the Property as set forth above. City shall cooperate with Licensee in its effort to obtain such approvals. In the event that (i) any of such applications for such Governmental Approvals should be finally rejected; (ii) any Governmental Approval issued to Licensee is canceled, expires, lapses, or is otherwise withdrawn or terminated by governmental authority; and (iii) Licensee determines that such Governmental Approvals may not be obtained in a timely manner, Licensee shall have the right to terminate the applicable Supplement. Notice of Licensee's exercise of its right to terminate shall be given to City in accordance with the notice provisions set forth in Paragraph 15 and shall be effective upon the mailing of such notice by Licensee, or upon such later date as designated by Licensee. All fees paid to said termination date shall be retained by City. Upon such termination, the applicable Supplement shall be of no further force or effect except to the extent of the representations, warranties and indemnities made by each Party to the other thereunder. Otherwise, the Licensee shall have no further obligations for the payment of fees to City for the terminated Supplement.

3.2 **Utilities.** Licensee, at Licensee's expense, shall have the right to install utilities and to improve any existing utilities on the Property (including, without limitation, the installation of emergency power generators) upon approval from the City's Traffic Engineer. Licensee shall be solely responsible for the safe and proper use and operation of any such utilities. Prior to the execution of a Supplement, Licensee shall provide written proof of access to utilities from the applicable Utility Company (e.g., Modesto Irrigation District, Turlock Irrigation District).

3.3 **Permits.** Licensee shall apply to the City's Community and Economic Development Department for an encroachment permit for all work to be done within the City's right-of-way during the installation of Licensee's Facilities and pay the applicable permit fee. The requirements and application for which are contained in Exhibit C. The City's approval of any drawings, cable storage requirements schedule, or the issuing of any required permits, shall not in any way impart liability to the City, increase the liability of the City, nor relieve the Licensee of any duties, liabilities, responsibilities, or obligations.

Licensee shall perform all work on Licensee's communications equipment within the public rights-of-way and park vehicles in the streets and other public rights-of-way when necessary for the installation, replacement, abandonment, operation or maintenance of Licensee's Facilities in accordance with the encroachment permit obtained by Licensee. Following completion of work in

the public rights-of-way, Licensee shall repair any affected public rights-of-way as soon as possible, but no later than the time frame established by the encroachment permit issued by the City. No street, alley, highway or public place shall be encumbered for a longer period than shall be necessary to execute the work authorized by the encroachment permit.

3.4 **Supplements.** The installation of wireless telecommunications facilities on any City Asset and execution of a Supplement shall be subject to the following review and approval process:

a. City Manager, or his designee, shall initially review requests for to execute a Supplement and accompanying site plan to install Licensee's Facilities on a particular City asset.

b. The Planning Department shall review and approve site plan for proposed Supplement for conformance for with the applicable zoning regulations under Modesto Municipal Code section 10-3.401, et seq., design, and California Environmental Quality Act (CEQA).

c. The Traffic Engineering Division of the Public Works Department shall review and approve site plan, including building or utility pole structural analysis, and issue the necessary permits (e.g. encroachment permit). Licensee shall submit the documentation satisfactory to the City's Engineer, or his/her designee, according to Exhibit C.

d. The City shall process the request for the first Supplement in an expedited and reasonable fashion consistent with the City's permit processing timeline and reviewed and approved by the Departments listed above. Subsequent Supplements that are consistent and substantially similar to the first Supplement shall be subject to expedited review and approval by the Public Works Department and the IT Department.

3.5 **Emergency Repairs.** Licensee shall provide City and maintain a current contact name and phone number to which any emergency repairs or incidents shall be reported to. Licensee and contractors performing work for Licensee shall not be required to pay any fee in order to perform work on Licensee's communications equipment, or park within the streets and other public rights-of-way when responding to an emergency repair request from City. Emergency repair shall mean any repair needed to be completed within less than 48 hours in order to continue the normal operations of City or Licensee facilities or equipment.

3.6 **Collaboration with City.** Licensee

3.7 **Removal at End of Term.** Licensee shall, upon termination of this Agreement, or within sixty (60) days after any earlier termination of a Supplement, remove its facilities and restore the Property to its original condition, reasonable wear and tear and casualty damage excepted. If such time for removal causes Licensee's facilities to remain on the Property after termination of the Supplement, Licensee shall pay fees at the then existing rate at pro-rata basis, until such time as the removal of the fixtures and/or facilities is completed.

4. **REPRESENTATION AND WARRANTIES.** Licensee represents and warrants, as of the Effective Date of this Agreement and execution thereof, following:

4.1 Licensee is either: (a) a personal wireless service provider authorized, certificated or licensed by the FCC or other agency, (b) an operator of a distributed antenna system network authorized, certificated or licensed by the FCC, the CPUC or other agency, (c) a wireline provider of Telecommunications Service authorized, certificated or licensed by the CPUC, or (d) a provider of Multichannel Video Services which is franchised by the CPUC or other agency;

4.2 Licensee is authorized to provide communications services, is otherwise qualified to do business in California, and has obtained all necessary authorizations, certifications, or licenses from the FCC, the CPUC or other agency; and that a copy of the Licensee's Certificate of Public Convenience and Necessity, if applicable, shall be submitted to City prior to execution of this Agreement.

5. **INTERFERENCE**. Licensee agrees to install equipment of the type and frequency which will not cause harmful interference which is measurable in accordance with then existing industry standards to any equipment of City or other Licensee's of the Property which existed on the Property prior to the date this Agreement is executed by the Parties. In the event any after-installed Licensee's equipment causes such interference, and after City has notified Licensee in writing of such interference, Licensee will take all commercially reasonable steps necessary to correct and eliminate the interference, including but not limited to, at Licensee's option, powering down such equipment and later powering up such equipment for intermittent testing. In no event will City be entitled to terminate a Supplement or relocate the equipment as long as Licensee is making a good faith effort to remedy the interference issue. City agrees that City and/or any other tenants of the Property who currently have or in the future take possession of the Property will be permitted to install only such equipment that is of the type and frequency which will not cause harmful interference which is measurable in accordance with then existing industry standards to the then existing equipment of Licensee. The Parties acknowledge that there will not be an adequate remedy at law for noncompliance with the provisions of this Paragraph and therefore, either Party shall have the right to equitable remedies, such as, without limitation, injunctive relief and specific performance.

6. **ANNUAL FEES AND ADDITIONAL COSTS.**

6.1 **Annual Fee.** In consideration of the City's grant of a license to the Licensee, the Licensee shall pay to City an annual fee as established by Resolution of the City Council and as set forth in Exhibit B per fiscal year for each Supplement executed by the Parties. The annual fee shall be paid in advance annually on the anniversary date of the Effective Date of each executed Supplement.

6.2 **Additional Costs**. City may assess, in addition to the Annual Fee, additional costs to Licensee for services rendered by City ("Additional Costs"), which include but are not limited to: (i) staff time for review of plans, and on-site inspections of Facilities installed pursuant to a Supplement, and (ii) costs incurred by City for providing access to Property outside of normal business hours. Any additional costs will be in accordance with Exhibit B City shall notify Licensee of amounts due in additional costs in writing, and Licensee shall pay Additional Costs within thirty (30) days of receipt of notice. Fees related to encroachment permits will be processed by the Public Works Department.

7. **DEFAULT AND REMEDIES**. The following will be deemed an "event of default" and a breach of this Agreement :

7.1 **Event of Default.**

a. Non-payment of any fees or costs required under this Agreement if such fees or costs remain unpaid for more than thirty (30) days after receipt of written notice from City of such failure to pay;

b. Licensee's failure to perform or fulfill any other term or obligation under Agreement within thirty (30) days after receipt of written notice from City specifying the failure; or

c. The revocation, expiration or denial any certification, permit, approval or license required under federal, state or local law for Licensee to operate or maintain facilities.

In the event there is a breach by a Party with respect to any of the provisions of this Agreement or its obligations under it, the non-breaching Party shall give the breaching Party written notice of such breach. After receipt of such written notice, the breaching Party shall have thirty (30) days in which to cure any breach, provided the breaching Party shall have such extended period as may be required beyond the thirty (30) days if the breaching Party commences the cure within the thirty (30) day period and thereafter continuously and diligently pursues the cure to completion.

The nonbreaching Party may not maintain any action or effect any remedies for default against the breaching Party unless and until the breaching Party has failed to cure the breach within the time periods provided in this Paragraph. Notwithstanding the foregoing to the contrary, it shall be a default under this Agreement if City fails, within ten (10) days after receipt of written notice of such breach, to perform an obligation required to be performed by City if the failure to perform such an obligation interferes with Licensee's ability to conduct its business on Property; provided, however, that if the nature of City's obligation is such that more than ten (10) days after such notice is reasonably required for its performance, then it shall not be a default under this Agreement if performance is commenced within such ten (10) day period and thereafter diligently pursued to completion.

7.2 **Remedies for Default**. In the event of a default by either Party with respect to a material provision of this Agreement, without limiting the non-defaulting Party in the exercise of any right or remedy which the non-defaulting Party may have by reason of such default, the non-defaulting Party may terminate the applicable Supplement and/or pursue any remedy now or hereafter available to the non-defaulting Party under the Laws or judicial decisions of the state in which the City's assets are located.

8. **DAMAGE TO CITY OPERATIONS OR PROPERTY.** Licensee shall assume all responsibility for, and promptly reimburse, City, in full, for any costs associated with damages caused directly or indirectly by the Licensee, its employees, agents, and/or contractors to City Property, including but not limited to repairs, staff time and equipment replacement. Licensee shall immediately notify City upon the occurrence of any such damages.

9. **DAMAGE TO LICENSEE'S FACILITIES**. In the event of damage by fire or other casualty to the Property or Assets that cannot reasonably be expected to be repaired within forty-five (45) days following same or, if the Property is damaged by fire or other casualty so that such damage may reasonably be expected to disrupt Licensee's operations at the Premises for more than forty-five (45) days, then Licensee may, at any time following such fire or other casualty, provided City has not completed the restoration required to permit Licensee to resume its operation at the Premises, terminate the Supplement upon fifteen (15) days prior written notice to City. Any such notice of termination shall cause the Supplement to expire with the same force and effect as though the date set forth in such notice were the date originally set as the expiration date of the Supplement and the Parties shall make an appropriate adjustment, as of such termination date, with respect to payments due to the other under the Supplement. Notwithstanding the foregoing, the fee shall abate during the period of repair following such fire or other casualty in proportion to the degree to which Licensee's use of the Premises is impaired.

10. **ASSIGNMENT AND SUBLEASE.** Licensee shall have the right to assign, sell or transfer its interest under this Agreement and each Supplement without the approval or consent of City, to Licensee's principal, affiliates, or to any entity which acquires all or substantially all of the Licensee's assets in the market defined by Federal Communications Commission in which the Property is located by reason of merger, acquisition, or other business reorganization. No change of stock ownership, partnership interest or control of Licensee or transfer upon partnership or corporate dissolution of Licensee shall constitute an assignment hereunder. As to other parties, this Agreement and each Supplement may not be sold, assigned or transferred without the written consent of the City, which such consent will not be unreasonably withheld, delayed or conditioned.

11. **INDEMNIFICATION**. Licensee shall hold the City, its agents, officers, employees and volunteers harmless from and save, defend and indemnify them against any and all claims, losses liabilities, judgments or damages from every cause, including but not limited to injury to person or property or wrongful death, including reasonable costs and expenses of defense of any judicial or administrative action, arising directly or indirectly out of or in connection with Licensee's use of Property and the installation, operation, maintenance or repair of Licensee's Facilities or failure by Licensee, its agents, contractors, or employees to comply with the obligations contained in this Agreement or any violation of its agents, officers, employees, or volunteers relating to or during the performance of its obligations under this Agreement.

Licensee's obligation to defend, indemnify, and hold the City, its agents, officers, and employees harmless under the provisions of this paragraph is not limited to or restricted by any requirement in this Agreement for Licensee to procure and maintain a policy of insurance.

12. **DISCLAIMER AND WAIVER**. In no event shall the City, its elected officials, officers, employees, agents or representatives be liable for any lost profits, consequential, special, exemplary, indirect, punitive or incidental losses or damages, including loss of use, loss of goodwill, lost revenues, loss of profits or loss of contracts even if advised of the possibility of such damages. Licensee waives all such claims and releases the City from any such liability.

13. **CALIFORNIA CIVIL CODE SECTION 1542**. California Civil Code section 1542 provides that "A general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the release, which if known by him or her must have materially affected his or her settlement with the debtor." The Parties hereby waive the provisions of Section 1542, or other similar provisions of law, and intend that the waiver and release provided in Article 5.1.6 shall be fully enforceable despite its reference to future or unknown claims.

14. **INSURANCE.** Licensee shall provide at its own expense and maintain at all times the following insurance with insurance companies licensed in the State of California and shall provide evidence of such insurance to the City as may be required by the Risk Manager of the City. The policies or certificates thereof shall provide that, thirty (30) days prior to cancellation or material change in the policy, notices of same shall be given to the Risk Manager of the City by certified mail, return receipt requested, for all of the following stated insurance policies.

14.1 Worker's Compensation - in compliance with the statutes of the State of California, plus employer's liability with a minimum limit of liability of $1,000,000.

14.2 General Liability insurance with a minimum limit of liability per occurrence of $1,000,000 for bodily injury and property damage. If Commercial General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit. This insurance shall indicate on the certificate of insurance the following coverages and indicate the policy aggregate limit applying to: premises and operations; broad form contractual; independent Licensees and subcontractors; products and completed operations as applicable.

14.3 Automobile Liability insurance with a minimum limit of liability per occurrence of $1,000,000 for bodily injury and property damage. This insurance shall cover any automobile for bodily injury and property damage.

14.4 If at any time any of said policies shall be unsatisfactory to the City, as to form or substance, or if a company issuing such policy shall be unsatisfactory to the City, Licensee shall promptly obtain a new policy, submit the same to the Risk Manager for approval and submit a certificate thereof as hereinabove provided. Upon failure of the Licensee to furnish, deliver or maintain such insurance

and certificates as above provided, this Agreement, at the election of the City, may be forthwith declared suspended or terminated. Failure of the Licensee to obtain and/or maintain any required insurance shall not relieve the Licensee from any liability under this Agreement, nor shall the insurance requirements be construed to conflict with or otherwise limit the obligations of the Licensee concerning indemnification. The City, its agents, officers, employees, and volunteers shall be named as an additional insured on all insurance policies required herein, except Workers' Compensation and Professional Liability. The Workers' Compensation insurer shall agree to waive all rights of subrogation against the City, its agents, officers, employees, and volunteers for losses arising from work performed by Licensee for the City. The Licensee's insurance policy(ies) shall include a provision that the coverage is primary as respects the City; shall include no special limitations to coverage provided to additional insured; and, shall be placed with insurer(s) with acceptable Best's rating of A:VII or with approval of the Risk Manager. The Licensee must deliver certificates evidencing existence of the insurance listed above to the City prior to the time the contract is signed.

14.5 Licensee shall provide City with separate endorsements evidencing proof of the City's additional insured status as to both the general liability and automobile liability insurance policies. In addition, Licensee shall provide City with a Workers Compensation subrogation waiver by way of a separate endorsement. All endorsements referenced above must include the applicable policy number.

14.6 For any claims related to this Agreement, Licensee's insurance coverage shall be primary insurance with respect to City, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by City, its officers, officials, employees, or volunteers shall be excess of the Licensee's insurance and shall not contribute with it.

15. **NOTICES**. Any and all notices permitted or required to be given hereunder shall be deemed duly given and effective (a) upon actual delivery, if delivery is by hand; or (b) five (5) days after delivery into the United States mail if delivery is by postage paid registered or certified (return receipt requested) mail. Each such notice shall be sent to the parties at the address respectively indicated below or to any other address as the respective parties may designate from time to time.

CITY: City of Modesto
Attn: City Manager
1010 10th Street
Modesto, CA 95353

Copy to: City of Modesto
Chief Information Officer
1010 10th Street
Modesto, CA 95353

LICENSEE: _____
_____
_____
_____

16. **CITY BUSINESS LICENSE.** Licensee shall submit proof of City Business License prior to execution of this Agreement.

17. **MISCELLANEOUS**.

17.1 **Entire Agreement**. This Agreement, including all the exhibits attached hereto, represents the entire and integrated agreement between City and Licensee and supersedes all prior negotiations, representations, or agreements, either written or oral. All exhibits attached hereto are incorporated by reference herein.

17.2 **Amendments**. This Agreement may not be amended or varied except in a writing signed by all Parties.

17.3 **Governing Law and Venue.** This Agreement shall be governed according to the laws of the State of California. In the event that either Party brings any action to enforce or interpret this Agreement, venue shall be vested exclusively in the state courts of California in the County of Stanislaus.

17.4 **Successors and Assigns.** The provisions of this Agreement shall inure to the benefit of and shall apply to and bind the successors and assigns of the parties.

17.5 **Compliance with Applicable Laws.** Licensee shall fully comply with all applicable federal, state and local laws, ordinances, regulations, and permits, now in effect or which may hereafter come into effect (collectively "Laws").

17.6 **Waiver.** The waiver by any party to this Agreement of a breach of any provision hereof shall be in writing and shall not operate or be construed as a waiver of any other or subsequent breach hereof unless specifically stated in writing.

17.7 **Severability**. If a court of competent jurisdiction finds or rules that any provision of this Agreement is invalid, void, or unenforceable, the provisions of this Agreement not so adjudged shall remain in full force and effect. The invalidity in whole or in part of any provision of this Agreement shall not void or affect the validity of any other provision of this Agreement.

17.8 **Survival**. All obligations arising prior to the termination of this Agreement and all provisions of this Agreement allocating liability between City and Licensee shall survive the termination of this Agreement.

17.9 **Headings.** The headings used in this Agreement are for reference purposes only and shall not be considered in construing this Agreement.

IN WITNESS WHEREOF, the Parties hereto have set their hands and affixed their respective seals the day and year first above written.

CITY: City Of Modesto, a municipal Corporation

Date: _____

By: _____
James N. Holgersson, City Manager

By: _____
Adam Lindgren, City Attorney

LICENSEE:

Date:

By: _____

EXHIBIT A

LICENSE SUPPLEMENT

This License Supplement ("Supplement"), is made this ____ day of _____, _____, between CITY OF MODESTO, CALIFORNIA, whose principal place of business is 1010 10th Street, Modesto, CA 95353 ("CITY"), and _____, whose principal place of business is _____ ("LICENSEE").

1. **Master License Agreement.** This Supplement is a Supplement as referenced in that certain Master License Agreement between City of Modesto, California and _____, dated _____ ____, 201__, (the "Agreement"). All of the terms and conditions of the Agreement are incorporated herein by reference and made a part hereof without the necessity of repeating or attaching the Agreement. In the event of a contradiction, modification or inconsistency between the terms of the Agreement and this Supplement, the terms of this Supplement shall govern. Capitalized terms used in this Supplement shall have the same meaning described for them in the Agreement unless otherwise indicated herein.

2. **License**. CITY hereby grants a license to LICENSEE that certain premises on CITY's Property located at INSERT SITE ADDRESS as shown on Exhibit "1" attached hereto and made a part hereof.

3. **Term**. The Commencement Date and the Term of this Supplement shall be as set forth in the Agreement.

4. **Consideration**. Rent under this Supplement shall be as set forth in the Agreement, payable to the City of Modesto, California at 1010 10th Street, Modesto, CA 95353.

5. **Site Specific Terms.** (Include any site-specific terms)

   5.1. Description of Site

   5.2. Signage for WiFi Providers: (dimensions and locations of signs)

IN WITNESS WHEREOF, the Parties hereto have set their hands and affixed their respective seal the day and year first above written.

CITY: City of Modesto, a municipal Corporation

Date: _____

By: _____
James N. Holgersson, City Manager

By: _____
Adam Lindgren, City Attorney

LICENSEE:

Date:

By: _____

DRAFT

EXHIBIT B - FEE SCHEDULE

DRAFT

MODESTO
CALIFORNIA

Annual Fees for WCF Small Cell only In the ROW

Effective May 1, 2016

Category 1 - WCF with antenna(s) mounted on an **EXISTING** vertical element or pole and any associated ground equipment. Each WCF site will have an Antenna Base Fee of $3,200 for a site in the ROW, plus a Ground Equipment Fee (if applicable) based on cubic feet of group equipment in the ROW as set forth below:

	Antenna Base Fee	Equipment Fee	Total Annual Fee
A. Total is 1 Cu. Ft. up to 50 Cu. Ft.	Included	Included	$3,200
B. Total is 51 Cu. Ft. up to 200 Cu. Ft.	$3,200	$6,653	$9,853
C. Total is 201 Cu. Ft. up to 300 Cu. Ft.	$3,200	$9,962	$13,162
D. Total is 301 Cu. Ft. up to 400 Cu. Ft.	$3,200	$13,254	$16,454
E. Total is 401 Cu. Ft. or more	$3,200	$16,603	$19,803

Category 2 - WCF with antenna(s) mounted on a vertical element or pole requiring stealth or alternate concealment **when existing vertical elements are not available** , and any associated ground equipment. Each WCF site will have an Antenna Base Fee of $3,472 for a site in the ROW, plus a Ground Equipment Fee (if applicable) based on cubic feet of group equipment in the ROW as set forth below:

	Antenna Base Fee	Equipment Fee	Total Annual Fee
A. Total is 1 Cu. Ft. up to 50 Cu. Ft.	Included	Included	$3,472
B. Total is 51 Cu. Ft. up to 200 Cu. Ft.	$3,472	$6,653	$10,125
C. Total is 201 Cu. Ft. up to 300 Cu. Ft.	$3,472	$9,962	$13,434
D. Total is 301 Cu. Ft. up to 400 Cu. Ft.	$3,472	$13,254	$16,726
E. Total is 401 Cu. Ft. or more	$3,472	$16,603	$20,075

Category 2 - WCF with antenna(s) mounted on a vertical element or pole that is **neither stealth nor concealed in appearance** and any associated ground equipment. Each WCF site will have an Antenna Base Fee of $4,794 for a site in the ROW, plus a Ground Equipment Fee (if applicable) based on cubic feet of group equipment in the ROW as set forth below:

	Antenna Base Fee	Equipment Fee	Total Annual Fee
A. Total is 1 Cu. Ft. up to 50 Cu. Ft.	Included	Included	$4,794
B. Total is 51 Cu. Ft. up to 200 Cu. Ft.	$4,794	$6,653	$11,446
C. Total is 201 Cu. Ft. up to 300 Cu. Ft.	$4,794	$9,962	$14,756
D. Total is 301 Cu. Ft. up to 400 Cu. Ft.	$4,794	$13,254	$18,048
E. Total is 401 Cu. Ft. or more	$4,794	$16,603	$21,396

Note: This schedule is not all inclusive and other fees may apply.

Information Technology Department

1010 10th St., Suite 5500, Modesto, CA 95350 Phone: 209-577-5400

EXHIBIT C
REQUIRED DOCUMENTATION AND APPLICATIONS FOR CITY APPROVALS

DRAFT

UTILITY PROJECT PLAN SUBMITTAL REQUIREMENTS

All project plans submitted for review must contain the following:

1) Submittal must include completed ENC application (attached)
2) North Arrow
3) Vicinity map on the first sheet
4) Legend including all items shown on the plan
5) Pole Detail
6) Traffic Control Plans

MODESTO

Encroachment (ENC) Permit Application

Please complete this application in its entirety in order to avoid delays in processing your permit.

Application Date: _____ Work Address/APN: _____

ENC Permit Type:

- ◯ Standard Encroachment (N)
- ◯ Utility Company (U)
- ◯ CIP Project Permit (CIP)
- ◯ Sewer Cost Share (N)
- ◯ Subdivision Permit (S)
- ◯ CFD Work Permit (CFD)
- ◯ Well / Excavation Intersecting Groundwater (W)
- ◯ Grading Permit (G)

Owner: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____ Cell or Email: _____

Applicant: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____ FAX _____

Contractor: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____ Cell: _____

Fax: _____ Email: _____

City of Modesto Business License: _____ Contractor License / Type: _____

Owner is Contractor (Flatwork Only): Y N Insurance Waivers attached: Y N

Designer/ Consultant: _____ NA _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____ Cell: _____

Fax: _____ Email: _____

Bill Inspections To: Owner Applicant Contractor Designer/Consultant

Description of Work: _____

_____

_____

_____

Traffic Control Plans Attached: Y N Work / Site Plan Attached: Y N

I certify that I have read this application and that the above information is correct. I agree to comply with all City of Modesto and Stanislaus County ordinances and State laws relating to the work performd under this permit.

Applicant Signature: _____ Date: _____

Owner Signature: _____ Date: _____

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016 -186

RESOLUTION ACCEPTING THE CALIFORNIA MARIJUANA ERADICATION GRANT FROM THE U.S. DEPARTMENT OF JUSTICE DRUG ENFORCEMENT ADMINISTRATION IN THE AMOUNT OF $37,500 FOR THE STANISLAUS COUNTY DRUG ENFORCEMENT AGENCY; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL NECESSARY GRANT DOCUMENTS

WHEREAS, on April 6, 2016, the Stanislaus Drug Enforcement Agency (SDEA) was awarded the Domestic Cannabis Eradication/Suppression Program Marijuana Eradication Grant in the amount of $37,500, and

WHEREAS, the funding will defray costs relating to the eradication and suppression of illicit cannabis, and

WHEREAS, the costs include marijuana eradication, overtime, training, supplies and removal costs, and

WHEREAS, there is no required match to the City of Modesto, and

WHEREAS, the term of this grant will be from January 1, 2016 through September 30, 2016, and

WHEREAS, the City of Modesto will be the fiscal agent,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the California Marijuana Eradication Grant from the U. S. Department of Justice Drug Enforcement Administration in the amount of $37,500.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute all necessary grant documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of May, 2016, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-187

RESOLUTION AMENDING THE STANISLAUS COUNTY DRUG ENFORCEMENT AGENCY'S FISCAL YEAR 2015/16 MULTI-YEAR OPERATING BUDGET ESTIMATING REVENUE IN THE AMOUNT OF $37,500 FROM THE U. S. DEPARTMENT OF JUSTICE DRUG ENFORCEMENT ADMINISTRATION MARIJUANA ERADICATION GRANT; AND AUTHORIZING THE FINANCE DIRECTOR, OR HER DESIGNEE, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, on April 6, 2016, the Stanislaus Drug Enforcement Agency (SDEA) was awarded the Domestic Cannabis Eradication/Suppression Program Marijuana Eradication Grant in the amount of $37,500, and

WHEREAS, it is required to amend the SDEA budget to increase revenues in the amount of $37,500, and

WHEREAS, the funding will defray costs relating to the eradication and suppression of illicit cannabis, and

WHEREAS, the costs include marijuana eradication, overtime, training, supplies and removal costs, and

WHEREAS, there is no required match to the City of Modesto, and

WHEREAS, the City of Modesto will be the fiscal agent,

WHEREAS, the term of this grant will be from January 1, 2016 through September 30, 2016,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the the Stanislaus County Drug Enforcement Agency's Fiscal Year 2015/16 Multi-Year Operating Budget as indicated on **Attachment** A, which is incorporated by reference herein.

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of May, 2016, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Attachment A: Budget Adjustment

Fund 6600: 2015/16 Multi-Year

Expense:

To:

100954 – Appr. A	$ 7,500	Overtime
100954 – Appr. C	3,000	Intergov. Services – Other (53505) OT for Outside Agencies
100954 – Appr. C	3750	Police Equipment <$5,000
100954 – Appr. C	3,000	Training
100954 – Appr. C	2,750	Fuel/Oil
100954 – Appr. C	17,500	Insurance
Total	$37,500	

Revenue:

To:

6600-89999-42040-100954	$37,500	Intergov-Federal – Dept. of Justice

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-188

RESOLUTION AUTHORIZING THE FINANCE DIRECTOR, OR HER DESIGNEE, TO AMEND THE FISCAL YEAR 2015/2016 MULTI-YEAR OPERATING BUDGET TO APPROPRIATE REVENUES AND EXPENDITURES, IN AN AMOUNT NOT TO EXCEED $5,000; AND CREATE A NEW NON-CAPITAL PROJECT ACCOUNT FOR ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCES PROGRAM

WHEREAS, the Organized Crime Drug Enforcement Task Forces (OCDETF) Program was established in 1982 to mount a comprehensive attack against organized drug traffickers, and

WHEREAS, the OCDETF Program is centerpiece of the United States Attorney General's drug strategy to reduce the availability of drugs by disrupting and dismantling major drug trafficking organizations and money laundering organizations and related criminal enterprises, and

WHEREAS, occasionally dedicated ECDETF resources cannot handle a particular enforcement action, such as an unexpected surveillance; or reaction to unforeseen circumstances requires additional non-federal resources and the investigation would suffer without those additional resources, and

WHEREAS, each Task Force reimburses the Modesto Police Department for authorized sworn overtime and expenses determined by the Regional Coordination Group based upon the progress and needs of the OCDETF investigation, and

WHEREAS, reimbursement requests must be submitted within 30 days of overtime worked, and

WHEREAS, an agency may not be reimbursed in excess of $25,000 on any OCDTF investigation in a given year without approval from the Regional Coordination

Group and the grant of a waiver from the OCDETF Executive Office in Washington D.C.,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Finance Director, or her designee, to amend the Fiscal Year 2015/2016 Multi-Year Operating Budget to appropriate revenues and expenditures, in an amount not to exceed $5,000; and create a new non-capital project account for Organized Crime Drug Enforcement Task Forces Program.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of May, 2016, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-189

RESOLUTION AUTHORIZING THE CHIEF OF POLICE, OR HIS DESIGNEE, TO APPROVE AGREEMENTS FOR THE USE OF STATE AND LOCAL OVERTIME AND AUTHORIZED EXPENSES WITH THE U.S. DEPARTMENT OF JUSTICE ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCES AND AMEND THE MULTI-YEAR OPERATING BUDGET AS THEY BECOME AVAILABLE IN THE FUTURE

WHEREAS, the Organized Crime Drug Enforcement Task Forces (OCDETF) Program was established in 1982 to mount a comprehensive attack against organized drug traffickers, and

WHEREAS, the OCDETF Program is centerpiece of the United States Attorney General's drug strategy to reduce the availability of drugs by disrupting and dismantling major drug trafficking organizations and money laundering organizations and related criminal enterprises, and

WHEREAS, occasionally dedicated ECDETF resources cannot handle a particular enforcement action, such as an unexpected surveillance; or reaction to unforeseen circumstances requires additional non-federal resources and the investigation would suffer without those additional resources, and

WHEREAS, each Task Force reimburses the Modesto Police Department for authorized sworn overtime and expenses determined by the Regional Coordination Group based upon the progress and needs of the OCDETF investigation, and

WHEREAS, reimbursement requests must be submitted within 30 days of overtime worked, and

WHEREAS, an agency may not be reimbursed in excess of $25,000 on any OCDTF investigation in a given year without approval from the Regional Coordination

Group and the grant of a waiver from the OCDETF Executive Office in Washington D.C., and

WHEREAS, staff is requesting that the Chief of Police, or his designee, be given authority to establish these project agreements for OCEDTF without going to Council due to the time sensitivity and confidential nature of the project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Chief of Police, or his designee, to approve Agreements for the use of State and Local overtime and Authorized Expenses with the U.S. Department of Justice Organized Crime Drug Enforcement Task Forces and amend the Multi-Year Operating Budget as they become available in the future.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of May, 2016, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-190

RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE PURCHASE OF SLURRY ROCK FOR THE PUBLIC WORKS DEPARTMENT TO WEST COAST SAND & GRAVEL, MODESTO, CA, FOR A ONE-YEAR AGREEMENT WITH TWO ONE-YEAR EXTENSION OPTIONS AT THE SOLE DISCRETION OF THE CITY, AND AUTHORIZING THE PURCHASING MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE AGREEMENT FOR AN ESTIMATED ANNUAL COST OF $388,742, TOTALING $1,166,226 OVER A THREE YEAR PERIOD

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids for the purchase of slurry rock, and

WHEREAS, on March 8, 2016, the Purchasing Division issued RFB No. 1516-30, Slurry Rock, on the City's website under the commodity codes for Sand and Gravel, and Road and Highway Building Materials. Prospective bidders, one of which was a local company, were notified online of the bid opportunity. Four companies chose to download the RFB document, and

WHEREAS, on March 29, 2016, bids were formally opened in the City Clerk's Office. Two companies chose to respond. Both companies responding provided responsive and responsible bids, and

WHEREAS, based on providing the lowest responsive and responsible bid, City staff recommends the award of bid for the purchase of slurry rock for the Public Works Department, to West Coast Sand and Gravel, Modesto, CA, for a one-year agreement with two one-year extension options at the sole discretion of the City, for an estimated annual cost of $388,742, totaling $1,166,226 over a three year period, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services

to be formally bid. The award of bid for the purchase of slurry rock to West Coast Sand and Gravel, Modesto, CA, conforms to Modesto Municipal Code 8-3.203, and

WHEREAS, funds are budgeted in Street Maintenance account: 1700-53130-53150.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid for the purchase of slurry rock for the Public Works Department to West Coast Sand and Gravel, Modesto, CA, for a one-year agreement with two one-year extension options at the sole discretion of the City.

BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, is hereby authorized to issue a purchase agreement for an estimated annual cost of $388,742 totaling $1,166,226 over a three year period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of May, 2016, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-191

RESOLUTION AUTHORIZING THE AWARD OF BID FOR CONTRACT SERVICES TO REPAIR CURBS, GUTTERS AND SIDEWALKS FOR THE PUBLIC WORKS DEPARTMENT TO GARRETT THOMPSON CONSTRUCTION INC., MODESTO, CA, FOR A TWO-YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS AT THE SOLE DISCRETION OF THE CITY, AND AUTHORIZING THE PURCHASING MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE AGREEMENT FOR AN ESTIMATED ANNUAL COST OF $183,220, TOTALING $916,100 OVER A FIVE YEAR PERIOD

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids for the purchase of curb, gutter and sidewalk repairs, and

WHEREAS, on February 18, 2016, the Purchasing Division issued RFB No. 1516-27 for Curb, Gutter and Sidewalk repairs on the City's website under the commodity codes for Concrete, Concrete Raising and Undersealing Services. Prospective bidders, one being a local company, were notified online of the bid opportunity. Fifteen companies chose to download the RFB document, and

WHEREAS, on March 22, 2016, bids were formally opened in the City Clerk's Office. Three companies chose to respond, one of which was a local company. All three companies who responded provided responsive and responsible bids, and

WHEREAS, based on providing the lowest responsive and responsible bid, City staff recommends the award of bid for the purchase of curb, gutter and sidewalk repair services for the Public Works Department to Garrett Thompson Construction Inc., Modesto, CA, for a two-year agreement with three one-year extension options at the sole discretion of the City, for an estimated annual cost of $183,220, totaling $916,100 over a five year period, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of bid for the purchase of curb, gutter and sidewalk repair services to Garrett Thompson Construction Inc. Modesto, CA conforms to Modesto Municipal Code 8-3.203, and

WHEREAS, funds are budgeted in Curb, Gutter and Sidewalks account: 1700-53142-53150.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid for the purchase of curb, gutter and sidewalk repair services for the Public Works Department to Garrett Thompson Construction Inc., Modesto, CA, for a two-year agreement with three one-year extension options at the sole discretion of the City.

BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, is hereby authorized to issue a purchase agreement for an estimated annual cost of $183,220, totaling $916,100 over a five year period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of May, 2016, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-192

RESOLUTION AUTHORIZING THE AWARD OF BID FOR WEED ABATEMENT AND TRASH REMOVAL SERVICES FOR THE UTILITIES DEPARTMENT, STORM WATER COLLECTIONS SECTION, TO DEANGELO BROTHERS, LLC., SACRAMENTO CA. FOR A TWO-YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS AT THE SOLE DISCRETION OF THE CITY, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE AGREEMENT, FOR AN ESTIMATED ANNUAL COST OF $62,239, AND TOTAL COST, OVER FIVE YEARS OF $311,195

WHEREAS, The City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for weed abatement and trash removal services, and

WHEREAS, prospective bidders were noticed online, and 19 companies chose to download the RFB document, and

WHEREAS, bids were formally opened and three companies chose to respond, one of them being a local vendor, and

WHEREAS, all companies responding provided a responsive and responsible bid, and

WHEREAS, based on providing the lowest responsive and responsible bid, City staff recommends the award of bid for weed abatement and trash removal Services to DeAngelo Brothers, LLC., Sacramento CA. for a two-year agreement with three one-year extension options at the sole discretion of the City, for an estimated annual cost of $62,239, and total cost, over five (5) years of $311,195, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of bid for the purchase of weed abatement and trash

removal services to DeAngelo Brothers, LLC., Sacramento CA, conforms to the Modesto Municipal Code, and

WHEREAS, funds are budgeted in Fiscal Year 2015-16, in Appropriation Unit: 4480-44222-53100

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid for weed abatement and trash removal services for the Utilities Department, Stormwater Collections Section, to DeAngelo Brothers, LLC., Sacramento CA.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to issue a purchase agreement for a two-year agreement with three (3) one-year extension options at the sole discretion of the City, for an estimated annual cost of $62,239, and total cost, over five years of $311,195.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of May, 2016, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-193

RESOLUTION APPROVING A LIST OF REGIONAL PROJECTS TO BE FORWARDED TO THE STANISLAUS COUNCIL OF GOVERNMENT FOR RECOMMENDED INCLUSION IN THE TRANSPORTATION EXPENDITURE PLAN BEING PREPARED FOR THE NOVEMBER 2016 HALF-CENT SALES TAX MEASURE

WHEREAS, the Stanislaus Council of Governments (StanCOG) is developing a Transportation Expenditure Plan based on a county-wide, 25-year, half-cent sales tax measure for consideration by voters on the November 2016 ballot, and

WHEREAS, on January 20, 2016, the StanCOG Policy Board approved the framework for the Transportation Expenditure Plan and directed StanCOG staff to bring back a project list for Policy Board approval, and

WHEREAS, the framework identifies the individual expenditure categories as well as the percentage of the sales tax that would be allocated to each expenditure category, and

WHEREAS, the framework is now being circulated to each of the nine cities and County so that each agency can develop its own specific project list, and

WHEREAS, five expenditure categories were identified and those categories are Local Streets and Roads, Regional Projects, Traffic Management, Bike/Pedestrian and Other, and

WHEREAS, the Transportation Expenditure Plan calls for 28% of the sales tax revenue to be dedicated to Regional Projects, and

WHEREAS, Regional Projects are those projects that relieve congestion and promote goods movement and economic vitality, and

WHEREAS, based on the Transportation Expenditure Plan framework, and direction by the StanCOG's Policy Board, each of the nine cities and the County have been asked to develop a specific project list for consideration, and

WHEREAS, City staff has identified the following list of potential Regional Projects the City Council may want to consider for approval: Carpenter Road/Briggsmore Avenue at State Route 99 Overpass; Standiford Avenue/Beckwith Road at State Route 99 Overpass; State Route 132 West Freeway/Expressway Project; Claus/Garner/Faith Home Rd. Bridge over the Tuolumne River and North County Corridor, and

WHEREAS, the estimated construction costs for the regional projects exceed the funds that are projected to be generated by the proposed county-wide sales tax measure. The goal is to utilize the sales tax revenue as local match funds in order to compete for additional State and Federal funds as they become available, and

WHEREAS, discussion on projects and policy direction for the remaining expenditure categories will occur on May 11th at the Healthy Economy Committee meeting and a recommendation will be forwarded to the City Council for consideration and approval on May 24th.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby recommends the following regional projects be forwarded to the Stanislaus Council of Government for recommended inclusion in the Transportation Expenditure Plan being prepared for the November 2106 half-cent sales tax measure: Carpenter Road/Briggsmore Avenue at State Route 99 Overpass; Standiford Avenue/Beckwith Road at State Route 99 Overpass; State Route 132 West Freeway/Expressway Project;

Claus/Garner/Faith Home Rd. Bridge over the Tuolumne River and North County Corridor.

The foregoing documents were introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of May, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-194

RESOLUTION APPROVING THE BYLAWS OF THE CULTURE COMMISSION

WHEREAS, the Culture Commission is an enumerated appointive commission established in the City Charter; and

WHEREAS, the Culture Commission bylaws were destroyed due to water damage in 2001 and need to be recreated, as set forth in the **attached "Exhibit A,"** and readopted; and

WHEREAS, on April 6, 2016, the Commission approved the proposed bylaws and recommended they be forwarded to the City Council for final approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amended Bylaws for the Culture Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Culture Commission

BYLAWS
Adopted May 10, 2016, Resolution No. 2016-194

Article I. Definitions

Section 1.01 There is a Commission created to be known and designated as the Modesto Culture Commission.

Section 1.02 As used in these Bylaws, unless a different meaning clearly appears from the context:

(a) "Member" shall mean a member of the Culture Commission.

(b) "Culture Commission" and "Commission" shall mean the Culture Commission.

(c) "Regular meeting" shall mean the monthly Commission meetings.

Article II. Mission Statement and Objectives

Section 2.01 Mission Statement

The mission of the Modesto Culture Commission is to enhance the quality of life of the people of Modesto by making the city a more culturally and aesthetically enjoyable place to live.

Section 2.02 Vision Statement

A culturally rich city that is an enjoyable place to live and appealing place to visit.

Section 2.03 Power and Duty

The Commission has the power and duty to:

(a) Act in an advisory capacity to the City Council and the City Manager in all matters pertaining to art, literature, music, and other cultural activities;

(b) Formulate and recommend annually to the City Council a program relating to art, literature, music, and other cultural activities;

(c) Promote the preservation of historic sites, landmarks, documents, paintings, and other objects associated with the history of the City and its area, and develop educational interest in all such historical matters;

(d) Act in an advisory capacity to the City Council, the City Manager, and the Director of any Museum or Cultural Center that may be established by the City Council;

(e) Act in an advisory capacity to the Council and City Manager on matters relating to the administration, selection, and placement of public art and art in public places;

(f) Facilitate the development of resources that support the City's cultural assets;

(g) Solicit and evaluate applicants for the position of Poet Laureate and act in an advisory capacity to City Council for the selection of the Poet Laureate.

Article III. Membership

Section 3.01 The Culture Commission shall consist of seven (7) qualified persons, comprised of the following:

Seat Designation	Term
Chairperson	One year, voted by simple majority of commission
Vice Chairperson	One year, voted by simple majority of commission
Citizen (all seven commissioners)	Four years, appointed by City Council

Section 3.02 Five (5) members of the Commission shall be registered electors of the City and two (2) shall live outside the City but shall be registered electors of Stanislaus County.

Section 3.03 No Member of the Commission shall be an employee of the City, nor of any bargaining unit for employees of the City, nor a person who receives compensation from the City.

Section 3.04 All appointments to the Commission shall be made by the City's Appointments Committee.

Section 3.05 No Member of the Commission shall be a relative, by blood or marriage within the third degree of the Mayor, a Councilmember, a Charter Officer, or any Department Director or Deputy Department Director.

Section 3.06 All Members must complete a Statement of Economic Interest (Form 700) by April 1 of each year and when assuming or leaving Commission membership.

Article IV. Terms of Office

Section 4.01 Members may serve no more than two (2) consecutive terms.

Section 4.02 A full term is four (4) years in duration.

Section 4.03 A partial term of two (2) or more years shall be considered a full term for purposes of Section 4.01.

Section 4.04 Full term appointments begin on January 1 and expire on December 31, four (4) years subsequent.

Section 4.05 Members not eligible for reappointment may continue to serve until their successors are appointed. No member shall serve more than eight (8) consecutive years, with the exception of those who are serving until their successors are appointed.

Section 4.06 The Members of the Commission shall receive no compensation for the performance of their official duties.

Section 4.07 Appointments to fill vacancies on the Commission shall be handled in the same manner as the original appointments. When a vacancy occurs during a term, the appointment to fill such vacancy shall be for the unexpired portion of the term.

Section 4.08 Members of the Commission may be removed by a majority vote of the City Council after a recommendation by the Commission Chairperson for the following reasons:

(a) Misconduct, inefficiency, or willful neglect in the performance of their duties providing the Member is first provided in writing the reasons for such removal and gives the Member the opportunity to be heard before the City Council in their own defense.

(b) Refusal to resign from the Commission when no longer a resident of the City or when a conflict of interest exists.

Article V. Attendance at Meetings

Section 5.01 It shall be the responsibility of each Member to know the dates and times of all Commission meetings. If a Member knows he or she will not be able to attend a regularly scheduled meeting, it shall be his or her responsibility to notify the Commission Secretary at least forty-eight (48) hours before the meeting, in order for the absence to be recorded as an excused absence.

Section 5.02 The minutes of each meeting will list those Members in attendance, those who are excused, and those who are unexcused.

Section 5.03 Attendance at meetings is expected and necessary to carry out the mission of the Commission. Three (3) or more unexcused absences are grounds for removal from the Commission by the City Council.

Article VI. Officers and Their Duties

Section 6.01 Officers shall consist of Chair and Vice-Chair elected by a simple majority vote of the Members of the Commission. Officers shall serve a one-year term.

Section 6.02 All officers shall exercise all privileges of membership, including the making of motions, seconding, and debate.

Section 6.03 The Chair shall preside at all meeting, shall appoint all ad hoc committees, and shall ensure that the bylaws, rules, and regulations as adopted by the Commission are properly enforced.

Section 6.04 The Vice-Chair shall assist the Chair in his/her duties and in the absence of the Chair shall perform all duties usually performed by the Chair.

Section 6.05 The Commission Secretary shall be a City staff member, appointed by the department head, to serve as Secretary. The Commission Secretary shall keep a record of the minutes of all Commission meetings and such other duties as are usually performed by a secretary.

Article VII. Meetings

Section 7.01 Special meetings shall be called by the Chair as necessary.

Section 7.02 Notices of all meetings, including agendas, shall be given to all Members of the Commission, to the City Clerk, to the City Manager, and to all others as provided by law. All such notices shall be furnished to the Commission in writing at least seventy-two (72) hours prior to the time of such meeting.

Section 7.03 All meeting agendas will be posted at Tenth Street Place.

Section 7.04 All meetings shall comply with the requirements of the Ralph M. Brown Act.

Section 7.05 A quorum is necessary for the Commission to transact any business. A quorum shall be defined as a simple majority of active Commission Members, which is one-half of the active members plus one.

Section 7.06 All meetings of the Commission shall be open to the public and shall be held at a public facility, which is accessible in accordance with the regulations of the American with Disabilities Act.

Article VIII. Order of Proceedings

Section 8.01 Roberts Rules of Order shall be the guide for the parliamentary procedures in the conduct of Commission meetings.

Section 8.02 The order of proceedings of all meetings shall be as follows, subject to majority vote of the Members present:

(a) Roll Call

(b) Declaration of Conflict of Interest

(c) Public Comment Period

(d) Consent Items

(e) Old Business

(f) New Business

(g) Commission Comments and Reports

(h) Matters Too Late for the Agenda

(i) Adjournment

Section 8.03 Members of the public shall not speak unless recognized by the Chair and shall state his/her name before making any statement, which shall become part of the public record. The Chair may remove any person who refuses to follow these rules or the decision of the Chair.

Article IX. Amendments

Section 9.01 The Bylaws and any future amendments shall be subject to the final approval of the City Council and shall not and are not intended to go beyond any of the powers and duties given to the Commission by the City Council.

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MODESTO CITY COUNCIL
RESOLUTION NO. 2016-195

RESOLUTION OF INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 1 – 6 AND SETTING A PUBLIC HEARING ON JULY 5, 2016 TO CONSIDER THE 2016-2017 LEVY AND COLLECTION OF ASSESSMENTS WITHIN LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1

WHEREAS, Resolution No. 88-935, adopted by the Council of the City of Modesto on December 13, 1988, initiated proceedings for the formation of Landscape Maintenance Assessment District No. 1 for the purpose of administering the maintenance of landscaping in the public right-of-way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 1-6, and

WHEREAS, said assessment district was formed in accordance with the Landscape and Lighting Act of 1972, (California Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22623 of the California Streets and Highways Code requires the Engineer, the person designated by this Council as Engineer of Work for Assessment District No. 1, to prepare and file an annual report, and

WHEREAS, the Engineer of Work, has prepared and filed said annual report with the City Clerk, and

WHEREAS, the Council has approved said annual report by motion, and

WHEREAS, California Streets and Highways Code Section 22623 requires the legislative body (the City Council) to adopt a resolution of intention which shall include the following:

a. Declaration of intention of the legislative body (the City Council) to levy and collect assessments within the assessment district for the fiscal year stated in the annual report.

b. General description of the existing improvements and proposed improvements and any substantial changes proposed to be made in the existing improvements.

c. Reference to the assessment district by its distinctive designation and indication of the general location of the district.

d. Reference to said annual report, on file with the City Clerk, for a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the district.

e. Notice of the time, as fixed by the California Streets and Highways Code Section 22625, and the place for hearing by the legislative body (the City Council) on the levy of the proposed assessment.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that:

1. The City Council intends to levy and collect assessments within Landscape Maintenance Assessment District No. 1 during the fiscal year 2016-17.

2. There are no proposed new improvements or any substantial changes in existing improvements in Landscape Maintenance Assessment District No. 1

and that the existing improvements to be made in said assessment district are generally described as follows:

The City shall provide maintenance, in perpetuity, of landscaping and any and all improvements required for such maintenance including, but not limited to, landscape irrigation systems in the following locations:

a. Street medians in Creekwood Drive

b. Areas adjacent to the access control walls along Creekwood Drive

c. Areas adjacent to the access control walls along Claus Road

3. Landscape Maintenance Assessment District No. 1 is located in the County of Stanislaus, within the City Limits of the City of Modesto and is more specifically located on the west side of Claus Road, between Modesto Irrigation District Lateral No. 2 and State Route 132 (Yosemite Boulevard).

4. Said annual report filed with the City Clerk and approved by the Council by motion does provide a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within Landscape Maintenance Assessment District No. 1.

5. On Tuesday, the 5th day of July, 2016, at the hour of 5:30 p.m., the City Council will conduct a public hearing on the question of the levy of the proposed annual assessment. The hearing will be held at the meeting place of the City Council

located in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California.

6. The City Clerk is authorized and directed to give the notice of hearing required by the Landscape and Lighting Act of 1972.

7. The levy and collection of assessments as set forth in this resolution are exempt from the procedural and substantive requirements of Proposition 218 pursuant to Article XIII, Section 5(a) of the California Constitution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Kenoyer, Madrigal, Ridenour, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Grewal, Zoslocki

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-196

RESOLUTION OF INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 7-10, CREEKWOOD MEADOWS SUBDIVISION, AND YOSEMITE MEADOWS SUBDIVISION AND SETTING A PUBLIC HEARING ON JULY 5, 2016 TO CONSIDER THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2

WHEREAS, Resolution No. 89-460, adopted by the Council of the City of Modesto on April 4, 1989, initiated proceedings for the formation of Landscape Maintenance Assessment District No. 2 for the purpose of administering the maintenance of landscaping in the public right of way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision and Yosemite Meadows Subdivision Units Nos. 1 and 2, and

WHEREAS, said assessment district was formed in accordance with the Landscaping and Lighting Act of 1972, (California Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22623 of the California Streets and Highways Code requires the Engineer, the person designated by the Council as Engineer of Work for Assessment District No. 2, to prepare and file an annual report, and

WHEREAS, the City Engineer, said Engineer of Work, has prepared and filed said annual report with the City Clerk, and

WHEREAS, the Council has approved said annual report by motion, and

WHEREAS, California Streets and Highways Code Section 22623 requires the Council to adopt a resolution of intention which shall include the following:

a. Declaration of intention of the Council to levy and collect assessments within the assessment district for the fiscal year stated in said annual report.

b. General description of the existing improvements and proposed improvements and any substantial changes proposed to be made in the existing improvements.

c. Reference to the assessment district by its distinctive designation and indication of the general location of the district.

d. Reference to said annual report, on file with the City Clerk, for a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the district.

e. Notice of the time, as fixed by California Streets and Highways Code Section 22625, and the place for hearing by the Council on the levy of the proposed assessment,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that:

1. The City Council intends to levy and collect assessments within Landscape Maintenance Assessment District No. 2 during the fiscal year 2016-2017.

2. There are no proposed new improvements or any substantial changes in the existing improvements within the existing Landscape Maintenance

Assessment District No. 2, and the existing improvements to be made in said assessment district are generally described as follows:

The City shall provide maintenance, in perpetuity, of landscaping and any and all improvements required for such maintenance including, but not limited to, landscape irrigation systems in the following locations:

a. Street medians in Creekwood Drive

b. Areas adjacent to the access control walls along Creekwood Drive

c. Areas adjacent to the access control walls along Claus Road

3. Landscape Maintenance Assessment District No. 2 is located in the County of Stanislaus, within the City limits of the City of Modesto, and is more specifically located on the northeast corner of Yosemite Boulevard and North McClure Road. District 2 is bounded by Yosemite Boulevard on the south, North McClure Road on the west, Yosemite Meadows Drive on the east, and Mechalys Way on the north.

4. Said annual report filed with the City Clerk and approved by the Council by motion does provide a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within Landscape Maintenance Assessment District No. 2.

5. On Tuesday, the 5th day of July, 2016, at the hour of 5:30 p.m., the City Council will conduct a public hearing on the question of the levy of the proposed annual assessment. The hearing will be held at the meeting place of the City Council

located in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California.

6. The City Clerk is authorized and directed to give the notice of hearing required by the Landscaping and Lighting Act of 1972.

7. The levy and collection of assessments as set forth in this resolution shall follow the procedural and substantive requirements of Proposition 218 pursuant to Article 13D, Section 5(a) of the California Constitution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Kenoyer, Madrigal, Ridenour, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Grewal, Zoslocki

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-197

RESOLUTION OF INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR THE SHACKELFORD LANDSCAPE AND LIGHTING DISTRICT, AND SETTING A PUBLIC HEARING ON THE PROPOSED ASSESSMENTS TO BE HELD ON JULY 5, 2016 TO CONSIDER THE 2016-17 LEVY AND COLLECTION OF ASSESSMENTS WITHIN SHACKELFORD LANDSCAPE AND LIGHTING DISTRICT

WHEREAS, on June 29, 1999, the County of Stanislaus ("County") formed the Shackelford Landscape and Lighting District ("Shackelford LLD") for the purpose of administering the maintaining seventy-seven (77) 200-watt high-pressure sodium streetlights, and

WHEREAS, the Shackelford LLD was formed in accordance with the Landscaping and Lighting Act of 1972 (Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, the Shackelford LLD is comprised of approximately 153 acres, includes 495 lots with both residential and commercial development, and is bounded by Crows Landing on the west, E. Hatch Road on the south, Union Pacific Railroad on the east, and State Route 99 on the north, and

WHEREAS, on February 22, 2012, the Stanislaus County Local Agency Formation Commission ("LAFCO") approved the annexation of the Shackelford Area to the City of Modesto ("City"), and

WHEREAS, on April 24, 2012, the City Council approved the Shackelford Landscape and Lighting District Transfer Agreement between the County and City, and

WHEREAS, the City assumed full responsibility and administration of the Shackelford LLD on July 1, 2012, and

WHEREAS, Section 22623 of the California Streets and Highways Code requires the Engineer, the person designated by this Council as Engineer of Work for the Shackelford LLD, to prepare and file an annual report, and

WHEREAS, the Engineer of Work, has prepared and filed said annual report with the City Clerk, and

WHEREAS, the Council has approved said annual report by motion, and

WHEREAS, California Streets and Highways Code Section 22623 requires the legislative body (the City Council) to adopt a resolution of intention which shall include the following:

a. Declaration of intention of the legislative body (the City Council) to levy and collect assessments within the Shackelford LLD for the fiscal year stated in the annual report.
b. General description of the existing improvements and proposed improvements and any substantial changes proposed to be made in the existing improvements.
c. Reference to the assessment district by its distinctive designation and indication of the general location of the Shackelford LLD.
d. Reference to said annual report, on file with the City Clerk, for a full and detailed description of the improvements, the boundaries of the Shackelford LLD and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the Shackelford LLD.

e. Notice of the time, as fixed by the California Streets and Highways Code Section 22625, and the place for hearing by the legislative body (the City Council) on the levy of the proposed assessment.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that:

1. The City Council intends to levy and collect assessments within the Shackelford LLD during the fiscal year 2016-17.

2. There are no proposed new improvements or any substantial changes in the existing improvements in the Shackelford LLD and the existing improvements to be made in the Shackelford LLD are generally described as follows:

The City shall provide maintenance, operation and servicing, in perpetuity, of streetlights and any and all improvements required for such maintenance including, but not limited to:

a. Payment to local utility company for monthly power costs of energizing street lights in the Shackelford LLD.

b. Payment to local utility company for maintenance of street lights in the Shackelford LLD that the utility company owns (usually those lights that are mounted on wooden poles).

c. Maintenance provided by the City of Modesto for street lights in the Shackelford LLD that are owned by the City of Modesto (usually those lights that are mounted on steel poles).

3. The Shackelford LLD is located in the County of Stanislaus, within the City Limits of the City of Modesto and is more specifically located North of Hatch Road, South of State Highway 99, and East of Crows Landing Road.

4. Said annual report filed with the City Clerk and approved by the Council by motion does provide a full and detailed description of the improvements, the boundaries of the Shackelford LLD and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the Shackelford LLD.

5. On Tuesday, the 5th day of July, 2016, at the hour of 5:30 p.m., the City Council will conduct a public hearing on the questions of the levy of the proposed annual assessment. The hearing will be held at the meeting place of the City Council located in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California.

6. The City Clerk is authorized and directed to give the notice of hearing required by the Landscape and Lighting Act of 1972.

The levy and collection of assessments as set forth in this resolution are exempt from the procedural and substantive requirements of Proposition 218 pursuant to Article XIII, Section 5(a) of the California Constitution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-198

RESOLUTION AMENDING THE FISCAL YEAR 2015-2016 ANNUAL OPERATING AND CAPITAL IMPROVEMENT BUDGET

WHEREAS, a financial analysis has been completed and it has been determined that a budget adjustment is required to the Annual and Capital Improvement Budgets of the City of Modesto for Fiscal Year 2015-2016,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2015-2016 Annual Operating and Capital Improvement budget as shown in **Exhibit A**, which is **attached** hereto and incorporated by reference herein.

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following votes:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT A

FISCAL YEAR 2015-16

CITY CLERK'S OFFICE

A budget adjustment is necessary to transfer $118,814 from General Fund Reserves to the Elections Cost Center within the City Clerk's Office for increased costs due to the November 2015 Mayoral, Council Districts, Measure Election, and, the February 2016 Mayoral Run-Off Election costs.

FINANCE

A budget adjustment is necessary to recognize $1,000,000 in unbudgeted Sales Revenue and reallocate said funds to Cost of Goods Sold in the Inventory Purchasing Cost Center, 12540, and, recognize $100,000 of unbudgeted Sales of Inventory Mark-Up revenue in the Central Stores Cost Center, 12530, as a result of the increase to Sales Revenue. Both cost centers reside in the Inventory Purchases Fund, 5110.

PUBLIC WORKS

As a result of the FY16-17 departmental budget meetings with the Mayor/City Manager, a decision was made not to install all of the Flashing Beacons slated for installation. Therefore, a budget adjustment in the amount of $400,000 is necessary to: 1) decrease the transfer out from the Gas Tax Fund, Fund 1730, to the Surface Transportation Fund, Fund 1700; and 2) reduce Capital Improvement Project #100951, Flashing Beacons, expense budget.

A budget adjustment is necessary to recognize $149,105 in unbudgeted revenue in the Electrical Utility Cost Center, 53520, received from rebates paid by the Modesto Irrigation District and Turlock Irrigation District, and reallocate said funds to their discretionary expense budget.

As the LED Street Light Upgrade project has been completed and confirmed eligible to use Gas Tax funds as a funding source, a budget adjustment is necessary to: 1) establish the transfer out from the Gas Tax Fund (Fund 1730) to the Surface Transportation Fund (Fund 1700) in the amount of $3,397,095; and 2) reduce Capital Improvement Project #100832, LED Street Light Upgrade, expense budget from $3,800,000 to $3,397,095, a total reduction of $402,905 as the total expenses for the project came under budget.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-199

RESOLUTION AUTHORIZING THE SOLE SOURCE PROCUREMENT FOR THE RENTAL OF THREE DV-400C PUMPS AND ONE MEGAMC1236 FUSION WELDER FOR THE UTILITIES DEPARTMENT, WASTEWATER SERVICES DIVISION FROM RAIN FOR RENT, STOCKTON, CA, AND AUTHORIZING THE PURCHASING MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE ORDER FOR A TOTAL COST NOT TO EXCEED $110,000

WHEREAS, in January 2012, West Yost Associates completed a draft of the Cannery Segregation Line (CSL) and River Trunk Diversion Plan (The Plan), and

WHEREAS, The Plan consisted of several elements: 1) a risk assessment which included a complete inspection of the CSL and a hydraulic analysis of CSL flows; 2) a temporary bypass pumping plan in the event of a CSL failure; and 3) preliminary design of permanent diversion structures, and

WHEREAS, through the use of Closed Circuit Television inspection and hydraulic analysis, it was determined that the risk of CSL failure is low, yet is still a possibility, and

WHEREAS, the most likely scenario would be a washout of the bank supporting the pipeline, and

WHEREAS, in January 2015, an emergency bank repair was completed due to significant bank erosion at the Tuolumne River, and

WHEREAS, subsequently, staff developed a seasonal bypass pumping plan to be used until capital improvements for reliability of the sewer trunk are complete, and

WHEREAS, to mitigate the risk of a service disruption caused by a catastrophic failure of the CSL, the Plan included a Temporary Bypass Plan (Bypass Plan) where, in the event of a CSL failure, the Bypass Plan could quickly restore service to CSL users, and

WHEREAS, the worst-case scenario of the Bypass Plan requires three (3) very large and expensive bypass pumps capable of performing the bypass operation, and

WHEREAS, the City does not own the necessary pumps and the availability of the pumps is based on a first-come/first-serve basis, and

WHEREAS, due to the terrain along the river, fusion welded 24" High Density Polyethylene pipe must be used to convey the pumped water around any potential failure, and

WHEREAS, while the piping is readily available, the fusion welding equipment is almost always rented, and

WHEREAS, to guarantee the availability of the bypass pumps and fusion welding equipment, the Utilities Department recommended that the City rent these three (3) bypass pumps and a fusion welder to have them on standby at the Local Rain for Rent yard to ensure that they are available to the City during the CSL peak season, and

WHEREAS, not having this equipment on standby has the potential to cause a sanitary sewer overflow from either the domestic or CSL sewer trunks, and the City would receive monetary penalties and civil liability from the State Water Resources Control Board, and

WHEREAS, Rain for Rent is the only provider in California that can meet the performance requirements of time and available resources for bypass pumping, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. However, there are exceptions to the rule set forth in the Modesto Municipal Code. One exception, MMC8-3.204(b), states where as the purchasing

agencies' requirements can be met solely by a single article or process: the sole source procurement for the rental of three DV-400c pumps and one MegaMc1236 fusion welder from Rain for Rent, Stockton, Ca, conforms to the Modesto Municipal Code.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the sole source procurement for the rental of three DV-400c pumps and one MegaMc1236 fusion welder for the Utilities Department, Wastewater Collection Division from Rain for Rent, Stockton, CA.

BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, is hereby authorized to issue a purchase order for a total cost not to exceed $110,000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-200

RESOLUTION ACCEPTING THE EMPIRE TRUNK SEWER IMPROVEMENTS PHASE 1 PROJECT AS COMPLETE AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASE SECURITIES, AND RELEASE PAYMENTS TOTALING $281,752.00 TO BEARD LAND IMPROVEMENTS CO., OF MODESTO, CA

WHEREAS, the Empire Trunk Sewer Improvements Phase 1 Project has been completed by Beard Land Improvements Co. of Modesto, CA in accordance with the contract agreement dated January 12, 2016,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Empire Trunk Sewer Improvements Phase 1 Project is hereby accepted as complete from said contractor, Beard Land Improvements Co. of Modesto, CA, and that the City Clerk is authorized to complete all necessary steps to file with the County Recorder, release securities and payments totaling $281,752.00, as is authorized and provided in the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-201

RESOLUTION ACCEPTING THE SUTTER TREATMENT PLANT IMPROVEMENTS PROJECT AS COMPLETE, AND AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASE SECURITIES, AND RELEASE PAYMENTS TOTALING $2,529,019 TO R.E. SMITH CONTRACTOR, INC., OF NEWCASTLE, CALIFORNIA

WHEREAS, the Sutter Treatment Plant Improvements Project has been completed by R. E. Smith Contractor, Inc. of Newcastle, CA in accordance with the contract agreement dated April 8, 2014,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Sutter Treatment Plant Improvements Project is hereby accepted as complete from said contractor, R. E. Smith Contractor, Inc. of Newcastle, CA, and that the City Clerk is authorized to complete all necessary steps to file with the County Recorder, release securities and payments totaling $2,529,019, as is authorized and provided in the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)
APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-202

RESOLUTION APPROVING THE FIRST AMENDMENT TO AGREEMENT WITH CAROLLO ENGINEERS, INC. FOR DESIGN SUPPORT DURING CONSTRUCTION FOR THE SUTTER TREATMENT PLANT IMPROVEMENTS PROJECT, IN AN AMOUNT NOT TO EXCEED $28,000, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE FIRST AMENDMENT

WHEREAS, the City of Modesto's primary wastewater treatment plant (Sutter Plant), is located on Sutter Avenue and has two 2-million gallon primary anaerobic digesters, and

WHEREAS, Digester #1 is approximately 41 years old and Digester #2 is approximately 26 years old, and

WHEREAS, both digesters needed rehabilitation due to corrosion damage, and the heating and mixing systems were inadequate, and

WHEREAS, these improvements were necessary to ensure that both digesters continue to be operable for at least 10 years, and

WHEREAS, in addition to the digesters work, the grit piping at the Sutter Plant headworks experienced a leak outside of the Grit Chambers allowing water to enter some of the electrical conduits, causing operational problems for plant staff, and

WHEREAS, complete replacement of the grit piping system was recommended in order to avoid significant maintenance burdens, and

WHEREAS, on May 6, 2014, by Resolution No. 2014-166, City Council approved an agreement with Carollo Engineers, Inc. (Carollo) for Design Support During Construction for the Sutter Treatment Plant Improvements Project, and

WHEREAS, the additional construction resulted in increased costs for design support from City staff and the design consultant Carollo, and

WHEREAS, the time and effort for Carollo to assist in review, analysis, and negotiation of the remaining change orders related to the delays was greater than anticipated in the original consultant agreement, and

WHEREAS, Carollo's scope of services includes: 1) Additional Coatings Inspection; and 2) Claims Resolution Support, and

WHEREAS, staff recommends that the first amendment to the agreement with Carollo be approved,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the First Amendment to Agreement with Carollo Engineers, Inc. to provide additional work for Design Support During Construction for the Sutter Treatment Plant Improvements Project, in an amount not to exceed $28,000.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the First Amendment to Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-203

RESOLUTION AUTHORIZING THE SUBMITTAL OF THE CITY'S LOCAL TRANSPORTATION FUND FISCAL YEAR 2016/17 CLAIM FOR TRANSIT CAPITAL IN THE AMOUNT OF $500,000 FOR COMMENCEMENT OF FINAL DESIGN AND ENGINEERING FOR A PASSENGER RAIL STATION TO THE STANISLAUS COUNCIL OF GOVERNMENTS

WHEREAS, the Stanislaus Council of Governments (StanCOG) has informed the City that Local Transportation Funds (LTF) have become available; and

WHEREAS, this claim for Transit Capital is the formal request by the City of Modesto to StanCOG to apportion funds during the coming fiscal year greater than Modesto's fifty-two (52) percent share for transit operations for a project of regional significance; and

WHEREAS, LTF funds provide a local match for State funds the City of Modesto hopes to receive for Transit Capital; and

WHEREAS, the Transportation Development Act (TDA) of which LTF funds are a part are intended for the development and support of public transportation needs in California; and

WHEREAS, the City has prepared its LTF Claim for Fiscal Year 2016-2017 pursuant to Articles 4 and 8 of Chapter 4 of Part 11, Division 10 of the California Public Utilities Code; and

WHEREAS, Council action authorizing submittal of a claim is required by StanCOG Resolution 14-50 "Approving the Transportation Development Act Apportionments for FY 2016-17 for Transit and Other Purposes" before any LTF funding can be released to the City.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes submittal of the City's Local Transportation Fund Claim for Fiscal Year 2016-2017 Transit Capital in the amount of $500,000, to the Stanislaus Council of Governments.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 2016, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-204

RESOLUTION AUTHORIZING THE SUBMISSION OF A JOINT APPLICATION WITH THE STANISLAUS COUNTY SHERIFF'S DEPARTMENT TO THE BOARD OF STATE & COMMUNITY CORRECTIONS FOR STRENGTHENING LAW ENFORCEMENT AND COMMUNITY RELATIONS GRANT FOR UP TO $850,000 FUNDING; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE GRANT APPLICATION, GRANT AGREEMENT WITH THE BOARD OF STATE & COMMUNITY CORRECTIONS, INCLUDING ANY AMENDMENTS THEREOF, AND GRANT RELATED DOCUMENTS

WHEREAS, the Board of State and Community Corrections (BSCC) is soliciting proposals for a $6 million grant designed to help law enforcement agencies and the communities they serve improve relations, and

WHEREAS, the BSCC's Executive Steering Committee used "The President's Task Force on 21st Century Policing," as a guideline for its RFP, and

WHEREAS, President Obama's Administration released this guideline in May 2015 that identifies best practices that promote "effective crime reduction while building public trust", and

WHEREAS, the RFP requires that 30 percent of successful grant funding must be passed through to the community groups and organizations with which the law enforcement agency is partnering, and

WHEREAS, the maximum grant for a joint law enforcement agency application will be $850,000 and

WHEREAS, a 20 percent match is required, and

WHEREAS, the Modesto Police Department's share of the total match is estimated at $181,626, and will be met with in-kind personnel and supplies, and

WHEREAS, the grants are payable over two years, and

WHEREAS, the Modesto Police Department desires to participate in the Strengthening Law Enforcement and Community Relations Grant Program administered by the Board of State and Community Corrections, and

WHEREAS, the application requires that a City Council approve a resolution authorizing the City Manager, or his designee, to submit the grant proposal for this funding, and sign the Grant Agreement with the BSCC, including any amendments thereof, and

WHEREAS, grant funds received will not be used to supplant expenditures, and

WHEREAS, the Modesto Police Department agrees to abide by the terms and conditions of the Grant Agreement as set forth by the BSCC once awarded, and

WHEREAS, the Modesto Police Department will be the lead agency and fiduciary of this grant.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves submission of a joint application with the Stanislaus County Sheriff's Department to the Board of State and Community Corrections for Strengthening Law Enforcement and Community Relations Grant for up to $850,000 in funding.

BE IT FURTHER RESOLVED that the City manager, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 2016, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-205

RESOLUTION FINDING THAT UNITED RESORTS LLC OWES $101,304.28 IN DELINQUENT TRANSIENT OCCUPANCY TAXES (TOT) AND PENALTIES AND DIRECTING STAFF TO ACCEPT PAYMENT FROM UNITED RESORTS LLC IN THE AMOUNT OF $33,000 AND TO REQUIRE PAYMENT OF THE REMAINING BALANCE OF $68, 304. 28 WITHIN 72 HOURS

WHEREAS, on January 30, 2015 the City's Tax Administrator's issued a ruling that United Resorts LLC (Appellant) owed the City of Modesto $101,304.28 in delinquent transient occupancy taxes (TOT) and delinquency and fraud penalties; and

WHEREAS, the Tax Administrator's decision was appealed to the City Council of Modesto pursuant to Section 8-2.610 of the Modesto Municipal Code (MMC); and

WHEREAS, a properly noticed appeal hearing was held before the City Council on May 3, 2016 during which Appellant appeared and presented testimony; and

WHEREAS, Council has reviewed and considered all of the evidence in the record, including but without limitation, the agenda report and testimony from the Appellant and City staff.

NOW, THEREFORE, the Council of the City of Modesto, based on all the evidence in the record including testimony presented at the hearing on May 3, 2016, finds as follows:

1. Appellant concedes that they are delinquent in remitting TOT as required under Section 8-2.601 et seq. of the MMC.

2. Appellant does not dispute the amount of TOT principal owed and only dispute the penalties imposed for delinquency and fraud by the Tax Administrator.

3. Appellant receives revenue from the County of Stanislaus' voucher program that allows transients to rent rooms from Appellant's hotel.

4. Appellant contends that the County's billing and payment practices create a delay in their receipt of payment for rent owed which cause cash flow issues for their business.

5. The temporary cash flow issues created by the County's payment schedule to Appellant do not create a permanent or indefinite disturbance or lack of revenues that prevent the Appellant from paying the TOT in a timely fashion.

6. There are alternative lines of, or means of, securing revenues such as a line of credit that Appellant could pursue in order to remit TOT on a timely basis to the City.

7. The obligation to remit TOT to the City is not relieved or excused by Appellant's other financial demands or cash flow issues.

8. There is a basis for assessing delinquency and fraud penalties under MMC Section 8-2.608 because Appellant has not remitted TOT on a monthly basis as required by MMC Section 8-2.607 and admitted to intentionally not paying TOT to the City due to fulfilling other financial obligations which constitutes fraud under MMC Section 8-2.608(b).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that:

A. United Resorts LLC owes the City of Modesto $101,304. 28 in delinquent TOT and penalties; and

B. Staff is directed to accept United Resorts LLC's payment of $33,000 to be credited to the amount owed and to require them to remit the remaining balance of $68,304.28 within 72 hours of adoption of this Resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-206

RESOLUTION APPROVING A SECOND AMENDMENT TO THE STANDARD CONSULTANT AGREEMENT WITH DATA PATH, INC., MODESTO, CA, A PROFESSIONAL FIRM, TO CONTINUE TO PROVIDE CHIEF INFORMATION OFFICER SERVICES FOR THE CITY FOR AN ADDITIONAL THREE YEAR TERM WITH A MONTHLY COST OF $17,578, EFFECTIVE MAY 24TH, 2016 AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT IN A FORM PREPARED FOR AND APPROVED BY THE CITY ATTORNEY

WHEREAS, on February 24, 2015, the City Council approved the re-establishment of the position of Chief Information Officer, and

WHEREAS, the City Council needed to appoint an Interim Chief Information Officer to fill the role of Chief Information Officer within City service, and

WHEREAS, on March 24, 2015 the City Manager's Office contracted with Data Path, Inc., a Modesto-based Information Technology consulting firm to provide interim Chief Information Officer services and hired Mr. John Dickey as interim Chief Information Officer, and

WHEREAS, the City Manager's Office desires to continue to have Mr. Dickey serve as the City's Chief Information Officer and to extend the agreement with Data Path to provide Chief Information Officer services for an additional three years at a monthly cost of $17,578, effective May 24th, 2016.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves and authorizes the City Manager or his designee to execute an amendment to the agreement with Data Path, Inc., a professional firm, to provide Chief Information Officer services for an additional three year terms at a monthly cost of

$17,578, effective May 24th, 2016, in a form prepared for and approved by the City Attorney.

BE IT FURTHER RESOLVED that terms of the Agreement shall be consistent with the Scope of Work to this Resolution as **Exhibit** 1.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 24th day of May, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

QUOTE

EXHIBIT A

318 McHenry Ave., Modesto, CA 95354
t. 209.521.0055 f. 888.499.1959

Number DPQQ9264-1

Date April 26, 2016

Sold To

City of Modesto

1010 10th Street S-5300
P.O. Box 642
Modesto, CA 95353
United States

Ship To

City of Modesto

1010 10th Street S-5300
P.O. Box 642
Modesto, CA 95353
United States

Qty	Description	Unit Price	Ext. Price
1	CIO Consulting Services	$17,578.00 / MO	$17,578.00

- **Per Diem charges may apply for travel outside of the local area.**
- **Rate remains unchanged through 5/24/2019**

SubTotal	$17,578.00
Tax	$0.00
Shipping	$0.00
Total	**$17,578.00**

Interim Services

The CIO will support senior management by providing transitional or long term leadership and management for programs, projects, infrastructure or operations and has the experience to deliver the results you need. For instance:

Strategic Planning

The CIO will aid the city in building a solid strategic foundation by designing and managing creative, collaborative strategic planning processes. He will assist in defining government's technology and business process objectives, actions and timetables linked to mission and financial projections and plans. He will also facilitate decisions by all stakeholders resulting in plans that are actionable and client-owned.

Enterprise Systems (ERP, HRIS, Finance, CAD, Supply Chain, Logistics...)

The CIO will support the due diligence process of requirements definition, solution identification, validation, inspection, selection, negotiation, implementation planning, provisioning, configuring, testing, training and production. Having successfully directed this process for small, medium and large organizations, he has the necessary experience to ensure your success as well.

Lean Business Processes

Process identification, value-stream mapping, streamlining and/or automation can be daunting. The CIO knows Process Engineering inside out and can assist you in:

- Identifying your key business processes in need of improvement
- Identifying the critical people, actions and communications needed in each process flow
- Mapping both current and future states
- Developing the plans to implement
- Optimizing new processes and measuring their effectiveness

eGovernment

The CIO will help you analyze your organization's potential for on-line success, define your requirements, metrics, as well as develop an egovernment strategy, design your information architecture, wireframes, process flows and site maps. He'll also assist in selecting the best third party developers and integrators when needed.

IT Governance and Staffing

The CIO can evaluate strengths and opportunities of staff as well as professional development needs. He will help determine appropriateness of the City's IT organization's alignment in support of the various entities and missions of concern. He is also an expert at team building, establishing customer focus, responsiveness and mentoring prospective leaders. He will help rationalize or establish best practices in IT governance from portfolio management to customer-based prioritization.

Architecture/Infrastructure Optimization

The CIO will work with customers and IT Service providers to establish best service levels and associated architectural configurations as well as rational migration plans.

Partnerships

The CIO is adept at establishing constructive professional relationships with senior executives and other leaders across the organization.

Additional Duties

Plan, organize, direct and review the activities and operations of the Information Technology Department functions including Information Services, System Development and Support Services, Network Services and Geographic Information Systems; to provide leadership to the department and the City organization; to coordinate assigned activities with other departments and outside agencies

Exercises direct supervision over assigned management, supervisory, professional, technical and administrative support personnel.

Develop, plan and implement Department goals and objectives; recommend and administer policies and procedures.

Coordinate Department activities with those of other departments and outside agencies and organizations; provide staff assistance to the Deputy City Manager, City Manager, and City Council; prepare and present staff reports and other necessary correspondence.

Direct, oversee and participate in the development and administration of the Information Technology Department budget; direct the forecast of additional funds needed for staffing, equipment, materials and supplies; monitor and approve expenditures; implement mid-year adjustment.

Select, train, motivate and evaluate personnel; provide or coordinate staff training; conduct performance evaluations; implement disciplinary actions and terminations; maintain discipline and high standards necessary for the efficient and professional operation of the Department.

Develop and implement long and short-term strategic plans in support of department and City-wide goals and objectives.

Work with consultants, advisory teams, technology providers, and other resources in order to recommend policy direction to the Deputy City Manager, City Manager, and City Council for technology enhancements.

Utilize Customer Relations Management (CRM) and other strategies to improve internal and external customer relations, Ensure staff understanding and skills for effective customer service support, including the need for timely assistance, swift resolution of problems and expeditious review of user complaints.

Provide users with cost effective long-range solutions to complex systems and technical problems; develop, justify, acquisition, and implement major information technology related projects and programs.

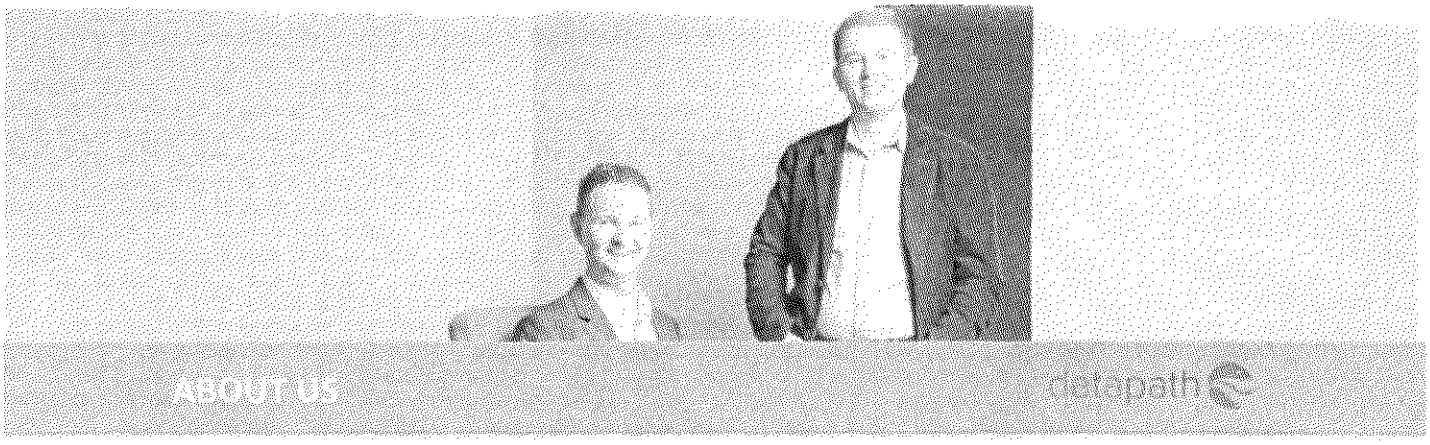
Oversee the completion of comprehensive information technology studies; review reports of findings and make recommendations, as appropriate.

Conduct research, analysis, and special studies on complex and sensitive administrative and policy issues, and prepare reports with recommendations for appropriate action.

Represent the Department to outside groups and organizations; participate in outside community and professional groups and committees; provide technical assistance as necessary.

Term

Period covered by this agreement is May 24, 2016 - May 24, 2019



Long-term friends and Central Valley residents, James Bates and David Darmstandler founded Data Path in June of 2005. In 2004, James and David started meeting regularly to write their business plan for Datapath. They met with local business and organization leaders in the area to discover what their experience was with their current IT departments and IT consulting companies. They found that leaders were frustrated with their IT support not understanding their organizations, being unresponsive to needs, not planning for the future and were unable to view decisions with a "return-on-investment" mindset.

With these discoveries, James and David built the Datapath service model to address and overcome the negative experience leaders were having. Through unmatched customer service, support and proactivity of innovative IT solutions, Data Path quickly grew to be one of the regions highest=regarded and most awarded IT consulting firms.

Data Path currently supports and manages more than 6,000 computers and 600 servers, overseeing the support and resolution of more than 1,500 support requests per month, with daily exposure to various software packages, network equipment and computer systems spread across a diverse client base.

Number of Clients: 350+
Number of Public Sector Clients: 40+
Length of time in business of providing proposed services: 10 years+
Number of fulltime personnel: 35
Technical Engineers: 28
Sales, Marketing and Administrative support: 6
External Consultants and Coaches: 2
Location for service and headquarters: 318 McHenry Ave., Modesto, California 95354

Legal Name: Data Path, Inc.
Physical Address: 318 McHenry Ave., Modesto, CA 95354
Phone: 209-521-0055 **Fax:** 888-499-1959

To accept this agreement please sign and date below.

"CONTRACTOR"

Data Path Incorporated,

a California corporation

318 McHenry Ave.

Modesto, California 95354

By: _____
(Please Print)

Signature: _____

Dated: _____

"CLIENT"

City of Modesto

1010 10th Street S-5300

Modesto, CA 95353

By: James Bates
(Please Print)

Signature: _____

Dated: 5-24-16

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-207

RESOLUTION APPROVING THE FINAL MAP OF KIERNAN BUSINESS PARK PHASE 2 SUBDIVISION, AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE A SUBDIVISION AGREEMENT WITH JOANN IRENE BLEDSOE, A MARRIED WOMAN HER SOLE AND SEPARATE PROPERTY, AND CARL R. FISCHER, JR. AND SANDY FISCHER, AKA SANDRA FISCHER, AS TRUSTEES OF THE CARL R. FISCHER, JR, AND SANDY FISCHER REVOCABLE TRUST UDT DATED SEPTEMBER 25, 2000 AND AUTHORIZING THE CITY CLERK TO CERTIFY AND RECORD THE FINAL MAP WITH THE STANISLAUS COUNTY RECORDER'S OFFICE

WHEREAS, Joan Irene Bledsoe, a married woman her sole and separate property, and Carl R. Fischer Jr. and Sandy Fisher, aka Sandra Ficher, as trustees of The Carl R. Fischer Revocable Trust udt dated September 25, 2000 ("SUBDIVIDER"), is in possession of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 2.75 acres, known as the KEIRNAN BUSINESS PARK EAST PHASE 2 – HEALTHCARE WAY ("SUBDIVISION"), in the Specific Plan Zone per the Kiernan Business Park Specific Plan dated December 15, 2015, and

WHEREAS, a Vesting Tentative Parcel Map was approved by the Planning Commission on September 14, 2015 per Planning Commission Resolution No. 2015-20 and the Vesting Tentative Map of said tract was approved by the Planning Commission of the City of Modesto on September 14, 2015 per Planning Commission Resolution No. 2015-21, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto and the City Engineer have certified that the Final Map of said tract substantially conforms to the approved Tentative Map, and

WHEREAS, the public improvements have not been completed, and

WHEREAS, as required by Section 4-4.605 of the Modesto Municipal Code, the SUBDIVIDER has executed a Subdivision Agreement, and

WHEREAS, the City Engineer of the City of Modesto has certified that the Final Map of said SUBDIVISION meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and the City Surveyor has determined that the map is technically correct, and

WHEREAS, the SUBDIVIDER has furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities are in forms acceptable to the City Attorney and in the amounts required by the City Engineer,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said Final Map be approved; that the dedications for public streets and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Manager or designee be authorized to execute the Subdivision Agreement.

BE IT FURTHER RESOLVED that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Kenoyer, Madrigal, Ridenour
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Grewal, Zoslocki, Mayor Brandvold

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-208

RESOLUTION APPROVING AN EXEMPTION FOR A 90 DAY PLANT ESTABLISHMENT PERIOD FOR NEWLY INSTALLED LANDSCAPES FROM STAGE I, II OR IIA DROUGHT CONTINGENCY PLAN REQUIREMENTS

WHEREAS, the State Water Resources Control Board adjusted the City of Modesto's cumulative required water use reduction to 33 percent and the Modesto City Council enacted Stage II of the City of Modesto Drought Contingency Plan on April 26, 2016, and

WHEREAS, the Modesto City Council has previously approved exemptions to the City of Modesto's Drought Contingency Plan for community sports and recreation fields owned by the City, and for other local organizations, and

WHEREAS, the City of Modesto has municipal code requirements that require the installation of landscape and irrigation on all new commercial, industrial, institutional and residential developments and all new landscape and irrigation must meet the current State Model Water Efficient Landscape Ordinance (MWELO) requirements, and

WHEREAS, newly installed plants do not have a well-established root system that can withstand severe drought conditions and in order to survive and withstand severe drought conditions they must be allowed to be watered as needed for up to 90 days, and

WHEREAS, City staff is requesting that the City Council approve an exemption to the City of Modesto's Drought Contingency Plan to allow for a plant establishment period of 90 days for all newly installed landscapes to ensure the investment of local businesses and residents is protected, and

WHEREAS, City staff anticipates that granting this exemption will have minimal impact on the amount of water used for new landscape, and

WHEREAS, City staff anticipates up to fifty new residential properties and a dozen new non-residential properties to be landscaped by November 2016 and should the City Council enact Stage III of the Drought Contingency Plan, staff would recommend deferring the installation of new required landscape, and

WHEREAS, this exemption does not allow property owners to be wasteful in their use of water and the City of Modesto's Water Division will retain the ability to notify and fine the property owner should they be wasteful, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves an exemption for a 90 day plant establishment period for newly installed landscapes from Stage I, II or IIA Drought Contingency Plan requirements.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-209

RESOLUTION AMENDING SECTION 3.3 MEMBERSHIP COMPOSITION OF THE RULES AND PROCEDURES THE ENTERTAINMENT COMMISSION

WHEREAS, the Entertainment Commission was created in 2008 order to provide a fair review process for entertainment establishments and special events, and

WHEREAS, the current Rules and Procedures of the Entertainment Commission authorizes the following membership composition: one (1) Business Permit Holder, one (1) Non-Profit/Special Event Permit Holder, two (2) representatives from the Board of Directors of an Economic/Tourist Establishment that promotes Modesto, two (2) At-Large Citizens/Non-Permit Holders, one (1) Culture commission member, and two (2) Alternates to be Non-Permit Holders, and

WHEREAS, at the March 14, 2016 meeting of the Great Safe Neighborhoods Committee, the Committee has recommended a revision of Article III, Section 3.3 of the Rules and Procedures of the Entertainment Commission to revise the membership category of one (1) Cultural Commission member to the membership category of one (1) Event Planning or Marketing Specialist, and

WHEREAS, the revised Rules and Procedures is **attached** hereto and incorporated herein,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the revised Rules and Procedures of the Entertainment Commission relating to membership composition.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST:

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:

ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-210

RESOLUTION APPROVING SEVEN APPOINTMENTS AND TWO ALTERNATE APPOINTMENTS TO THE ENTERTAINMENT COMMISSION

WHEREAS, Article 4, Section 4.2 of the Rules and Procedures of the Entertainment Commission states that for purposes of staggering the terms of the Commissioners, the initial appointments shall have terms as follows: three (3) commissioners shall have initial terms of four (4) years, two (2) commissioners shall have initial terms of three (3) years, and two (2) commissioners shall have initial terms of two (2) years. One alternate shall have an initial term of two (2) years, and another alternate shall have an initial term of three (3) years, and

WHEREAS, all terms of the initial appointments to the Commission shall be deemed to commence upon the same date, and

WHEREAS, at the April 6, 7, and 21, 2016, the Great Safe Neighborhoods Committee interviewed fourteen (14) eligible applicants for consideration of appointment to the Entertainment Commission, and

WHEREAS, seven (7) applicants and two (2) alternate applicants were selected to be recommended to City Council for consideration of appointment to the Entertainment Commission, and

WHEREAS, on May 24, 2016, the City Council amended Section 3.3 Membership Composition of the Rules and Procedures of the Entertainment Commission to include:

One (1) Business Permit Holder

One (1) Non-Profit/Special Event Holder

One (1) Board of Directors member of an Economic or Tourism Organization

One (1) Event Planning or Marketing Specialist

Three (3) At-Large Citizen/Non-Permit Holders

Two (2) At-Large Alternate Citizen/Non-Permit Holders

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following are hereby appointed to the Entertainment Commission:

Representing	Appointments	Term
Business Permit Holder	Billy Anderson	4 years
Non-Profit/Special Event Holder	Carlos Yamzon	4 years
Board Member/Economic or Tourism Organization	Middagh Goodwin	4 years
Event Planning or Marketing Specialist	Darrel Wilkins	3 years
At-Large Citizen	Will DeBoard	3 years
	Nic Padilla	2 years
	Richard Bowden	2 years

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the following alternates are hereby appointed to the Entertainment Commission:

Representative	Appointments	Term
Alternate, Non-Permit Holder	Naja Frowein –	2 years
Alternate, Non-Permi Holder	Katherine Zagone	3 years

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-211

RESOLUTION AMENDING THE CITY'S ANTI-DRUG PROGRAM/ALCOHOL MISUSE PROGRAM TO ENSURE CONTINUED COMPLIANCE WITH THE REGULATIONS ESTABLISHED BY THE FEDERAL DEPARTMENT OF TRANSPORTATION

WHEREAS, the Omnibus Transportation Employee Testing Act of 1991 requires drug and alcohol testing of safety-sensitive transportation employees in transportation industries, and

WHEREAS, the City of Anti-Drug/Alcohol Misuse Program and Procedure is governed by both the Federal Motor Carrier Safety Administration and the Federal Transit Administration, and

WHEREAS, on January 10, 2012 by Resolution No. 2012-10 , the Council of the City of Modesto approved amending the Anti-Drug/Alcohol Misuse Program, and

WHEREAS, on September2, 2014 by Resolution No. 2014-318 , the Council of the City of Modesto approved amending the Anti-Drug/Alcohol Misuse Program, and

WHEREAS, there is a need to revise the current City's Anti-Drug/Alcohol Misuse Program to ensure compliance with the Federal regulations of the Department of Transportation, and

WHEREAS, the proposed revision in the Anti-Drug Program/Alcohol Misuse Program is in the third paragraph of section 5. "Prohibited Behavior" to clarify language to reflect that covered employees are prohibited from reporting to work or performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater and appendix A and B have been updated to reflect job title changes resulting from recent department reorganizations.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION I. POLICY AMENDMENT. The Anti-Drug/Alcohol Misuse Program **attached** hereto is hereby approved.

SECTION II. EFFECTIVE DATE. This resolution shall become effective on and after May 24, 2016.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO
CALIFORNIA

City of Modesto
ANTI-DRUG PROGRAM/ALCOHOL MISUSE PROGRAM

As required by the Department of Transportation

Adopted and approved by Modesto City Council on September 2, 2014

City of Modesto
1010 Tenth Street
PO Box 642
Modesto, CA 95353
Phone 209-577-5446 • Fax 209-576-7069

Please Note:

The following policy contains information in regards to the City's federally mandated drug and alcohol misuse policy for commercial license holders and safety sensitive positions covered by these regulations.

Employees and supervisors should be aware that there are other rules and policies that pertain to the subject of drug and alcohol use and this policy should not be considered a sole source for direction in all circumstances.

Additional related information may be found in the following documents as well as other sources not listed:

- Employee Handbook
- Personnel Rules
- City Alcohol and Drug Abuse Policy
- Memorandums of Understanding

Please contact Human Resources for guidance and questions.

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1. Purpose of Policy

This policy complies with 49 CFR Part 655, as amended, 49 CFR Part 40, as amended, and 49 CFR Part 382, as amended. All drug and alcohol testing is conducted in accordance with these regulations.

Copies of Parts 382, 655 and 40 are available in the Anti-Drug Program/Alcohol Misuse Program Manager's office and can be found on the internet at the Office of Drug & Alcohol Policy & Compliance's website http://www.dot.gov/ost/dapc/index.html.

The City of Modesto has written and implemented its Anti-Drug/Alcohol Misuse Program to ensure compliance with Federal Regulations of the Department of Transportation. This program is implemented in addition to the City's Drug-Free Workplace Program. This policy and these procedures are adjunct to the City of Modesto's Alcohol and Drug Abuse Policy, dated October 7, 2009. In the event that Federal Regulations conflict with the City's Drug-Free Workplace Program, the Federal Regulations shall prevail. In the event that Federal Regulations fail to provide language for a particular situation, the employee shall be subject to this policy, the City's 2009 Drug-Free Workplace Program or other applicable City Policies.

It is the goal of the City of Modesto to attract and maintain a work force that is free of alcohol or drugs that impair judgment, impact job performance or result in accident or injury to employees or the general public. For the purpose of this program an employee who tests positive on a drug test, as defined by DOT, shall be considered impaired.

2. Statement of Philosophy

A. City Philosophy

As stated in the City of Modesto's Alcohol and Drug Abuse Policy, employees shall not utilize or be impaired by alcohol or drugs while in City vehicles, at work locations, or while on duty or paid standby; shall not possess alcohol or drugs while on duty, or in City vehicles; shall not sell or provide or participate in or arrange for the selling or provision of prescription or illegal drugs to any other employee or to any person while such employee is on duty or paid standby; nor have their ability to work impaired as a result of the use of alcohol or drugs. Employees must be able to perform their duties safely and efficiently, in the interest of the public and their fellow workers, as well as themselves. The influence of drugs and alcohol on employees is not consistent with this objective.

The City will act to eliminate any substance abuse. Examples include alcohol, illegal drugs, prescription drugs, or any other substance which could impair an employee's ability to perform safely and effectively the functions of the particular job that increases the potential for accidents, absenteeism, substandard performance, poor employee morale, or damage to the City's reputation.

3. Scope

A. Covered Employees

This policy applies to every employee whose position requires the possession of a commercial driver's license (CDL); every employee performing a "safety-sensitive function" as defined herein, and any employee applying for such positions. Compliance with all required testing is a condition of employment.

Under Federal Motor Carrier Safety Administration (**FMCSA**), an employee is performing a safety-sensitive function if they are:

- Driving a commercial motor vehicle which requires the driver to have a commercial driver's license (CDL),
- Inspecting, servicing, or repairing any commercial motor vehicle,
- Waiting to be dispatched to operate a commercial motor vehicle,
- Performing all other functions in or upon a commercial motor vehicle,
- Loading or unloading a commercial motor vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipment being loaded or unloaded,
- Performing driver requirements associated with an accident, or
- Repairing, obtaining assistance, or remaining in attendance upon a disabled commercial motor vehicle.

Under Federal Transportation Authority (**FTA**), you are a safety-sensitive employee if you perform any of the following:

- Operation of a revenue service vehicle, whether in or out of revenue service,
- Operation of a non-revenue vehicle requiring a CDL,
- Controlling movement or dispatch of a revenue service vehicle,
- Security personnel who carry firearms,
- Maintenance (including repairs, overhaul and rebuilding) of a revenue service vehicle or equipment being used on revenue service, or
- Contract employees that stand in the shoes of Transit System employees who have to comply.

Covered employee means a person, including an applicant or transferee, who performs or will perform a safety-sensitive function. A volunteer is a covered employee if: (1) The volunteer is required to hold a commercial driver's license to operate the vehicle; or (2) The volunteer performs a safety-sensitive function for an entity subject to CFR 49 Part 655, 40 or 382 and receives remuneration in excess of his or her expenses incurred while engaged in the volunteer activity.

See Attachment A and B for a list of covered positions by job title.

B. Contact

For questions regarding the City's anti-drug use and alcohol misuse program, please contact the Risk & Loss Control Coordinator at 209-577-5446.

4. Prohibited Substances

- Marijuana
- Cocaine
- Amphetamines
- Opiates
- Phencyclidine (PCP)

Use of these five substances is prohibited at all times and a covered employee may be tested for these drugs any time while on duty.

5. Prohibited Behavior- Alcohol

Each covered employee is prohibited from consuming alcohol while performing safety-sensitive job functions or while on-call to perform safety-sensitive job functions. If an on-call employee has consumed alcohol, they must acknowledge the use of alcohol at the time that they are called to report to duty. If the covered employee claims ability to perform his or her safety-sensitive function despite prior consumption of alcohol, they must take an alcohol test, with a negative result, before being allowed to work.

No department shall permit any covered employee to perform or continue to perform safety-sensitive functions if it has actual knowledge that the employee is using alcohol.

Each covered employee is prohibited from reporting to work or remaining on duty requiring performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater regardless of when the alcohol was consumed.

No covered employee shall consume alcohol for eight (8) hours following involvement in an accident or until he/she submits to the post-accident drug/alcohol test, whichever occurs first.

No covered employee shall consume alcohol within four (4) hours prior to the performance of safety-sensitive job functions.

6. Testing Procedure

Testing shall be conducted in a manner to assure a high degree of accuracy and reliability using techniques, equipment and laboratory facilities which have been approved by the U.S. Department of Health and Human Services (HHS). All testing will be conducted consistent with the procedures as required in 49 CFR Part 40 (as amended). The following types of tests and testing protocols apply:

A. Pre-Employment Testing

Pre-employment tests are conducted after making a conditional offer of employment or transfer that is subject to the employee passing the pre-employment test.

FTA Procedures: A negative pre-employment drug test result is required before an employee can first perform safety-sensitive duties.

A pre-employment test, with a verified negative result, is required for covered employees who are away from work for more than 90 consecutive calendar days, are removed from the random testing pool, during that time, and plan to return to a safety-sensitive function.

When a covered employee or applicant has previously failed or refused a DOT pre-employment drug and/or alcohol test, the employee must provide proof of having successfully completed a referral, evaluation and treatment plan meeting DOT requirements.

FMCSA Procedures: A negative pre-employment drug test result is required before an employee can first perform safety-sensitive duties. An employer is required to administer a pre-employment controlled substances test if:

(1) The driver has participated in a controlled substances testing program that meets the requirements of this part within the previous 30 days; and

(2) While participating in that program, either:

a) Was tested for controlled substances within the past six months (from the date of application with the City of Modesto), or
b) Participated in the random controlled substances testing program for the previous twelve months (from the date of application with the City of Modesto); and

(3) The City of Modesto ensures that no prior employer of the driver (of whom the City of Modesto has knowledge) has records of a violation of this part or the controlled substances use rule of another DOT agency within the previous six months.

(4) A pre-employment test, with a verified negative result, is required for covered employees who are away from work for more than 30 consecutive calendar days, are removed from the random testing pool during that time, and plan to return to a safety-sensitive function.

B. Reasonable Suspicion Testing

As currently provided in the City of Modesto's Alcohol and Drug Abuse Policy, the City shall conduct a drug and/or alcohol test when the City has reasonable suspicion to believe that the covered employee has used a prohibited drug and/or engaged in alcohol misuse.

The determination that reasonable suspicion exists shall be based on specific, contemporaneous, objective observations concerning the appearance, behavior, speech, or body odors of the covered employee. A supervisor or other City official, trained in detecting the signs and symptoms of drug use and alcohol misuse, must make the required observations and document them in writing on the form provided. (Attachment D)

The City allows you to ask to have a representative with you prior to being tested for non-DOT reasons. We will provide access to a telephone to contact a representative. Your representative must be present within one and one half hours of the time we directed you to take the test. If the representative cannot be present or is not present within that time, we may allow additional time at our discretion or we may choose to have you undergo the evaluation and/or testing without your representative being present.

The City of Modesto may direct a covered employee to undergo DOT reasonable suspicion testing for alcohol only while the employee is performing safety-sensitive functions, just before the employee is to perform safety-sensitive functions; or just after the employee has ceased performing such functions. However, all City employees (DOT and non-DOT) can be tested under the City's Alcohol and Drug Abuse Policy for reasonable suspicion.

If an alcohol test is not administered within two (2) hours following the determination to conduct a reasonable suspicion test, the supervisor shall prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If an alcohol test is not administered within eight (8) hours following the determination to test, the City shall cease attempts to administer an alcohol test and update the record with the reasons for not administering the test in a timely manner.

Where there is reasonable suspicion that the employee is impaired by alcohol or drugs, the manager or supervisor should arrange for the employee to be safely transported home after the employee has undergone testing. The employee shall be placed on paid administrative leave pending the outcome of the test.

C. Post-Accident Testing

FMCSA and FTA Procedures: Covered employees shall be subject to post-accident alcohol and controlled substances testing under the following circumstances:

Fatal Accidents: As soon as possible following an accident involving the loss of human life, DOT drug and alcohol tests are conducted on all surviving covered employees. In addition, any other covered employee whose performance could have contributed to the accident, as determined by the employer using the best information available at the time of the decision, is tested.

Non-Fatal Accidents: Post-accident testing is required if one of the following conditions is met,

- An accident results in injuries requiring immediate medical treatment away from the scene, and the covered employee may have contributed to the accident,

  or

- One or more vehicles receive disabling damage and have to be towed from the scene, and the covered employee may have contributed to the accident.

In addition, any other covered employee whose performance could have contributed to the accident, as determined by the employer using the best information available at the time of the decision, is tested.

Disabling damage means damage which prevented the departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs.

Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated, but does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, tail lights, turn signals, horn, or windshield wipers that makes them inoperative.

If an alcohol test is not administered within two hours following the time of the accident, the supervisor shall prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If an alcohol test is not administered within eight hours following the determination to test, the City shall cease attempts to administer an alcohol test and update the record with the reasons for not administering the test in a timely manner. The drug test should be taken as soon as possible. Attempts to conduct the drug test shall cease after 32 hours.

Any decision not to administer a drug and/or alcohol test under this section shall be based on the City's determination, using the best available information at the time of the determination that the employee's performance could not have contributed to the accident. Such a decision must be documented in detail, including the decision-making progress used to reach the decision not to test (Attachment C).

Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident or to prohibit a covered employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

D. Random Testing

Random drug and alcohol tests are unannounced and unpredictable, and the dates for administering random tests are spread reasonably throughout the calendar year. Random testing must be conducted at all times of the day when safety-sensitive functions are performed.

Testing rates will meet or exceed the minimal annual percentage rate set each year by the DOT Administrator. The current year testing rates can be viewed on line at http://www.dot.gov/ost/dapc/rates.html. The FMCSA minimum testing requirement is to annually perform drug tests on 50% and alcohol tests on 10% of the average number of commercial driver positions. The FTA minimum testing requirement is to annually perform drug tests on 25% and alcohol tests on 10% of the average number of safety-sensitive employees. If a given agency or driver is subject to random alcohol or controlled substances testing under the random alcohol or controlled substances testing of more than one DOT agency for the same employer, the drivers shall be subject to random alcohol and/or controlled substances testing at the annual percentage rate established for the calendar year by the DOT agency regulating more than 50 percent of the driver's function.

The selection of employees for random drug and alcohol testing shall be made by a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with employees' Social Security numbers, payroll identification numbers, or other comparable identifying numbers. Under the selection process used, each covered employee shall have an equal chance of being tested each time selections are made.

Each employee selected for testing shall be tested during the selection period. A covered employee shall only be randomly tested for alcohol misuse while the employee is performing safety-sensitive functions; just before the employee is to perform safety-sensitive functions; or just after the employee has ceased performing such functions. A covered employee may be randomly tested for prohibited drug use anytime while on duty.

Each covered employee who is notified of selection for random drug or random alcohol testing shall proceed to the test site immediately.

E. Test Refusal

You have refused to take a test if you:

1. Fail to provide a breath or urine sample,
2. Provide an insufficient volume without valid medical explanation,
3. Fail to appear within a reasonable time,
4. Leave the scene of an accident without just cause,
5. Fail to permit an observed or monitored collection when required,

6. For an observed collection, fail to follow the observer's instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process,
7. Possess or wear a prosthetic or other device that could be used to interfere with the collection process,
8. Admit to the collector or MRO that you adulterated or substituted the specimen. Fail to take a second test when required,
9. Fail to undergo a medical examination when required,
10. Fail to cooperate with any part of the testing process,
11. Fail to sign Step 2 of alcohol test form,
12. Once test is underway, fail to remain at site and provide a specimen, or
13. The MRO verifies that you provided an adulterated/substituted sample.

For pre-employment tests only, failure to appear, aborting the collection before the test commences, or failure to remain at site prior to commencement of test is NOT a test refusal.

F. Shy Bladder

If an employee is unable to provide at least 45 milliliters of urine, collection site personnel shall direct the individual to drink not more then 40 ounces of fluids and, after a period up to three (3) hours time, attempt to provide a complete sample. If employee is still not able to give an adequate sample the MRO shall refer the individual for a medical evaluation to determine if the individual's inability to provide a sample is a genuine medical condition or constitutes a refusal to test. An employee's refusal to be examined by a physician shall be regarded as a refusal to test.

G. Dilute Samples

In instances where the employee produces a dilute negative specimen, he or she must undergo a second test. Dilute negative results of 2-5 mg/dl require an immediate recollection under direct observation (see §40.155(c)). The result of the second test is the result of record.

H. Split Sample

Any covered employee who questions the results of a required drug test under this policy may request that the split sample be analyzed. The analysis must be conducted on the split sample that was provided by the employee at the time of the primary specimen. The employee's request must be made to the Medical Review Officer within 72 hours of notice of the verified results from the original sample. Requests after 72 hours will only be accepted at the discretion of the MRO. The split specimen test will be sent to a different DHHS-certified laboratory to analysis for presence of the drug(s) for which a positive result was obtained in the test of the primary specimen. The split specimen analysis will be at the employee's expense if it confirms the original result.

I. Consequences

Following a positive drug or alcohol (BAC at or above 0.04) test result or test refusal, the employee is immediately removed from safety-sensitive duties, referred to a substance abuse professional (SAP), and put on administrative leave pending disciplinary action.

FTA Procedures: Following a BAC of 0.02 or greater, but less than 0.04, the employee is immediately removed from safety-sensitive duties for at least eight hours unless a retest results in the employee's alcohol concentration of less than 0.02.

FMCSA Procedures: Following a BAC of 0.02 or greater, but less than 0.04, the employee is immediately removed from safety-sensitive duties until the start of the driver's next regularly scheduled duty period, but not less than 24 hours following administration of the test.

J. Return to Duty Testing

Any employee who is allowed to return to duty after a refusal to submit to a test or failing an alcohol and/or drug test, must first be evaluated by a substance abuse professional (SAP), and provide a negative drug, alcohol (or both) return-to-duty test result.

K. Follow-Up Testing

Employees returning to duty following a leave for substance abuse rehabilitation will be required to undergo unannounced follow-up alcohol and/or drug testing as directed by the SAP. The number and frequency of such follow-up testing shall be directed by the SAP. The employee will be subject to follow-up testing for a period of 1 to 5 years as determined by the SAP. All testing will be conducted in accordance with 49 CFR Part 40, subpart O.

L. Compensation

Time spent in conjunction with pre-duty (first test to add into the Random pool), post-accident, random and reasonable suspicion testing shall be considered as paid time. The City shall also pay for the cost of these tests, pre-employment tests and the initial evaluation by the SAP. Cost of SAP-required treatment and testing, time spent while testing for return to duty, and time spent on follow-up testing shall be borne by the employee.

7. Employee admission of alcohol and controlled substances use

All employees are encouraged to make use of the available resources for treatment for alcohol misuse and illegal drug use problems. Under the City of Modesto's policy, any employee who **voluntarily discloses** a substance abuse problem **before a disciplinary matter develops and/or before notification for a required test**, will be subject to return-to-duty and follow-up testing under the City of Modesto's authority (using non-DOT testing paperwork). The purpose of the return to duty testing is to provide a degree of assurance that the employee is drug and alcohol free and that the employee is able to return to work without undue concern of continued drug abuse or alcohol misuse.

The employee must be referred to EAP and evaluated by a substance abuse counselor and pass a non-DOT return-to-duty test. The non-DOT return-to-duty test must include both drug and alcohol testing as well as meet other return-to-duty requirements. The employee must have a verified negative drug test result and a breath alcohol test result of less than 0.02 before returning to his/her safety-sensitive functions. Once returned and as a condition of ongoing employment, the employee must follow the recommended frequency and duration of follow-up testing from the EAP/substance abuse counselor. **Any employee who refuses or fails to comply with requirements for treatment, after care, or return-to-duty shall be subject to disciplinary action, up to and including termination.** The cost of any treatment or rehabilitation services will be paid for directly by the employee or their insurance provider.

Employees will be allowed to take accumulated sick leave and vacation leave to participate in the prescribed rehabilitation program.

Any follow-up testing will be apart from and in addition to participation in the random testing program.

8. Prescription Drug Use

The appropriate use of legally prescribed drugs and non-prescription medication is not prohibited. It is however, the employee's responsibility to explain to their physician their job duties and ask their physician, or other health care professional, whether or not the prescribed drug may impair their job performance or mental or motor function. It is the responsibility of the employee to remove themselves from service if they are unfit for duty due to prescription drug use.

The City requires employees to report the use of medically authorized drugs or other substances that may create a direct threat by impairing performance of safety-sensitive functions to his/her supervisor, and to provide written medical authorization to work from a physician.

Failure to report the use of such drugs or failure to provide proper evidence of medical authorization to work may result in disciplinary action, up to and including termination.

9. Over-The-Counter Medications

The City requires it's employees, when selecting an over-the-counter medication, to read all warning labels before selecting medications for use while performing safety-sensitive function. Medications known to affect mental function, motor skills or judgment should not be selected. The advice of a pharmacist, if available at the purchase site may be helpful in making a selection that is appropriate for the safety-sensitive functions. If no alternate medication is available for the condition, the employee should seek professional assistance from a pharmacist or physician. Ultimately, the employee may be the best judge of how a substance is impacting him/her. It is the responsibility of the employee to refrain from using any over-the-counter medication that may cause altering side effects inconsistent with doing their job.

10. Evaluation/Rehabilitation

The Substance Abuse Professional (SAP) must be a licensed physician (medical doctor or doctor of osteopathy), licensed or certified psychologist, social worker, employee assistance professional; or an addiction counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission or the International Certification Reciprocity Consortium/Alcohol and other Drug Abuse.

The SAP will perform responsibilities and retain confidential records as required by 49 CFR Part 40 (as amended).

An employee who fails a drug test, alcohol test (0.02 or greater), or refuses to be tested will be referred to a substance abuse professional who shall determine what assistance the employee needs in resolving problems associated with alcohol misuse or drug use. Applicants not hired and employees who are to be disciplined as a result of a violation of this policy shall also be referred to the SAP. Each employee identified as needing assistance in resolving problems associated with alcohol misuse or drug use shall be evaluated by a substance abuse

professional to determine if the employee has properly followed a rehabilitation program and shall be subject to unannounced follow-up alcohol and controlled substance testing.

Participation in rehabilitation through the SAP will not result in disciplinary action. However, successful completion of the prescribed program, if it is determined that participation in such a program is needed, will be required for the employee to continue in the employment of the City of Modesto. The employee shall be placed on sick leave, vacation leave, or leave without pay if sick or vacation leave is not available, in order to enter into an approved rehabilitation program.

Participation in rehabilitation through the SAP will not prevent or prohibit disciplinary action where warranted for violations of rules and regulations.

Return to duty will be conditioned upon agreement to substance/alcohol retesting as determined by the SAP for a time period not to exceed 60 months. City policy states that positive results on a follow-up test or other evidence of relapse will be grounds for disciplinary action, up to and including termination.

The SAP's determination that an employee is medically qualified to be returned to duty will not prevent or prohibit disciplinary action for violation of rules and regulations.

Employees who have been determined to need treatment to resolve an alcohol misuse or drug use problem shall be referred to the City's Employee Assistance Program.

11. Employee and Supervisor Training

Every safety-sensitive employee will receive a copy of this policy and will have ready access to the corresponding federal regulations including 49 CFR Part 40 and Part 655 (as amended) on the City's Intranet, by contacted the Program Manager, or by contacting the Risk & Loss Control Coordinator.

All covered employees will undergo a minimum of 60 minutes of initial training on the signs and symptoms of drug use including the side effects and consequences of drug use on personal health, safety, and the work environment. Follow-up training will be done as regulations and requirements change. The initial training also includes manifestations and behavioral cues that may indicate prohibited drug use. Upon completion of the training, employees will sign and date the Employee Acknowledgement Form to confirm receiving the document and the training. Training forms will be forwarded to Human Resources for retention.

All supervisory and management personnel who are in a position to determine employee fitness for duty will receive a minimum of 60 minutes of reasonable suspicion training on the physical, behavioral, and performance indicators of probable drug use and 60 minutes of additional reasonable suspicion training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse. Follow-up training will be done as regulations and requirements change.

Information on the signs, symptoms, health effects, and consequences of substance abuse is found in Attachment G of this policy.

12. Medical Review Officer (MRO)

The MRO must be a licensed physician or doctor of osteopathy who is responsible for receiving laboratory results generated by the drug testing program and who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's

confirmed positive test result together with his/her medical history and any other relevant biomedical information.

The MRO will perform responsibilities, perform notifications, and retain confidential records as required by 49 CFR Part 40 as amended.

13. Testing Laboratory

The City shall use a drug testing laboratory certified under HHS Mandatory Guidelines for Federal Workplace Drug Testing Programs; 53 FR 11970, April 11, 1988 and subsequent amendments.

The testing laboratory will comply with all methods and procedures of 49 CFR Parts 40, 382, and 655 (as amended). The laboratory shall have a qualified individual to assume professional, organizational, educational, and administrative responsibilities for the laboratory's urine drug testing facility.

14. Reporting of Anti-Drug/Alcohol Testing Results

The City shall prepare and maintain an annual calendar year summary of the results of its alcohol and controlled substances testing programs. By March 15 of each year, the City shall complete the annual summary covering the previous calendar year.

If the City is notified, during the month of January, of a request by the FMCSA and/or FTA to report the employer's annual calendar year summary information, the City shall prepare and submit the report to FMCSA and/or FTA by March 15 of that year. The report shall be in the form and manner prescribed by FMCSA and/or FTA in their requests. When the report is submitted to FMCSA and/or FTA by mail or electronic transmission, the information requested shall be typed, except for the signature of the certifying official.

Each annual calendar year, a summary containing information on controlled substances and alcohol screening test results shall include all informational elements as required by the FTA.

15. Confidentiality

Each individual's record of testing and results under this policy will be maintained as private and confidential. Except as provided by law or expressly authorized by DOT regulations, the results of individual drug/alcohol tests will not be released to anyone without the specific, written consent of a safety-sensitive employee authorizing release of the information to an identified person. Prior to testing, the individual will be informed about who will receive test data (e.g., testing laboratory, MRO, Program Manager, or Department Administrator if removal from safety-sensitive function is necessary).

All written records will be stored in locked containers or in a secure location with access available only by the Program Manager and DOT upon request. Drug and alcohol testing and/or rehabilitation records shall only be released to subsequent DOT covered employers upon written consent from the covered employee. Under these circumstances, only the specific information requested by the employee shall be released.

Terms and Definitions

Accident – The types of accidents requiring testing can be found under Post-Accident Testing.

Air Blank – A reading by an Evidential Breath Testing Device (EBT) of ambient air containing no alcohol.

Alcohol – The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol including methyl and isopropyl alcohol.

Alcohol Concentration – The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath testing device.

Alcohol Use – The consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.

Blind Sample or Blind Performance Test – A urine specimen submitted to a laboratory for qualify control testing purposes, with a fictitious identifier, so that the laboratory cannot distinguish it from employee specimens. This specimen is spiked with known quantities of specific drugs or can be blank, containing no drugs.

Breath Alcohol Technician – An individual who instructs and assists individuals in the alcohol testing process and operates an EBT.

Canceled or Invalid Test – In drug testing, a drug test that has been declared invalid by a Medical Review Officer. A canceled test is neither a positive nor a negative test. A sample that has been rejected for testing by a laboratory is treated the same as a canceled test. In alcohol testing, a test that is deemed to be invalided under §40 Subpart N – Problems in Alcohol Testing is considered canceled or invalid.

Certification – A recipient's (of federal funds) written statement, authorized by the organization's governing board or other authorizing official, that the recipient has complied with the provisions of this part (FTA).

Chain of Custody – Procedures to account for the integrity of each urine specimen by tracking its handling and storage from point of specimen collection to final disposition of the specimen. These procedures shall require that an appropriate drug testing custody form from a Department of Health & Human Services (DHHS) certified laboratory be used from time of collection to receipt by the laboratory.

Collection Site – A place designated by the employer where individuals present themselves for the purpose of providing a specimen of their urine to be analyzed for the presence of drugs.

Collection Site Person – A person who instructs and assists individuals at a collection site and who receives and makes a screening examination of the urine specimen provided by those individuals.

Commercial Motor Vehicle (CMV) – means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor 1) Jas a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight of more than 10,000 pounds; or 2) Has a gross vehicle weight rating of 26,001 pounds; or 3) Is designed to transport 16 or more passengers, including the driver; or 4) Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous

Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulation (49 CFR Part 172, subpart F).

Confirmation Test – For alcohol testing this means a second test, following a screening test with a result of 0.02 or greater, that provides quantitative data of alcohol concentration. For controlled substances testing this means a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the screen test and which uses a different technique and chemical principle from that of the screen test in order to ensure reliability and accuracy.

Covered Position (Safety-Sensitive position) – A duty position or job category that requires the performance of safety-sensitive (covered) function(s).

Covered Function (Safety-Sensitive Function) (1) FMCSA: operation of a commercial motor vehicle. (2) FTA: (a) Operating a revenue service vehicle, including when not in service; (b) Operating a non-revenue service vehicle, when required to be operated by a holder of a Commercial Driver's License; (c) Maintaining a revenue service vehicle or equipment used in revenue service; (d) Carrying a firearm for security purposes; (e) Controlling the movement or dispatch of a revenue service vehicle.

Dilute Specimen – A specimen with creatinine and specific gravity values that are lower than expected for human urine.

DOT Agency – An agency of the United States Department of Transportation administering regulations related to drug or alcohol testing. The Federal Motor Carrier Safety Administration and Federal Transit Administration are DOT agencies.

Drug Metabolite – The specific substance produced when the human body metabolizes a given drug as it passes through the body and is excreted in the urine.

Drug Test – The laboratory analysis of urine specimen collected in accordance with 49 CFR part 40 and analyzed in a DHHS-approved laboratory.

Education – Efforts that include the display and distribution of informational materials, a telephone number for employee assistance, and the City's policy(ies) regarding drug use in the workplace.

Employee Assistance Program (EAP) – A program provided to assist employees in dealing with drug or alcohol dependency and other personal problems. Rehabilitation and reentry to the work force are usually arranged through the EAP.

Employer or operator – (1) FMCSA: means any person who owns or leases a commercial motor vehicle or assigns persons to operate such a vehicle. (2) FTA: A recipient or other entity that provides mass transportation service or which performs a safety-sensitive function for such recipient or other entity.

Evidential breath testing device (EBT) – A device approved by the National Highway Traffic Safety Administration (NHTSA) for evidential testing of breath and placed on NHTSA's conforming products list of evidential breath measurement devices (CPL), and identified on the CPL as conforming with the model specifications available from the National Highway Traffic Safety Administration, Office of Alcohol and State Programs.

Federal Motor Carrier Safety Administration (FMCSA) – The DOT operating authority that regulates commercial motor vehicles.

Large Operator – 1) FMCSA: an employer who has more than 50 covered employees, 2) FTA: A recipient or sub-recipient primarily operating in an area of 200,000 or more in population.

Medical Review Officer (MRO) – A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his or her medical history and any other relevant biomedical information.

Performing a Covered Function: An employee is considered to be performing a covered function during any period in which he or she is actually performing, ready to perform, or immediately available to perform such covered functions.

Permanent Employee – An employee hired for a period of more than 120 days

Post-Accident Test – A drug test administered to an employee when an accident has occurred and the employee performed a safety-sensitive function that either contributed to the accident, or cannot be completely discounted as a contributing factor in the accident.

Pre-Employment Test – A drug test given to an applicant or employee who is being considered for a safety-sensitive position. The applicant or employee must be informed of the purpose for the urine collection prior to actual collection.

Prohibited Drug – Marijuana (including all hemp products), cocaine, opiates, phencyclidine (PCP), and amphetamines.

Random Test – A drug test of safety-sensitive employees who are selected on a scientifically defensible random and unannounced basis. The number of tests performed is based on a percentage of safety-sensitive employees as directed by DOT.

Reason to Believe – Objective information indicating that a particular individual may alter or substitute a urine specimen.

Recipient – FTA: An entity receiving Federal financial assistance under Section 3, 9, or 18, of the FT Act, or under Section 103(e)(4) of Title 23 of the United States Code.

Refuse to Submit to Test – means, among other things, that a covered employee (1) Fails to provide adequate breath for testing without a valid medical explanation after he/she has received notice of the requirement for breath testing; (2) Fails to provide adequate urine for controlled substances testing without a valid medical explanation after he/she has received notice of the requirement for urine testing; or (3) Engages in conduct that clearly obstructs the testing process.

Return to Duty Test – An initial drug or alcohol test prior to return to duty and additional unannounced drug tests (Follow-up Tests) given to employees performing in safety-sensitive functions who previously tested positive, or refused a drug/or alcohol test and are returning to safety-sensitive positions.

Revenue Service Vehicle – A vehicle used to transport passengers, including a bus, van, car, railcar, locomotive, trolley car, trolley bus, ferry boat, or a vehicle used on a fixed guideway or inclined plane.

Screening Test (Initial Test) - In alcohol testing, it means an analytical procedure to determine whether a covered employee may have a prohibited concentration of alcohol in his/her system.

In controlled substances testing, it means an immunoassay screen to eliminate "negative" urine specimens from further consideration.

Specimen Bottle – The bottle that, after being labeled and sealed, is used to transmit a urine sample to the laboratory.

Split Specimen – An additional specimen collected with the original specimen, to be tested in the event the original specimen tests positive for drugs.

Substance Abuse Professional (SAP) – The Substance Abuse Professional for this program must be a 1) licensed physician (medical doctor or doctor of osteopathy), licensed or certified psychologist, social worker, employee assistance professional; or 2) an addiction counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission or the International Certification Reciprocity Consortium/Alcohol and other Drug Abuse.

Training – Providing information about the effects and consequences of drug use on personal health, safety, and the work environment; and about manifestations and behavioral clues that may indicate drug use or abuse.

Verified Positive (Drug Test Result) – A drug test result reviewed by a Medical Review Officer and determined to have evidence of prohibited drug use.

Volunteer – A permanent, temporary, or part-time worker who is not compensated for his/her service. Volunteers are included in the requirements of FTA drug and alcohol regulations if a CDL is required to operate the vehicle.

ATTACHMENT A

Classifications covered by the DOT Drug & Alcohol Testing Policy - FMCSA

Incumbents in the following Classifications are "covered employees" if they perform "safety sensitive functions" as described in Section C of the DRUG AND ALCOHOL TESTING POLICY.

Airport Maintenance Crewleader
Airport Maintenance Worker
Electrician Assistant I/II/III
Electrician-Traffic & Buildings
Equipment Mechanic
Equipment Mechanic Crewleader
Equipment Service Technician
Equipment Operator
Heavy Equipment Mechanic
Heavy Equipment Mechanic Crewleader
Maintenance Worker I (only when hired with a Class B)
Maintenance Worker II
Operations Crewleader
Parks Equipment Mechanic
Parks Maintenance Mechanic
Parks Maintenance Crewleader
Senior Equipment Operator
Tree Trimmer
Tree Trimmer Crewleader
Wastewater Collection Systems Operator I/II
Wastewater Collections System Crewleader
Water Distribution Operator I/II/III
Water Division Crewleader
Water Meter Tech
Water Production Operator I/II
Water Quality Control Technician I/II
Water Services Equipment Operator I/II

Exempt Classifications

Building Maintenance Technician
Compost Heavy Equipment Mechanic
Cross Connection Specialist
Custodian I/II
Electrician-Utilities (5210)
Environmental Compliance Inspector I/II
Environmental Compliance Technician
Fire Engineers
Fleet Procurement Technician
Groundskeeper (3522)
Head Groundskeeper (3522)
Instrumentation Technician
Laboratory Analyst I/II/II
Parking Facilities Crewleader
Production Technician
Senior WWTP Operator
Traffic Operations Crewleader
Water Conservation Specialist
Welder/Fabricator
Wastewater Treatment Plant Operator I/II/II

ATTACHMENT B

Classifications covered by the DOT Drug & Alcohol Testing Policy - FTA

Incumbents in the following Classifications are "covered employees" if they perform "safety sensitive functions" as described in Section C of the DRUG AND ALCOHOL TESTING POLICY.

Bus Fueler
Equipment Mechanic
Equipment Mechanic Crewleader
Equipment Service Technician
Equipment Operator
Fire Equipment Mechanic
Heavy Equipment Mechanic
Heavy Equipment Mechanic Crewleader
Maintenance Worker I (when working at Bus Facility)
Senior Equipment Operator
Senior Fire Equipment Mechanic

Exempt Classifications

Police Transit Center Duty
Police Command Unit

ATTACHMENT C

DOT Post-Accident Drug and Alcohol Testing Decision and Documentation Form

Accident Information:

Date of Accident _____ Time of Accident _____ a.m./p.m.

Employee Name _____ Location of Accident _____

Covered under _____FTA or _____FSCMA ?

Decision Questions:

Was there a fatality? Yes _____ No _____ (If yes, DOT drug and alcohol testing required)

If there was NO fatality, answer the following questions:

Did any individual involved in the accident suffer bodily injury and immediately receive medical treatment away from the scene of the accident?

Yes _____ (If yes, drug and alcohol testing required) No _____

Did the commercial vehicle or any other vehicle involved in the accident sustain disabling damage* requiring any of the vehicles to be transported away from the scene by a tow truck or other vehicle?

Yes _____ (If yes, drug and alcohol testing required) No _____

If there was No fatality AND you checked YES for either or both of the answers above, a DOT Post-Accident DRUG and ALCOHOL test is required unless you determine, using the best information available at the time of the decision, that the employee's performance can be completely discounted as a contributing factor in the accident. Any reason for discounting the employee's performance as a contributing factor to the accident MUST be documented on page two of this form.

Could the actions of any other safety-sensitive employee have contributed to the accident (e.g., mechanic)?

Yes _____ (If yes, contact the employee's supervisor to report the testing requirement)

No _____

*DISABLING DAMAGE is damage that precludes the departure of any vehicle from the scene of an accident in its usual manner in daylight hours after simple repairs. Disabling damage includes: damage to vehicles that could have been operated, but would have caused further damage if so operated. Disabling damage does not include: damage that could be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without

other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, or windshield wipers that makes them inoperable.

If ALCOHOL testing is not conducted within 2 hours after the accident, document the reason for the delay on page two of this form. If no alcohol test is administered within 8 hours, cease all efforts to have the test administered and update the documentation.

If DRUG testing is not conducted within the first 8 hours after the accident, document the reason for the delay on page two of this form. If no drug test is administered within 32 hours, cease all efforts to have the test administered and update the documentation.

DOT Alcohol Testing Location: _____

DOT Alcohol Testing Time: _____

DOT Urine Drug Testing Location: _____

DOT Urine Drug Testing Time: _____

If testing is delayed, document the reasons below:

Reason the ALCOHOL test was not conducted within 2 hours after the accident. Update this statement if no test conducted within 8 hours.

_____

_____

Reason the DRUG test was not conducted within 8 hours after the accident. Update this statement if no test conducted within 32 hours.

_____

_____

Reason the employee's performance was completely DISCOUNTED as a contributing factor to the accident and therefore, FTA post-accident testing was not conducted.

_____

_____

_____(Supervisor Initial) I have evaluated the employee and determined that there is no reasonable suspicion to believe that the employee was under the influence of drugs and alcohol. If reasonable suspicion exists, document per Reasonable Suspicion Test Memorandum (Attachment D)

Supervisor Signature: _____

ATTACHMENT D

CITY OF MODESTO

Reasonable Suspicion Test Memorandum

Date:_____ Time:_____

TO: _____

FROM: _____

_____ **(Department Director or designee or designated city management staff)** is directing you to submit to a drug or alcohol screening test and/or a medical evaluation. You are being directed to submit to the screening and/or evaluation because I suspect you have misused alcohol or drugs so that your ability to perform the functions of your job efficiently and safely is impaired. I observed or have information regarding the following:

__ Odor of alcoholic beverage on breath
__ Slurred and/or thick speech
__ Staggered gait (Unsteady walking and movement)
__ Vertical and/or horizontal nystagmus (involuntary eye movement)
__ Abnormally constricted pupils (below 2.5 mm), which are non-responsive to light
__ Abnormally dilated pupils (above 6.5 mm), which are non-responsive to light
__ Loss of attention span under controlled conditions
__ Inability to comprehend under controlled conditions
__ Hallucinating
__ An accident involving City property, where there is reason to believe that employee impairment may have been a factor
__ Possession of alcohol on the job
__ Possession of an illegal drug
__ Possession of a prescription drug without a valid prescription
__ Objective symptoms of drug usage identified by a trained medical practitioner or law enforcement officer
__ Other _____.

This/these were observed by_____ at _____

You will be transported to _____.

There you may be evaluated by professional health care staff. At the site, you may also be required to provide a sample for drug and/or alcohol testing. If you refuse to submit to the testing, you may be disciplined, up to and including termination. If you leave the worksite or testing site without my permission or the permission of _____ prior to testing or evaluation, you may be disciplined. Because I believe your ability to drive may be impaired, I may arrange for you to be transported home at an appropriate time.

You may ask to have a representative with you prior to being tested. We will provide access to a telephone to contact a representative. Your representative must be present within one and one half hours of the time we directed you to take the test. If the representative cannot be present or is not present within that time, we may allow additional time at our discretion or we may choose to have you undergo the evaluation and/or testing without your representative being present.

ATTACHMENT E

Alcohol Fact Sheet

Alcohol is a socially acceptable drug that has been consumed throughout the world for centuries. It is considered a recreational beverage when consumed in moderation for the enjoyment and relaxation during social gatherings. However, when consumed primarily for its physical and mood-altering effects, it is a substance of abuse. As a depressant, it slows down physical responses and progressively impairs mental functions.

Signs and Symptoms of Use

- Dulled mental processes
- Lack of coordination
- Odor of alcohol on breath
- Possible constricted pupils
- Sleepy or stupor like condition
- Slowed reaction rate
- Slurred speech

(Note: Except for the odor, these are general signs and symptoms of any depressant substance.)

Health Effects

The chronic consumption of alcohol (average of three servings per day of beer [12 ounces/serving], whiskey [1 ounce/serving], or wine [6 ounce/serving]) over time may result in the following health hazards:

- Decreased sexual functioning
- Dependency (up to 10 percent of all people who drink alcohol become physically and/ or mentally dependent on alcohol and can be termed "alcoholic")
- Fatal liver diseases
- Pancreatitis
- Spontaneous abortion and neonatal mortality
- Ulcers
- Birth defects (up to 54 percent of all birth defects are alcohol related).

Social Issues

- Two-thirds of all homicides are committed by people who drink prior to the crime.
- Two to three percent of the driving population is legally drunk at any one time. This rate is doubled at night and on weekends.
- Two-thirds of all Americans will be involved in an alcohol-related vehicle accident during their lifetimes.
- The rate of separation and divorce in families with alcohol dependency problems is 7 times the average.
- Forty percent of family court cases are alcohol problem related.
- Alcoholics are 15 times more likely to commit suicide than are other segments of the population.
- More than 60 percent of burns, 40 percent of falls, 69 percent of boating accidents, and 76 percent of private aircraft accidents are alcohol related.

The Annual Toll

- 24,000 people will die on the highway due to the legally impaired driver.
- 16,000 more will die on the highway due to the alcohol-affected driver.
- 15,800 will die in non-highway accidents.
- 30,000 will die due to alcohol-caused liver disease.
- 15,000 will die due to alcohol-induced brain disease or suicide.
- Up to another 125,000 will die due to alcohol-related conditions or accidents.

Workplace Issues

- It takes one hour for the average person (150 pounds) to process one serving of an alcoholic beverage from the body.
- Impairment in coordination and judgment can be objectively measured with as little as two drinks in the body.
- A person who is legally intoxicated is 6 times more likely to have an accident than a sober person.

Amphetamine Fact Sheet

Amphetamines are central nervous system stimulants that speed up the mind and body. The physical sense of energy at lower doses and the mental exhilaration at higher doses are the reasons for their abuse. Although widely prescribed at one time for weight reduction and mood elevation, the legal use of amphetamines is now limited to a very narrow range of medical conditions. Most amphetamines that are abused are illegally manufactured in foreign countries and smuggled into the U.S. or clandestinely manufactured in crude laboratories.

Description

- Amphetamine is sold in counterfeit capsules or as white, flat, double-scored "mini-bennies." It is usually taken by mouth.
- Methamphetamine is often sold as a creamy white and granular powder or in lumps and is packaged in aluminum foil wraps or sealable plastic bags. Methamphetamine may be taken orally, injected, or snorted into the nose.
- Trade/street names include Biphetamine, Delcobese, Desotyn, Detedrine, Chetrol, Ritalin, Speed, Meth, Crank, Crystal, Monster, Black Beauties, and Rits.

Signs and Symptoms of Use

- Hyper-excitability, restlessness
- Dilated pupils
- Increased heart rate and blood pressure
- Heart palpitations and irregular beats
- Profuse sweating
- Rapid respiration
- Confusion
- Panic
- Talkativeness
- Inability to concentrate
- Heightened aggressive behavior

Health Effects

- Regular use produces strong psychological dependence and increasing tolerance to drug.
- High doses may cause toxic psychosis resembling schizophrenia.
- Intoxication may induce a heart attack or stroke due to spiking of blood pressure.
- Chronic use may cause heart and brain damage due to severe constriction of capillary blood vessels.
- The euphoric stimulation increases impulsive and risk-taking behaviors, including bizarre and violent acts.
- Withdrawal from the drug may result in severe physical and mental depression.

Workplace Issues

Since amphetamines alleviate the sensation of fatigue, they may be abused to increase alertness because of unusual overtime demands or failure to get rest.

Low-dose amphetamine use will cause a short-term improvement in mental and physical

functioning. With greater use or increasing fatigue, the effect reverses and has an impairing effect. Hangover effect is characterized by physical fatigue and depression, which may make operation of equipment or vehicles dangerous.

Cocaine Fact Sheet

Cocaine is used medically as a local anesthetic. It is abused as a powerful physical and mental stimulant. The entire central nervous system is energized. Muscles are more tense, the heart beats faster and stronger, and the body burns more energy. The brain experiences an exhilaration caused by a large release of neurohormones associated with mood elevation.

Description

The source of cocaine is the coca bush, grown almost exclusively in the mountainous regions of northern South America. Cocaine Hydrochloride "snorting coke" is a white to creamy granular or lumpy powder that is chopped into a fine powder before use. It is snorted into the nose, rubbed on the gums, or injected in veins. The effect is felt within minutes and lasts 40 to 50 minutes per "line" (about 60 to 90 milligrams). Common paraphernalia include a single-edged razor blade and a small mirror or piece of smooth metal, a half straw or metal tube, and a small screw cap vial or folded paper packet containing the cocaine. Cocaine Base is a small crystalline rock about the size of a small pebble. It boils at a low temperature, is not soluble in water, and is up to 90 percent pure. It is heated in a glass pipe and the vapor is inhaled. The effect is felt within seven seconds. Common paraphernalia includes a "crack pipe" (a small glass smoking device for vaporizing the crack crystal) and a lighter, alcohol lamp, or small butane torch for heating. Trade/street names include Coke, Rock, Crack, Free Base, Flake, Snow, Smoke, and Blow.

Signs and Symptoms of Use

- Financial problems
- Frequent and extended absences from meetings or work assignment
- Increased physical activity and fatigue
- Isolation and withdrawal from friends and normal activities
- Secretive behaviors, frequent non-business visitors, delivered packages, phone calls
- Unusual defensiveness, anxiety, agitation
- Wide mood swings
- Runny or irritated nose
- Difficulty in concentration
- Dilated pupils and visual impairment
- Restlessness
- Formication (sensation of bugs crawling on skin)
- High blood pressure, heart palpitations, and irregular rhythm
- Hallucinations
- Hyper-excitability and overreaction to stimulus
- Insomnia
- Paranoia and hallucinations
- Profuse sweating and dry mouth
- Talkativeness

Health Effects

Research suggests that regular cocaine use may upset the chemical balance of the brain. As a result, it may speed up the aging process by causing irreparable damage to critical nerve cells. The onset of nervous system illnesses such as Parkinson's disease could also occur. Cocaine use causes the heart to beat faster and harder and rapidly increases blood pressure. In addition, cocaine causes spasms of blood vessels in the brain and heart. Both effects lead to ruptured vessels causing strokes or heart attacks. Strong psychological dependency can occur

with one "hit" of crack. Usually, mental dependency occurs within days (crack) or within several months (snorting coke). Cocaine causes the strongest mental dependency of any known drug. Treatment success rates are lower than for other chemical dependencies. Cocaine is extremely dangerous when taken with depressant drugs. Death due to overdose is rapid. The fatal effects of an overdose are not usually reversible by medical intervention. The number of cocaine overdose deaths has tripled in the last four years. Cocaine overdose was the most common drug emergency.

Workplace Issues

- Extreme mood and energy swings create instability. Sudden noises can cause a violent reaction.
- Lapses in attention and ignoring warning signals greatly increase the potential for accidents.
- The high cost of cocaine frequently leads to workplace theft and/or dealing.
- A developing paranoia and withdrawal create unpredictable and sometimes violent behavior.
- Work performance is characterized by forgetfulness, absenteeism, tardiness, and missed assignments.

Cannabinoids (Marijuana) Fact Sheet

Marijuana is one of the most misunderstood and underestimated drugs of abuse. People use marijuana for the mildly tranquilizing and mood- and perception-altering effects it produces.

Description

Usually sold in plastic sandwich bags, leaf marijuana will range in color from green to light tan. The leaves are usually dry and broken into small pieces. The seeds are oval with one slightly pointed end. Less prevalent, hashish is a compressed, sometimes tar like substance ranging in color from pale yellow to black. It is usually sold in small chunks wrapped in aluminum foil. It may also be sold in an oily liquid. Marijuana has a distinctly pungent aroma resembling a combination of sweet alfalfa and incense. Cigarette papers, roach clip holders, and small pipes made of bone, brass, or glass are commonly found. Smoking "bongs" (large bore pipes for inhaling large volumes of smoke) can easily be made from soft drink cans and toilet paper rolls. Trade/street names include Marinol, THC, Pot, Grass, Joint, Reefer, Acapulco Gold, Sinsemilla, Thai Sticks, Hash, and Hash Oil.

Signs and Symptoms of Use

- Reddened eyes (often masked by eye drops)
- Slowed speech
- Distinctive odor on clothing
- Lackadaisical "I don't care" attitude
- Chronic fatigue and lack of motivation
- Irritating cough, chronic sore throat

Health Effects

- When marijuana is smoked, it is irritating to the lungs. Chronic smoking causes emphysema-like conditions.
- One joint causes the heart to race and be overworked. People with undiagnosed heart conditions are at risk.
- Marijuana is commonly contaminated with the fungus Aspergillus, which can cause serious respiratory tract and sinus infections.
- Marijuana smoking lowers the body's immune system response, making users more susceptible to infection. The U.S. government is actively researching a possible connection between marijuana smoking and the activation of AIDS in positive human immunodeficiency virus (HIV) carriers.

Pregnancy Problems and Birth Defects

The active chemical, tetrahydrocannabinol (THC), and 60 other related chemicals in marijuana concentrate in the ovaries and testes. Chronic smoking of marijuana in males causes a decrease in sex hormone, testosterone, and an increase in estrogen, the female sex hormone. The result is a decrease in sperm count, which can lead to temporary sterility. Occasionally, the onset of female sex characteristics including breast development occurs in heavy users. Chronic smoking of marijuana in females causes a decrease in fertility and an increase in testosterone. Pregnant women who are chronic marijuana smokers have a higher than normal incidence of stillborn births, early termination of pregnancy, and higher infant mortality rate during the first few days of life. In test animals, THC causes birth defects, including malformations of the brain, spinal cord, forelimbs, and liver and water on the brain and spine.

Offspring of test animals who were exposed to marijuana have fewer chromosomes than normal, causing gross birth defects or death of the fetus. Pediatricians and surgeons are concluding that the use of marijuana by either or both parents, especially during pregnancy, leads to specific birth defects of the infant's feet and hands. One of the most common effects of prenatal cannabinoid exposure is underweight newborn babies. Fetal exposure may decrease visual functioning and causes other ophthalmic problems.

Mental Function

Regular use can cause the following effects:

- Delayed decision-making
- Diminished concentration
- Impaired short-term memory, interfering with learning
- Impaired signal detection (ability to detect a brief flash of light), a risk for users who are operating machinery
- Impaired tracking (the ability to follow a moving object with the eyes) and visual distance measurements
- Erratic cognitive function
- Distortions in time estimation
- Long-term negative effects on mental function known as "acute brain syndrome," which is characterized by disorders in memory, cognitive function, sleep patterns, and physical condition

Acute Effects

- Aggressive urges
- Anxiety
- Confusion
- Fearfulness
- Hallucinations
- Heavy sedation
- Immobility
- Mental dependency
- Panic Paranoid reaction
- Unpleasant distortions in body image

Workplace Issues

The active chemical, THC, stores in body fat and slowly releases over time. Marijuana smoking has a long-term effect on performance. A 500 to 800 percent increase in THC concentration in the past several years makes smoking three to five joints a week today equivalent to 15 to 40 joints a week in 2008. In 2009 over 16.7 million Americans admitted to using marijuana at least once a month. Combining alcohol or other depressant drugs and marijuana can produce a multiplied effect, increasing the impairing effect of both the depressant and marijuana.

Opiates (Narcotics) Fact Sheet

Opiates (also called narcotics) are drugs that alleviate pain, depress body functions and reactions, and, when taken in large doses, cause a strong euphoric feeling.

Description

Varieties of opiates include natural and natural derivatives—opium, morphine, codeine, and heroin as well as synthetics such as meperidine (Demerol), oxymorphone (Numorphan), and oxycodone (Percodan). Opiates may be taken in pill form, smoked, or injected, depending upon the type of narcotic used. Trade/street names include Smack, Horse, Emma, Big D, Dollies, Juice, Syrup, and China White.

Signs and Symptoms of Use

- Mood changes
- Impaired mental functioning and alertness
- Constricted pupils
- Depression and apathy
- Impaired coordination
- Physical fatigue and drowsiness
- Nausea, vomiting, and constipation
- Impaired respiration

Health Effects

IV needle users have a high risk for contracting hepatitis and AIDS due to the sharing of needles. Narcotics increase pain tolerance. As a result, people could more severely injure themselves or fail to seek medical attention after an accident due to the lack of pain sensitivity. Narcotics' effects are multiplied when used in combination with other depressant drugs and alcohol, causing increased risk for an overdose.

Social Issues

There are over 600,000 heroin addicts in the U.S., most of whom are IV needle users. An even greater number of medicinal narcotic-dependent persons obtain their narcotics through prescriptions. Because of tolerance, there is an ever-increasing need for the narcotic to produce the same effect. Strong mental and physical dependency occurs. The combination of tolerance and dependency creates an increasing financial burden for the user. Costs for heroin can reach hundreds of dollars a day.

Workplace Issues

Unwanted side effects such as nausea, vomiting, dizziness, mental clouding, and drowsiness place the legitimate user and abuser at higher risk for an accident. Narcotics have a legitimate medical use in alleviating pain. Workplace use may cause impairment of physical and mental functions.

Phencyclidine (PCP) Fact Sheet

Phencyclidine (PCP) was originally developed as an anesthetic, but the adverse side effects prevented its use except as a large animal tranquilizer. Phencyclidine acts as both a depressant and a hallucinogen, and sometimes as a stimulant. It is abused primarily for its variety of mood-altering effects. Low doses produce sedation and euphoric mood changes. The mood can change rapidly from sedation to excitation and agitation. Larger doses may produce a coma-like condition with muscle rigidity and a blank stare with the eyelids half closed. Sudden noises or physical shocks may cause a "freak out" in which the person has abnormal strength, extremely violent behavior, and an inability to speak or comprehend communication.

Description

PCP is sold as a creamy, granular powder and is often packaged in one-inch square aluminum foil or folded paper "packets." It may be mixed with marijuana or tobacco and smoked. It is sometimes combined with procaine, a local anesthetic, and sold as imitation cocaine. Trade/street names include Angel Dust, Dust, and Hog.

Signs and Symptoms of Use

- Impaired coordination
- Severe confusion and agitation
- Extreme mood shifts
- Muscle rigidity
- Nystagmus (jerky eye movements)
- Dilated pupils
- Profuse sweating
- Rapid heartbeat
- Dizziness.

Health Effects

The potential for accidents and overdose emergencies is high due to the extreme mental effects combined with the anesthetic effect on the body. PCP is potentiated by other depressant drugs, including alcohol, increasing the likelihood of an overdose reaction. Misdiagnosing the hallucinations as LSD induced, and then treating with Thorazine, can cause a fatal reaction. Use can cause irreversible memory loss, personality changes, and thought disorders. There are four phases to PCP abuse. The first phase is acute toxicity. It can last up to three days and can include combativeness, catatonia, convulsions, and coma. Distortions of size, shape, and distance perception are common. The second phase, which does not always follow the first, is a toxic psychosis. Users may experience visual and auditory delusions, paranoia, and agitation. The third phase is a drug-induced schizophrenia that may last a month or longer. The fourth phase is PCP-induced depression. Suicidal tendencies and mental dysfunction can last for months.

Workplace Issues

PCP abuse is less common today than in recent years. It is also not generally used in a workplace setting because of the severe disorientation that occurs. However, use in the workplace can expose the user and others to extreme safety hazards.

ATTACHMENT G

COPY OF MODESTO CITY COUNCIL RESOLUTION AUTHORIZING THE ADOPTION OF THE ANTI-DRIG PROGRAM/ALCOHOL MISUSE PROGRAM.

ATTACHMENT H

City of Modesto Employee Acknowledgement Form

Name: _____ Date: _____

Job Title: _____

In accordance with the City's Department of Transportation's Anti-Drug/Alcohol Misuse Program, please be advised that you have been placed in the pool of employees subject to the drug/alcohol testing procedures as mandated by the Federal Department of Transportation.

Attached is a copy of the Anti-Drug/Alcohol Misuse Program, version dated September 2, 2014. Your signature below certifies that you have received the Program. Please sign and return this form to the DOT Program Manager. Contact the Program Manager at 209-571-5134 if you have any questions.

_____
Signature of Employee

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-212

RESOLUTION APPROVING A LETTER OF INTENT AND COMMUNTIY PARTNER PLAYGROUND AGREEMENT WITH KABOOM! TO INSTALL PLAYGROUND EQUIPMENT AT EAST LA LOMA PARK AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENTS AND RELATED DOCUMENTS

WHEREAS, KaBOOM!, a national non-profit organization has identified the City of Modesto (CITY) as a potential partner for a KaBOOM! Project, and

WHEREAS, KaBOOM! is dedicated to providing play equipment giving children a childhood filled with balanced and active play, and

WHEREAS, the CITY has identified East LaLoma Park as the best fit for the project specifications due to the age and condition of the existing playground equipment, and

WHEREAS, the CITY submitted an application for the competitive grant process for play equipment at East LaLoma Park, and

WHEREAS, the CITY has been approved by KaBOOM! to move to the final stage of the application process, and

WHEREAS, KaBOOM! requires a signed Letter of Intent and a Community Partner Playground Agreement for the final stage of the application process, and

WHEREAS, by signing the Letter of Intent and the Community Partner Playground Agreement the CITY agrees, among other things, to perform all site preparation tasks including the removal of existing play equipment and sand costing approximately two thousand five hundred dollars ($2,500), and

WHEREAS, CITY further agrees to raise eight thousand five hundred dollars ($8,500) in community donations towards the cost of the playground, and

WHEREAS, the remaining funding will be paid by a Funding Partner, and

WHEREAS, the Great Safe Neighborhoods Committee discussed the KaBOOM! grant on May 9, 2016 and recommended forwarding this item to Council for approval.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the Letter of Intent and Community Partner Playground Agreement between the City of Modesto and KaBOOM!.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreements and any other supporting documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 2016 by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-213

RESCINDED
NOV 14 2017
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2017-451

RESOLUTION APPROVING ANNUAL ADJUSTMENTS TO VARIOUS AIRPORT RATES AND FEES OF 3% USING THE CONSUMER PRICE INDEX (CPI) FOR SPECIFIC ACTIVITIES AND SERVICES AT THE MODESTO COUNTY AIRPORT (AIRPORT), EFFECTIVE JULY 1, 2016, AND RESCINDING RESOLUTION NO. 2015-171

WHEREAS, the Modesto City-County Airport (Airport) is an enterprise fund and is expected to be self-supporting. The Airport has historically adjusted Rates and Fees annually effective July 1st by the annual Consumer Price Index (CPI), and

WHEREAS, by City Council Resolution 2015-171, the Airport rates and fees were adjusted effective July 1, 2015, and

WHEREAS, adjusting Airport Rates and Fees in 2016 will increase revenue that will allow the airport to recover growing operational expenses, and

WHEREAS, during the past year the CPI of the Western United States has increased 3.0%, and

WHEREAS, the Airport Advisory Committee recommended at its April 21, 2016 meeting this 3.0% increase and various fees be forwarded on to City Council for its consideration.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the annual adjustment to various Airport rates and fees of 3% using the Consumer Price Index (CPI) for specific activities and services at the Modesto City-County Airport as noted in **Attachment** A.

BE IT FURTHER RESOLVED that Resolution 2015-171 shall be rescinded on July 1, 2016.

BE IT FURTHER RESOLVED that this resolution shall go into effect and be in full force and operation on July 1, 2016.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmember:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold
NOES:	Councilmember:	None
ABSENT:	Councilmember:	Zoslocki

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

SECTION 1. HANGARS. Rental charges for the rental of hangars at the Modesto City-County Airport/Harry Sham Field are hereby established as follows, payable in advance:

(a) T-Hangars

Hangar A Units 2-11	$141.50 per month
Hangar A End-Units 1 & 12	$162.00 per month
Hangar B Units 2-9	$169.50 per month
Hangar B End Units 1 & 10	$209.00 per month
Hangar C Units 2, 3, 4 & 7	$178.00 per month
Hangar C Units 5 & 6 (Electric)	$209.00 per month
Hangar C End Units 1 & 8	$216.50 per month
Hangar D Units 2,3,4,5,7,8,9	$160.00 per month
Hangar D Unit 6 (Electric)	$191.50 per month
Hangar D End Unit #1 (Electric)	$224.50 per month
Hangar D End Unit #10	$193.00 per month
Hangar E Units 1,3,4,5,6,7,8 & 10	$233.50 per month
Hangar E End Units 2 & 9	$273.00 per month
Hangar F Units 1,3,4,5,6,7,8 & 10	$233.50 per month
Hangar F End Units 2 & 9	$273.00 per month
Hangar G Units 1-10	$233.50 per month
Hangar G Storage unit	$48.50 per month
Hangar H Units 1-10	$233.50 per month
Hangar H Storage Units	$48.50 per month
Hangar I Units 1-8	$457.00 per month
Hangar I Storage Unit East	$127.50 per month
Hangar J Units 1-10	$233.50 per month
Hangar J Storage Unit	$48.50 per month
Hangar K Units 2-11	$263.00 per month
Hangar K End Unit #1	$392.50 per month
Hangar K Storage Unit	$93.00 per month
Hangar L Units 1-10	$268.00 per month
Hangar L Storage Unit	$48.50 per month

(b) Storage and P Hangars:

Hangar No. 1	....	$1,686.50 per month
Hangar No. 2	....	$1,373.50 per month
Hangar No. 3	....	$ 753.50 per month
Hangar No. 4	....	$1,283.50 per month
Hangar No. 5	....	$1,277.00 per month
Hangar No. 6	....	$ 748.00 per month
Hangar No. 7	----	$ 82.50 per month (Land Lease)
P Hangars	----	$ 69.00 per month (Land Lease)

A five percent (5%) discount will be made in any of the above rental charges when a year's lease is entered into and the year's rental charges are paid in advance.

SECTION 2 AIRPORT KEYS

(a) Two (2) hangar keys and one (1) gate key are included in initial lease

(b) $45.00 for each additional key

SECTION 3. TIE-DOWN FEES. Tie-down charges and fees at the Modesto City-County Airport/Harry Sham Field are hereby established as follows, payable in advance:

(a) Tail-in Tie-Down – Permanent, helicopter, light single and multi-engine (under 12,500 lbs.) $42.50 per month

(b) Taxi-in Tie-Down – Permanent, helicopter, light single and multi-engine (under 12,500 lbs.) $69.00 per month

(c) Taxi-in Tie-Down – Permanent, helicopter, large multi-engine (over 12,500 lbs.) $.05215 per square foot per month

(d) Taxi-in Tie-Down – Transient, helicopter/single-engine aircraft $7.50 per day

(e) Taxi-in Tie-Down – Transient, helicopter/twin-engine aircraft (under 12,500 lbs.) $10.00 per day

(f) Taxi-In Tie-Down – Transient, helicopter/twin-engine aircraft (over 12,000 lbs.) $14.00 per day

(g) Jets – $14.00 per day

A five-percent (5%) discount will be made in the rental charges set forth in subparagraphs (a), (b), and (c), above when a year's lease is entered into and the year's rental charges are paid in advance.

A volume discount may be given to Fixed Base Operators (FBO) that operate flight schools for light single and multi-engine aircraft (under 12,500 lbs.) for tie-down spaces as set forth in subsections (a) and (b) above. For every two tail-in spaces the FBO agrees to lease, one taxi-in tie-down may be leased for the same price as a tail-in tie-down.

Overnight tie-down of aircraft belonging to or in the custody or possession of a lessee at the Modesto City-County Airport/Harry Sham Field shall be subject to the normal tie-down charge as specified by this section.

SECTION 4. OFFICE SPACE. The monthly charge for office spaces at the Modesto City-County Airport/Harry Sham Field are hereby established as follows:

(a)	Old Administration Building	..... $.95 per square foot Utilities paid by Airport
(b)	Office Building No. 1	..... $.95 per square foot Utilities paid by tenant
(c)	Office Building No. 2	..... $.95 per square foot Utilities paid by tenant
(d)	Hangar Office Space	..... $.54 per square foot Utilities paid by tenant

SECTION 5. TEMPORARY USE OF AIRPORT PASSENGER TERMINAL.

Organization and service providers desiring to temporarily use the passenger terminal will be charged a daily rate:

(a) Ticket counter ..... $.0.94 per square foot

(b) Other areas ..... $.0.94 per square foot

SECTION 6. AIRCRAFT CARRYING PASSENGERS AND/OR CARGO FOR HIRE.

Aircraft landing at the Modesto City-County Airport/Harry Sham Field shall pay a landing fee as follows:

(a) All light single, multi-engine aircraft and helicopters - $10.00 per landing

(b) All large single and multi-engine aircraft – $.92 per 1,000 pounds of gross weight, but not less than $10.00 per landing

(c) All transient aircraft owned and operated by individuals, companies, and corporations carrying their own products shall not be charged for the first two (2) trips per calendar months. All other trips for the same calendar month shall be charged for at the same rates applied to nonscheduled aircraft carrying cargo for hire.

(d) No landing fee shall be charged for any aircraft, which lands at the airport due to any mechanical or other emergency, except weather, provided that such emergency is reported to the Airport Control Tower prior to landing.

SECTION 7. PASSENGER FACILITY CHARGE (PFC). Commercial air carrying passengers excluding "frequent flyers" or similar airline bonus award enplaning at Modesto City-County Airport/Harry Sham Field shall pay a PFC as approved by Federal Aviation Regulations (FAR) Part 158.

(a) Enplaned passenger by airline - $4.50 per ticketed passenger.

SECTION 8. ADVERTISEMENT CALLBOARD. Firms wishing to advertise in the airport passenger terminal shall have an approved agreement with the City of Modesto. A monthly charge shall be assessed for the use of the advertisement callboard as follows

Display Size	Display Only	Display & Telephone
7.5" x 9.5"	$15.00	$25.00
7.5" x 21"	$35.00	$55.00
19" x 21"	$45.00	$65.00

SECTION 9. MODESTO CITY-COUNTY AIRPORT BASED COMMERCIAL SERVICES Any person engaging in a commercial enterprise continually based at the Modesto City-County Airport/Harry Sham Field shall pay to the City a fee equivalent to the City Business License Fees set forth in Chapter 1 of Title 6 of the Modesto Municipal Code, except that a minimum fee of $100 will be paid for each aircraft sold, for the privilege of engaging in business in the City of Modesto and on the Airport. Said sum shall be payable at the time and in the manner provided for in Chapter 1 of Title 6 of the Modesto Municipal Code.

SECTION 10. FUEL FLOWAGE FEES. A fuel flowage fee of seven cents ($.07) per gallon of fuel sold or dispensed on the Airport shall be collected for the City of Modesto by the fuel vendors, except that reduced fuel flowage fees collected from scheduled air carriers can be negotiated for volume purchases.

SECTION 12. TEMPORARILY BASED COMMERCIAL SERVICES. Any person engaging in a commercial enterprise, temporarily based at the Modesto City-County Airport/Harry Sham Field, shall pay to the City a license fee in the sum of Two Hundred and no/100ths ($200.00) Dollars, payable in advance.

Each such operator shall also pay to the City as a minimum an additional sum of Ninety and no/100ths ($90.00) Dollars per month, or any portion thereof, payable in advance, for the privilege of using the Airport and its facilities.

SECTION 12. OFF-AIRPORT CAR RENTAL OPERATOR FEE. Off-airport operators picking up customers at the Modesto City-County Airport/Harry Sham Field will pay to the City of Modesto ten percent (10%) of gross on time mileage of vehicles rented. Additionally, the operators will be assessed a parking fee at the same rate on-airport car rental operators are charged for vehicles left in the public parking area overnight.

SECTION 13. MOTOR VEHICLE STORAGE CHARGES. Any person who parks a motor vehicle in Terminal Building Safe and Secure Parking Lot at the Modesto City-County Airport/Harry Sham Field shall pay $5.00 per day. Monthly parking in the remaining parking lots shall be Seventy-two and no/100ths ($72.00) Dollars per month (or the equivalent rate charged by the City of Modesto for monthly parking), payable in advance.

SECTION 14. PENALTIES. A five percent (5%) per month penalty charge shall be made on any of the charges and fees established by this resolution when such charges and fees are not paid within thirty (30) days after they are due and payable. No penalties will be collected on the PFC.

SECTION 15. ANNUAL ADJUSTMENT OF RENTS, FEES AND CHARGES. Commencing July 1, 2003, City Council by Resolution 93-303 established the annual adjustment of rents, fees and charges set forth in Sections 1, 2, 3 and 4 of this resolution stating that they be adjusted annually as of the first day of July.

Said rents, fees, and charges shall be adjusted in the following manner: The base for computing the adjustment is the National Consumer Price Index for the West Urban (all urban consumers), published by the United States Department of Labor, Bureau of Labor Statistics ("Index"), with a base year of 1982 – 1984 = 100 ("Beginning Index"). The Index published most immediately preceding the Adjustment Date in question ("Adjustment Index") is to be used

in determining the amount of the adjustment. If the Adjustment Index has increased over the Beginning Index, the rents, fees and charges set forth in this resolution shall be set by multiplying the rents, fees and charges set forth in this resolution by a fraction, the numerator of which is the Adjustment Index and the denominator of which is the Beginning Index.

In no case shall the minimum rents, fees and charges be less than existing approved and adopted rents, fees and charges nor shall any increase in a year be greater than five (5%) percent. If the indexes change so that the base year differs from that in effect on July 1, 2008, the Index shall be converted in accordance with the conversion factor published by the United States Department of Labor, Bureau of Labor Statistics. If the Index is discontinued or revised at any time after the effective date of this resolution, such other government index or computation with which it is replaced shall be used in order to obtain substantially the same result as would be obtained if the Index had not been discontinued or revised.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-214

RESOLUTION AUTHORIZING SUBMISSION OF THE CITY'S TRANSPORTATION DEVELOPMENT ACT (TDA) TRANSIT CLAIM FOR FISCAL YEAR 2016 - 2017 TO THE STANISLAUS COUNCIL OF GOVERNMENTS (STANCOG) IN THE AMOUNT OF $10,933,578 TO SUPPORT TRANSIT OPERATIONS AND CAPITAL EXPENSES

WHEREAS, the greatest portion of the City's funding for the Transit Service Program is made available under the Transportation Development Act (TDA), which includes Local Transportation Fund (LTF) funds and State Transit Assistance (STA) funds, and

WHEREAS, the Stanislaus Council of Governments (StanCOG) has informed the Finance Department that LTF funds have been apportioned by the State to StanCOG for allocation to public transit agencies pursuant to Article 4 of Chapter 4 of the California Public Utilities Code (PUC), and

WHEREAS, the City has prepared its TDA claim for Fiscal Year 2016-2017 pursuant to these sections of the California PUC, and

WHEREAS, the City's Transit TDA Claim for Fiscal Year 2016-2017 is $10,933,578, and

WHEREAS, the total Transit Operating Budget for Fiscal Year 2015-2016 is $19,439,244, and

WHEREAS, Council action authorizing submission of the Claim is required by StanCOG pursuant to Section 99233.11 of the California PUC before any TDA funding can be released to the City.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves submission of the TDA transit claim for Fiscal Year 2016-2017 to

StanCOG in the amount of $10,933,578 to support Transit operations and capital expenses.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-215

RESOLUTION AUTHORIZING AN INCREASE OF THE DIRECTOR OF UTILITIES AUTHORITY TO ISSUE CHANGE ORDERS ON THE EMERALD LIFT STATION REHABILITATION PROJECT FROM 10 PERCENT ($269,000) TO APPROXIMATELY 15.3 PERCENT ($410,287) OF THE ORIGINAL CONSTRUCTION CONTRACT PRICE OF $2,690,000 WITH AZTEC CONSULTANTS, OF SAN RAMON, CA

WHEREAS, the City Council, on July 9, 2013, by Resolution No. 2013-259, awarded a $2,690,000 contract to Aztec Consultants of San Ramon, CA for the construction of the Emerald Lift Station Rehabilitation project, and

WHEREAS, additional work not included in the original bid needed to be added to the project to allow completion of the project, and

WHEREAS, the total cost of the change order work has been estimated to be $410,287, an amount which exceeds the Director's authority for the project as established by the Council's Change Order Approval Policy adopted by Resolution No. 94-443, on July 19, 1994, and

WHEREAS, the Director of Utilities currently has authority to approve change orders up to a cumulative amount of $269,000,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Director of Utilities to issue change orders for the Emerald Lift Station Rehabilitation project from 10 percent ($269,000) to approximately 15.3 percent ($410,287) of the original construction contract price of $2,690,000 with Aztec Consultants of San Ramon, CA.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-216

RESOLUTION AMENDING THE FISCAL YEAR 2015-2016 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $220,078 TO BE TRANSFERRED INTO THE PROJECT FROM WASTEWATER FUND RESERVES IN ORDER TO FUND ADDITIONAL STAFF AND CHANGE ORDER COSTS FOR EMERALD LIFT STATION REHABILITATION PROJECT

WHEREAS, certain budgetary transactions are necessary in the amount of $220,078, in order to fund additional staff and change order costs, for the Emerald Lift Station Rehabilitation Project, and

WHEREAS, the Fiscal Year 2015-2016 Capital Improvement Program Budget must be amended as shown in **Exhibit A**, which is incorporated by reference herein,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2015-2016 Capital Improvement Program Budget as shown in **Exhibit A**.

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Exhibit A

Due to construction costs (specifically, delays in the construction contract that had direct impact on staff costs for administering the contract, negotiating change orders and coordinating with operations staff, various vendors and suppliers during initial testing and startup of the new lift station improvements) being higher than initially budgeted for the project, line item increases/decreases are necessary for CIP Account #100529 "Emerald Lift Station", and the total project costs need to be increased by $220,078. This would be done by adjusting Construction by $481, Construction Administration by $119,348, Contingency-CIP by $113,381, and Engineering/Design/Administration by <$13,132>.

To fund the above account, $220,078 will be transferred from Wastewater Fund Reserves into CIP Project 100529 for the Emerald Lift Station Rehabilitation Project.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-217

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE CANNERY SEGREGATION LINE DIVERSION STRUCTURE PROJECT, ACCEPTING THE BID, AND APPROVING A CONTRACT WITH GATEWAY PACIFIC CONTRACTORS, INC., OF SACRAMENTO, CA, IN THE AMOUNT OF $1,290,439 PLUS $193,566 FOR CONTINTGENCY (IF NEEDED) FOR A TOTAL AMOUNT OF $1,484,005 AND AUTHORIZING THE CITY MANAGER , OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, plans and specifications have been prepared for the Cannery Segregation Line Diversion Structure Project, and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Cannery Segregation Line Diversion Structure Project were opened at 11:00 a.m. on May 3, 2016 for the consideration of the Council, and

WHEREAS, the Director of Utilities has recommended that the bid of $1,290,439 received from Gateway Pacific Contractors, Inc., be accepted as the lowest responsible and responsive bid and the contract be awarded to Gateway Pacific Contractors, Inc.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for Cannery Segregation Line Diversion Structure Project, accepts the bid of $1,290,439 and awards Gateway Pacific Contractors, Inc., of Sacramento, CA the contract for the Cannery Segregation Line Diversion Structure Project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-218

RESOLUTION AUTHORIZING AN INCREASE IN THE DIRECTOR'S AUTHORITY TO ISSUE CHANGE ORDERS FOR CANNERY SEGREGATION LINE DIVERSION STRUCTURE PROJECT FROM 10 PERCENT ($129,044) TO 15 PERCENT ($193,566) OF THE CONSTRUCTION CONTRACT PRICE OF $1,290,439 WITH GATEWAY PACIFIC CONTRACTORS, INC., OF SACRAMENTO, CA

WHEREAS, on May 24, 2016, the City Council is concurrently awarding a $1,290,439 contract to Gateway Pacific Contractors Inc., of Sacramento, CA for the construction of the Cannery Segregation Line Diversion Project, and

WHEREAS, the Cannery Segregation Line Diversion Structure project is located adjacent to the Tuolumne Regional River Park (TRRP) Bike Path Project currently in construction, and

WHEREAS coordination will be required with the TRRP Bike Path Project and additional work may be needed to facilitate and complete this project that is not included in the original bid, and

WHEREAS, the additional costs could exceed the Director's authority for the project as established by the Council's Change Order Approval Policy adopted by Resolution No. 94-443, and

WHEREAS, the Director of Utilities currently has authority to approve change orders up to a cumulative amount of $129,044,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Director of Utilities to issue change orders for the Cannery Segregation Line Diversion Project from 10 percent ($129,044) to 15 percent ($193,566)

of the construction contract price of $1,290,439 with Gateway Pacific Contractors, Inc., of Sacramento, CA.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST:

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:

ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-219

RESOLUTION AMENDING THE FISCAL YEAR 2015-2016 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $525,868 TO BE TRANSFERRED INTO THE PROJECT FROM WASTEWATER FUND RESERVES IN ORDER TO FULLY FUND THE CONSTRUCTION, CONTINGENCY, CONSTRUCTION ADMINISTRATION, AND DESIGN SUPPORT DURING CONSTRUCTION FOR CANNERY SEGREGATION DIVERSION LINE STRUCTURE PROJECT

WHEREAS, certain budgetary transactions are necessary in the amount of $525,868, in order to fund construction, contingency, construction administration, and design support during construction, including engineering, design, administration support by City staff, for the Cannery Segregation Line Diversion Structure Project, and

WHEREAS, the Fiscal Year 2015-2016 Capital Improvement Program Budget must be amended as shown in **Exhibit A**, which is incorporated by reference herein,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2015-2016 Capital Improvement Program Budget as shown in **Exhibit A**.

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Exhibit A

Due to construction costs being higher than initially budgeted for the project, line item increases are necessary for CIP Account #100679 "Cannery Segregation Diversion Structure", and the total project costs need to be increased by $525,868. This would be done by adjusting Construction by $401,229, Construction Administration by $16,333, Contingency-CIP by $77,502, and Engineering/Design/Administration by $30,804.

To fund the above account, $525,868 will be transferred from Wastewater Fund Reserves into CIP Project 100679 for the Cannery Segregation Line Diversion Structure Project.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-220

RESOLUTION APPROVING A LIST OF LOCAL PROJECTS TO BE FORWARDED TO THE STANISLAUS COUNCIL OF GOVERNMENT BY MAY 25, 2016 FOR RECOMMENDED INCLUSION IN THE TRANSPORTATION EXPENDITURE PLAN BEING PREPARED FOR THE NOVEMBER 2016 HALF-CENT SALES TAX MEASURE

WHEREAS, the Stanislaus Council of Governments (StanCOG) is developing a Transportation Expenditure Plan based on a county-wide, 25-year, half-cent sales tax measure for consideration by voters on the November 2016 ballot, and

WHEREAS, on January 20, 2016, the StanCOG Policy Board approved the framework for the Transportation Expenditure Plan and directed StanCOG staff to bring back a project list for Policy Board approval, and

WHEREAS, the framework identifies the individual expenditure categories as well as the percentage of the sales tax that would be allocated to each expenditure category, and

WHEREAS, the framework has been circulated to each of the nine cities and County so that each agency can develop its own specific project list, and

WHEREAS, StanCOG has requested that the City of Modesto provide project lists for the following three expenditure categories: Local Streets and Roads, Traffic Management and Bike/Pedestrian, and

WHEREAS, staff prepared project lists (**Exhibit** A) and presented those lists to the Healthy Economy Committee on May 11, 2016, and

WHEREAS, the Healthy Economy Committee recommended forwarding the project lists, **Exhibit** A to City Council for approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby recommends forwarding the **attached** lists, **Exhibit** A to the Stanislaus Council of Government by May 25, 2016 for recommended inclusion in the Transportation Expenditure Plan being prepared for the November 2106 half-cent sales tax measure.

The foregoing documents were introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 2016, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Exhibit A

May 24, 2016

Recommended Project Lists

StanCOG Expenditure Plan Project List
Agency: City of Modesto

Type	Projects	Description	Budget	Start	Complete
Local Streets and Roads (50%) $6,874,758/year					
Pavement Rehabiliation	Carpenter Rd.	1.75 CL miles of Overlay, Mill/Fill or Reconstruction	$2.9 M	July 2017	November 2018
Pavement Maintenance and/or Rehabilitation	Various Residential and/or Collector Streets	100 lane miles of Slurry or 24 lane-miles of Rubber Cape Seal	$3.9 M	July 2017	November 2018
Pavement Rehabiliation	Claus Rd., La Loma Ave., Tully Rd.	3.5 CL miles of Overlay, Mill/Fill or Reconstruction	$3.4 M	July 2018	November 2019
Pavement Maintenance and/or Rehabilitation	Various Residential and/or Collector Streets	87 lane miles of Slurry or 15 lane-miles of Mill/Fill	$3.4 M	July 2018	November 2019
Pavement Rehabiliation	Oakdale Rd, Orangeburg Ave	3.25 CL miles of Overlay, Mill/Fill or Reconstruction	$3.1M	July 2019	November 2020
Pavement Maintenance and/or Rehabilitation	Various Residential and/or Collector Streets	95 lane miles of Slurry or 23 lane-miles of Rubber Cape Seal or 14 lane-miles of Mill/Fill	$3.7M	July 2019	November 2020
Pavement Rehabiliation	Prescott Rd	1.7 CL miles of Overlay and Mill/Fill	$2.1M	July 2020	November 2021
Pavement Maintenance and/or Rehabilitation	Various Residential and/or Collector Streets	120 lane miles of Slurry or 29 lane-miles of Rubber Cape Seal or 19 lane-miles of Mill/Fill	$4.7M	July 2020	November 2021
Pavement Maintenance and/or Rehabilitation	Various Residential, Collector and Arterial Streets	175 lane miles of Slurry or 42 lane-miles of Rubber Cape Seal or 27 lane-miles of Mill/Fill or 9 lane-miles of Reconstruction or some combination thereof	$6.8M annually until 2041	Annually	Annually
Total			**$171,868,971**		

StanCOG Expenditure Plan Project List
Agency: City of Modesto

Type	Projects	Description	Budget	Start	Complete
Traffic Management (10%) $1,374,952/year					
Traffic Managemet - Safety	Improve traffic flow and safety around schools	Improve traffic flow and safety around schools (i.e. Modesto High School, Garrison Elementary,Johansen High, Orchard Elemenatary, Burbank Elementary, Orville Wright Elementary, etc)		July 2017	June 2044
Traffic Management - Safety	Intersection Improvements for Traffic Safety and Traffic Flow	Intersection improvements for traffic safety and flow at various intersections (i.e. Orangeburg/Coffee, Standiford/Hahn, etc)		July 2017	June 2044
Traffic Management - Congestion	Expansion of Existing Advanced Traffic Management System (ATMS)	Expansion of existing Advanced Traffic Management System (ATMS) to allow for communication from the Traffic Operations Center (TOC) to traffic signal locations.		July 2017	June 2044
Traffic Management - Safety	Safety Improvements at High Collision Locations	Safety Improvements at locations where collision history shows a pattern or at high collision frequency locations		July 2017	June 2044
Traffic Management - Safety	Installation and Upgrade to EVP for Fire and Police	Installation and Upgrades to the Emergency Vehicle Pre-Emption equipment for the Fire Department and Police Department		July 2017	June 2044
Traffic Management - Safety and Congestion	Installation and Maintenance of Intersection Control Devices	Installation and maintenance of traffic control devices at various locations (i.e. traffic signals, roundabouts, etc)		July 2017	June 2044
Traffic Management - Safety and Congestion	Collision Database software program	Purchase and implementation of a Collision Database software program to provide trends and track collision patterns throughout the City of Modesto		July 2017	June 2044
Traffic Management - Safety and Congestion	Traffic Adaptive	Upgrade to Traffic Adaptive communications		July 2025	June 2044
Traffic Management - Safety and Congestion	Various Safety Projects	Match funding for state/federal grants		July 2017	June 2044
TOTAL			**$34,373,800**		

StanCOG Expenditure Plan Project List
Agency: City of Modesto

Type	Projects	Description	Budget	Start	Complete
Bike/Pedestrian (5%)	**$687,000/year**				
Bike/Pedestrian	Bike/Pedestrian (Non-motorized) Master Plan	Bike/Pedestrian (Non-motorized) Master Plan		July 2017	June 2019
Bike/Pedestrian	MJC Class 1 Bike Path -Phase 3	Complete MJC East and West cycle track to Virginia Corridor		July 2018	June 2019
Bike/Pedestrian	Dry Creek Trail Maintenance	Ongoing trail maintenance		Ongoing	
Bike/Pedestrian	G St Bicycle Facility	Improve from Paradise to Burney		July 2019	June 2020
Bike/Pedestrian	H St Bicycle Facility	Improve from Paradise to 19th		July 2020	June 2021
Bike/Pedestrian	Virginia Corridor Trail Maintenance	Ongoing trail maintenance		Ongoing	
Bike/Pedestrian	Projects to be determined following approval of the Bike/Pedestrian Master Plan	TBD		TBD	
TOTAL:			**$17,186,897**		

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-221

RESOLUTION AUTHORIZING THE AWARD OF BID FOR CONSTRUCTION OF THE SANTA ROSA SEWER TRUNK LINE EMERGENCY REPLACEMENT PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEES TO EXECUTE THE AGREEMENT

WHEREAS, this project will provide emergency repairs to the 27-inch domestic sewer trunk line located on Santa Barbara Avenue from Highland Drive to Roble Avenue. During a Closed Circuit Television inspection of the sewer trunk line, City staff discovered that a section of approximately 120 feet of the crown of the pipe has deteriorated away and that an additional 500 feet of the trunk crown pipe shows signs of excessive corrosion.

WHEREAS, Wastewater Collections staff has rented and installed temporary steel plating along the alignment of the trunk line to secure the street from potential settlement and cave-in as a temporary measure. However, emergency repairs are necessary to replace the pipe and ensure the safe and continuous operation of this pipe

WHEREAS, the bids received for the Santa Rosa Sewer Trunk Line Emergency Replacement Project were opened at 11:00 a.m. on May 17th, 2016 for the consideration of the Council, and

WHEREAS, the Director of Utilities has recommended that the bid of $427,990.17 received from D.A. Wood, Inc., of Modesto, Ca, be accepted as the lowest responsible and responsive bid and the contract be awarded to D.A. Wood, Inc.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications Santa Rosa Sewer Trunk Line Emergency Replacement Project, accepts the bid of $427,990.17 and awards

D.A. Wood, Inc., of Modesto, CA, the contract for Santa Rosa Sewer Trunk Line Emergency Replacement Project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-222

RESOLUTION APPROVING THE APPOINTMENT OF MARTIN CAMPBELL TO THE MODESTO CITY-COUNTY AIRPORT ADVISORY COMMITTEE FOR A TWO YEAR TERM

WHEREAS, the City of Modesto operates the Modesto City-County Airport (Airport) for the benefit of all businesses, industries, visitors and residents in the City of Modesto, Stanislaus County and surrounding areas, and

WHEREAS, the Modesto City Council and the Stanislaus Board of Supervisors seek to ensure that the Airport is maintained and developed in such a manner that it will continue to be a high quality aviation facility for its users and a good neighbor in the community, recognizing that both the users and community may change as the surrounding area continues to grow and develop, and

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions, and

WHEREAS, Council has considered the experience and qualifications of the candidate, Martin Campbell, and find that he would be appropriate to fill the position of the Commercial/Service Provider member.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the appointment of Martin Campbell to fill the position on the Modesto City-County Airport Advisory Committee, representing a commercial / service provider for a term of two years.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of June, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Madrigal

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-223

RESOLUTION RESCINDING RESOLUTION NOS. 2010-042 AND 2010-045 RELATING TO CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2009-1 (KIERNAN BUSINESS PARK EAST)

WHEREAS, on January 26, 2010, the City Council of the City of Modesto took the following actions relating to City of Modesto Community Facilities District No. 2009-1 (Kiernan Business Park East): adopted Resolution No. 2010-042 establishing City of Modesto Community Facilities District No. 2009-1 (Kiernan Business Park East), authorizing the levy of special taxes therein, and establishing an annual appropriations limit; adopted Resolution No. 2010-043 calling a special election for the City of Modesto Community Facilities District No. 2009-1 (Kiernan Business Park East); adopted Resolution No. 2010-044 declaring the results of the January 26, 2010 Special Election and approving certain related actions pertaining to City of Modesto Community Facilities District No. 2009-1 (Kiernan Business Park East); adopted Resolution No. 2010-045 determining it necessary to incur bonded indebtedness within the City of Modesto Community Facilities District No. 2009-1 (Kiernan Business Park East); and introduced Ordinance No. 3524-C.S. authorizing the levy of special taxes within City of Modesto Community Facilities District No. 2009-1 (Kiernan Business Park East), and

WHEREAS, at its meeting held on February 2, 2010, the Council adopted Ordinance No. 3524-C.S. thereby authorizing the levy of a special tax (the "Special Tax") upon certain parcels of land within the City of Modesto Community Facilities District No. 2009-1 (Kiernan Business Park East), and

WHEREAS, at its meeting held on March 8, 2016, the Council approved the formation of City of Modesto Community Facilities District No. 2016-1 (Kiernan Business Park East #2), and

WHEREAS, City of Modesto Community Facilities District No. 2016-1 will ultimately encompass the same parcels that City of Modesto Community Facilities District No. 2009-1 covers, and

WHEREAS, the City has determined that it is appropriate to dissolve Community Facilities District No. 2009-1 (Kiernan Business Park East);

WHEREAS, the City has undertaken the necessary process to dissolve Community Facilities District No. 2009-1 (Kiernan Business Park East) in accordance with state law.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby rescinds Resolution No. 2010-042 and Resolution No. 2010-045, both shall have no further legal force and effect.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of June, 2016, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Kenoyer, Ridenour, Zoslocki
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Grewal, Madrigal, Mayor Brandvold

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-224

RESOLUTION ACCEPTING THE DESTINATION MODESTO REPORT FOR THE THIRD QUARTER OF FISCAL YEAR 2015-16

WHEREAS, on October 27, 2015, the City Council accepted the Destination Modesto Report – First Quarter Fiscal Year 2015-16 for the convention and tourism activity,

WHEREAS, on March 1, 2016, the City Council accepted the Destination Modesto Report – Second Quarter Fiscal Year 2015-16 for the convention and tourism activity as well as activity at the McHenry Mansion, McHenry Museum, all three (3) City owned golf courses and City parks,

WHEREAS, CEDD staff has prepared the Destination Modesto Report – Third Quarter Fiscal Year 2015-16 for the convention, tourism, McHenry Mansion, McHenry Museum, all three (3) City owned golf courses and City parks activity,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Destination Modesto Report – Third Quarter Fiscal Year 2015-16.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of June, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-225

RESOLUTION APPROVING THE FINAL MAP OF KIERNAN BUSINESS PARK PHASE 3 SUBDIVISION AND AUTHORIZING THE CITY CLERK TO CERTIFY AND RECORD THE FINAL MAP WITH THE STANISLAUS COUNTY RECORDER'S OFFICE

WHEREAS, Joan Irene Bledsoe, a married woman her sole and separate property, and Carl R. Fischer Jr. and Sandy Fisher, aka Sandra Ficher, as trustees of The Carl R. Fischer Revocable Trust udt (Under Declaration of Trust) dated September 25, 2000 ("SUBDIVIDER"), is in possession of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 7.17 acres, known as the KIERNAN BUSINESS PARK EAST PHASE 3 – HEALTHCARE WAY ("SUBDIVISION"), in the Specific Plan Zone per the Kiernan Business Park Specific Plan dated December 15, 2015, and

WHEREAS, a Vesting Tentative Subdivision Map was approved by the Planning Commission on April 4, 2016 per Planning Commission Resolution No. 2016-10, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto and the City Engineer acting as the designee for the Director of Public Works, have certified that the Final Map of said tract substantially conforms to the approved Tentative Map, and

WHEREAS, the public improvements have not been completed, and

WHEREAS, the City Engineer of the City of Modesto has certified that the Final Map of said SUBDIVISION meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and the City Surveyor has determined that the map is technically correct, and

WHEREAS, the SUBDIVIDER has furnished securities with the recently approved Kiernan Business Park East Phase 2 Final Map in conformance with section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities are in forms acceptable to the City Attorney and in the amounts required by the City Engineer,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Council finds that the Kiernan Business Park East Phase 3 Final Map conforms with the provisions of Modesto Municipal Code section 4-4.601 et seq. and is therefore approved.

BE IT FURTHER RESOLVED that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of June, 2016, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Kenoyer, Ridenour, Zoslocki
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Grewal, Madrigal, Mayor Brandvold

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-226

RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE PURCHASEOF PERSONAL PROTECTION EQUIPMENT (PPE) FOR THE MODESTO FIRE DEPARTMENT TO CASCADE FIRE EQUIPMENT, MEDFORD, OR, L.N. CURTIS AND SONS, OAKLAND, CA, AND ZEN FIRE & SAFTEY, COARSEGOLD, CA, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE AGREEMENT FOR A TWO (2) YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENTION OPTIONS AT THE SOLE DISCRETION OF THE CITY,FOR AN ESTIMATED ANNUALCOST OF $110,000, AND OVER FIVE (5) YEARS OF $550,000

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for the purchase of Personal Protection Equipment (PPE), and

WHEREAS, the Purchasing Division issued RFB No. 1516-10 on the City's website under the commodity code for Fire Protection Equipment and Supplies, and

WHEREAS, prospective bidders were noticed online of the bid opportunity, and

WHEREAS, thirteen (13) companies chose to download the RFB document, and

WHEREAS, bids were formally opened in the City Clerk's Office. Four (4) companies chose to respond, none of which were a local company. All four (4) companies responding provided a responsive and responsible bid, and

WHEREAS, based on providing a responsive and responsible bid, City staff recommends the split award of bid for the purchase of Personal Protection Equipment (PPE) to Cascade Fire Equipment (Medford, OR), L.N. Curtis and Sons (Oakland, CA), and Zen Fire & Safety (Coarsegold, CA), for an estimated annual cost of $110,000, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of bid for the purchase of Personal Protection Equipment (PPE) to Cascade Fire Equipment, Medford, OR, L.N. Curtis and Sons, Oakland, CA,

and Zen Fire & Safety, Coarsegold, CA, conforms to the Modesto Municipal Code, 8-3.203, and

WHEREAS, funds are budgeted each Fiscal Year, in Appropriation Unit: 0100-18210-52160 (General Fund).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid for the purchase of Personal Protection Equipment (PPE) to Cascade Fire Equipment, Medford, OR, L.N. Curtis and Sons, Oakland, CA, and Zen Fire & Safety, Coarsegold, CA for a term of two (2) years with three (3) one-year extension options at the sole discretion of the City, for a total of five (5) years.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the purchase agreements for an estimated annual cost of $110,000, and over five (5) years of $550,000, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of June, 2016, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Madrigal

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-227

RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE PURCHASE OF CISCO COMMUNICATIONS EQUIPMENT FOR THE INFORMATION TECHNOLOGY DEPARTMENT TO TELCION COMMUNICATIONS, MODESTO, CA FOR AN ESTIMATED COST OF $250,296.71, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE A PURCHASE AGREEMENT

WHEREAS, The City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for the purchase of Cisco communications equipment for the Information Technology Department, and

WHEREAS, the Purchasing Division issued RFB 1516-38 Cisco Switch Replacement on the City's website under the commodity code for computer hardware, and

WHEREAS, prospective proposers were noticed online of the proposal opportunity, and

WHEREAS, twenty-eight (28) companies chose to download the RFP document, one of which is a local companies, and

WHEREAS, proposals were formally opened in the City Clerk's office. Five (5) companies chose to respond, and

WHEREAS, five (5) companies responding provided a responsive and responsible proposal, and

WHEREAS, one (1) company chose to retract their bid, and

WHEREAS, based on providing the overall lowest responsive and responsible bid, City staff recommends the award of bid for the purchase of Cisco communications

equipment to Telcion Communications, Modesto, CA for an estimated cost of $250,796.71, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of bid for the purchase of Cisco communications equipment to Telcion Communications, Modesto, CA, conforms to the Modesto Municipal Code, 8-3.203, and

WHEREAS, funds are budgeted in Fiscal Year 2015-16, in Appropriation Unit: 5230-17810-57005 (Information Technology Fund).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid for Cisco communications equipment to Telcion Communications, Modesto, CA, for an estimated cost of $250,296.71;

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute a purchase agreement for Cisco communications equipment to Telcion Communications for an estimated cost of $250,296.71, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of June, 2016, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Madrigal

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-228

RESOLUTION ACCEPTING THE BRENDEN MANN FOUNDATION GRANT TOTALING $50,000 TO PROVIDE FUNDING FOR DOWNTOWN BIKE, FOOT, AND WHEN APPROPRIATE, EQUESTRIAN PATROLS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE NECESSARY GRANT DOCUMENTS

WHEREAS, the Modesto Police Department applied and was awarded a Brenden Mann Foundation grant totaling $50,000, and

WHEREAS, this funding will offset the costs of providing Police Officer Bike/Foot/Equestrian Patrols of a nine-block section in the heart of downtown Modesto, and

WHEREAS, the Police Department believes it is making progress in working with businesses in the area to mitigate crime and criminal behavior, and creating a sense of security in those who frequent the downtown entertainment venues and services, and

WHEREAS, the Modesto Police Department, in partnership with the Brenden Mann Foundation, wants to create a "hospitality zone", wherein people feel welcome and safe in the Downtown, and

WHEREAS, funds received will be used to pay for overtime staffing costs ($47,000) for the Police Officers patrolling on bicycles, on foot and when appropriate on horseback with a portion of the funds utilized for bicycle repair and replacement costs ($3,000) for a total of $50,000 as shown in **Exhibit A**,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Brenden Mann Foundation grant totaling $50,000 to provide funding for Downtown Bike, Foot, and when appropriate, Equestrian Patrols,

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the necessary grant documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of June, 2016, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Madrigal

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Exhibit A

The Brenden Mann Foundation grant allocation for Fiscal Year 2015/16 will be applied to:

Revenues:	**Increase/(Decrease)**	**Description**
To:		
MY-1342-19998-42503-100957	$ 50,000	Intergov – Other Misc Grants & Donations
TOTAL:	**$ 50,000**	

Expenses:		
From:		
MY-100957- Appr Unit A-51200	$ 47,000	Overtime
MY-100957-Appr Unit C- 52300	$ 3,000	Tools & Field Supplies
TOTAL	**$50,000**	

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-229

RESOLUTION AMENDING THE 2015/2016 MULTI-YEAR OPERATING BUDGET TO APPROPRIATE REVENUES AND EXPENDITURES OF $50,000 FROM THE BRENDEN MANN FOUNDATION GRANT TO PROVIDE FUNDING FOR DOWNTOWN BIKE, FOOT, AND WHEN APPROPRIATE, EQUESTRIAN PATROLS; AND AUTHORIZING THE FINANCE DIRECTOR, OR HER DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the Modesto Police Department applied for and was awarded a Brenden Mann Foundation grant totaling $50,000, and

WHEREAS, this funding will offset the costs of providing Police Officer Bike/Foot/Equestrian Patrols of a nine-block section in the heart of downtown Modesto, and

WHEREAS, the Police Department believes it is making progress in working with businesses in the area to mitigate crime and criminal behavior, and creating a sense of security in those who frequent the downtown entertainment venues and services, and

WHEREAS, the Modesto Police Department, in partnership with the Brenden Mann Foundation, wants to create a "hospitality zone", wherein people feel welcome and safe in the Downtown, and

WHEREAS, funds received will be used to pay for overtime staffing costs ($47,000) for the Police Officers patrolling on bicycles, on foot and when appropriate on horseback with a portion of the funds utilized for bicycle repair and replacement costs ($3,000) for a total of $50,000 as shown in **Exhibit A**,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2015/2016 Multi-Year Operating Budget is hereby amended as shown in the **attached Exhibit A**, which is incorporated by reference herein.

BE IT FURTHER RESOLVED that the Finance Director, or her designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of June, 2016, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Madrigal

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Exhibit A

The Brenden Mann Foundation grant allocation for Fiscal Year 2015/16 will be applied to:

Revenues:	**Increase/(Decrease)**	**Description**
To:		
MY-1342-19998-42503-100957	$ 50,000	Intergov – Other Misc Grants & Donations
TOTAL:	**$ 50,000**	

Expenses:		
From:		
MY-100957- Appr Unit A-51200	$ 47,000	Overtime
MY-100957-Appr Unit C- 52300	$ 3,000	Tools & Field Supplies
TOTAL	**$50,000**	

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-230

RESOLUTION APPROVING AN AGREEMENT WITH THE STATE OF CALIFORNIA, COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING (POST), FOR UP TO $8,840 TO PROVIDE TRAINING FOR 40 STUDENTS NOT EMPLOYED BY THE CONTRACT AGENCY IN THE FOUR-HOUR FORCE OPTION SIMULATOR COURSES OR 40 STUDENTS NOT EMPLOYED BY THE CONTRACT AGENCY IN THE FOUR-HOUR MOBILE FORCE OPTIONS SIMULATOR TRAINING COURSES; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Modesto Police Department acquired the Force Options Simulator (FOS) in 1999, and

WHEREAS, the FOS is a 42-foot trailer that contains state-of-the-art video technology, and

WHEREAS, the video scenarios place an officer in a position to make critical decisions regarding the use of force, and

WHEREAS, the FOS training provides the student with practical handling of volatile situations and the proper use of available force options, and

WHEREAS, the training goal is to reduce unnecessary deaths, injuries, liability costs, and improve safety overall for California law enforcement personnel and the public, and

WHEREAS, when the Police Department acquired the FOS, the State of California Commission on Peace Officer Standards and Training (POST) agreed to reimburse the Modesto Police Department for training administered via the FOS, or the Mobile FOS, and

WHEREAS, when the training is conducted locally, the FOS reimbursement is up to 40 students at a rate of $92.00 per student for students not employed by the contract

agency, and up to 40 students at a per student rate of $129 for students not employed by the contract agency, and

WHEREAS, when the training is conducted outside the local area, the reimbursement is $129.00 per student, and

WHEREAS, staff estimates these reimbursements will fully cover the cost of the officer's salary, per diem, mileage, and routine maintenance expenses for the simulator and transport vehicle, and

WHEREAS, POST is requesting a renewal of the Agreement for the term July 1, 2016 through June 30, 2017,

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with the State of California, Commission on Peace Officer Standards and Training (POST), for up to $8,840 to provide training for up to 40 students not employed by the contract agency in the four-hour Force Option Simulator courses or 40 students not employed by the contract agency in the four-hour Mobile Force Options Simulator training courses,

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto, held on the 7th day of June, 2016, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Madrigal

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-231

RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE PURCHASE OF SLURRY OIL TO VSS EMULTECH, SACRAMENTO CA., FOR A ONE-YEAR AGREEMENT WITH FOUR ONE-YEAR EXTENSION OPTIONS AT THE SOLE DISCRETION OF THE CITY, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE A PURCHASE AGREEMENT FOR AN ESTIMATED ANNUAL COST OF $499,380, TOTALING $2,496,900 OVER A FIVE YEAR PERIOD

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids for the purchase of slurry oil, and

WHEREAS, on April 7, 2016, the Purchasing Division issued RFB No. 1516-33, Slurry Oil, on the City's website under the commodity codes for Road and Highway Building Materials Paving and Resurfacing, Roads/Highways and Steel Tanks. Prospective bidders, none of which were a local company, were notified online of the bid opportunity. Four companies chose to download the RFB document, and

WHEREAS, on April 26, 2016, bids were formally opened in the City Clerk's office. Two companies chose to respond. Both companies responding provided responsive and responsible bids, and

WHEREAS, based on providing the lowest responsive and responsible bid, City staff recommends the award of bid for the purchase of slurry oil to VSS Emultech Sacramento CA, for a one-year agreement with four one-year extension options at the sole discretion of the City, for an estimated annual cost of $499,380, totaling $2,496,900 over a five year period, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services

to be formally bid. The award of bid for the purchase of slurry oil to VSS Emultech, Sacramento, CA, conforms to Modesto Municipal Code 8-3.203, and

WHEREAS, funds are budgeted in Street Maintenance account: 1700-53130-53150.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid for the purchase of slurry oil to VSS Emultech Sacramento , CA, for a one-year agreement with four one-year extension options at the sole discretion of the City.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute a purchase agreement for an estimated annual cost of $499,380 totaling $2,496,900 over a five year period, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of June, 2016, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Madrigal

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-232

RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE RENTAL OF A SLURRY OIL TANKER TO VSS EMULTECH, SACRAMENTO CA., FOR A ONE-YEAR AGREEMENT WITH FOUR ONE-YEAR EXTENSION OPTIONS AT THE SOLE DISCRETION OF THE CITY, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE A RENTAL AGREEMENT FOR AN ESTIMATED ANNUAL COST OF $33,000, TOTALING $165,000 OVER A FIVE YEAR PERIOD

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids for the rental of slurry oil tanker, and

WHEREAS, on April 7, 2016, the Purchasing Division issued RFB No. 1516-33, Slurry Oil, on the City's website under the commodity codes for Road and Highway Building Materials Paving and Resurfacing, Roads/Highways and Steel Tanks. Prospective bidders, none of which were a local company, were notified online of the bid opportunity. Four companies chose to download the RFB document, and

WHEREAS, on April 26, 2016, bids were formally opened in the City Clerk's office. Two companies chose to respond. Both companies responding provided responsive and responsible bids, and

WHEREAS, based on providing the lowest responsive and responsible bid, City staff recommends the award of bid for the rental of a slurry oil tanker to VSS Emultech, Sacramento CA, for a one-year agreement with four one-year extension options at the sole discretion of the City, for an estimated annual cost of $33,000, totaling $165,000 over a five year period, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases which meet or exceed $50,000 for material, equipment or contractual services

to be formally bid. The award of bid for the rental of slurry oil tanker to VSS Emultech, Sacramento, CA, conforms to Modesto Municipal Code 8-3.203, and

WHEREAS, funds are budgeted in Street Maintenance account: 1700-53130-53150.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid for the rental of a slurry oil tanker to VSS Emultech, Sacramento, CA, for a one-year agreement with four one-year extension options at the sole discretion of the City.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute a rental agreement for an estimated annual cost of $33,000 totaling $165,000 over a five year period, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of June, 2016, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Madrigal

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-233

RESOLUTION APPROVING AN AGREEMENT WITH CENTRAL VALLEY SPECIALTY HOSPITAL TO RECONSTRUCT A CITY OF MODESTO EASEMENT (ALLEYWAY) LOCATED AT 730 17TH STREET, WITH CENTRAL VALLEY SPECIALTY HOSPITAL'S COST SHARE OF $15,015 FOR MATERIALS AND THE CITY'S COST SHARE OF $30,858 FOR LABOR AND EQUIPMENT, FOR AN ESTIMATED TOTAL COST OF $45,873, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT AND ALL RELATED DOCUMENTS

WHEREAS, Central Valley Specialty Hospital provides long term care and rehabilitation services to patients located in Modesto and surrounding areas, and

WHEREAS, Central Valley Specialty Hospital, located at 730 17th Street, desires to improve the alley located between 17th and 18th Streets to improve access to the main entrance of the facility, and

WHEREAS, Central Valley Specialty Hospital has agreed to share the cost of reconstructing a City of Modesto easement (alleyway) located at 730 17th Street, contributing $15,015 for materials with the City contributing $30,858 for labor and equipment, for a total project cost of $45,873, and

WHEREAS, funds are budgeted in the Surface Transportation Fund, Curb, Gutter and Sidewalks account: 1700-53142-51001, and

WHEREAS, on May 11, 2016 this agreement was presented to the Healthy Economy Committee and was approved to move forward to Council, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with Central Valley Specialty Hospital to reconstruct a City of Modesto easement (alleyway) located at 730 17th Street with Central

Valley Specialty Hospital's share of $15,015 for materials and the City's cost share of $30,858 for labor and equipment, for a total cost of $45,873.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute the agreement and all related documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of June, 2016, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Madrigal

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-234

RESOLUTION APPROVING A SOLE SOURCE AGREEMENT FOR TWO YEARS WITH AVAIL TECHNOLOGIES, INC., STATE COLLEGE, PA FOR MAINTENANCE AND SUPPORT OF THE COMPUTER AIDED DISPATCH AND AUTOMATIC VEHICLE LOCATION SYSTEM, AND AUTHORIZING THE PURCHASING MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE ORDER FOR A TOTAL COST OF $112,652

WHEREAS, The City Council, on March 6, 2007, by Resolution No. 2007-161, awarded a development and installation contract in the approximate amount of $948,000 to Avail Technologies, Inc., to install a Computer Aided Dispatch/Automatic Vehicle Location (CAD/AVL) system on the Modesto Area Express (MAX) bus fleet, and

WHEREAS, on December 11, 2007, the City entered into an Agreement with Avail Technologies, Inc., for the development of a CAD/AVL system for the MAX bus fleet, and

WHEREAS, based on the findings that Avail Technologies Inc. is the only vendor qualified to perform this service, staff finds that the justification meets the City's sole source criteria as required under the Modesto Municipal Code 8-3.204.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement for two years with Avail Technologies, Inc. in the amount of $112,652 for Maintenance and Support to the Modesto Area Express Computer Aided Dispatch/Automatic Vehicle Location system.

BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, is hereby authorized to execute the Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of June, 2016, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT	Councilmembers:	Madrigal

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-235

RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE PURCHASE OF BADGER METER BRAND WATER METERS, AUTOMATED METER READERS, AND RELATED PARTS TO NATIONAL METER AND AUTOMATION, INC., SANTA ROSA, CALIFORNIA, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE AGREEMENT FOR A TWO-YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS AT THE SOLE DISCRETION OF THE CITY, FOR AN ESTIMATED ANNUAL COST OF $729,333, AND OVER FIVE YEARS OF $3,646,665

WHEREAS, the City of Modesto is in the process of installing water meters and automated meter reading equipment on all service connections within the City's service area, and

WHEREAS, State Assembly Bill 2572 requires that urban water suppliers install water meters on all service connections by the year 2025, and

WHEREAS, since 2006, the City of Modesto has contracted with Badger Meters (not National Meter and Automation, Inc.) for the provision of residential and industrial meters and automated reading equipment and the current contract is due to expire, and

WHEREAS, Badger meters are currently installed on at least 75% of the City's water connections and have proven to be reliable, and

WHEREAS, The City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for the purchase of Badger Meter brand water meters, automated meter readers, and related parts, and RFB 1516-26 was issued and posted on the City's website, and

WHEREAS, ten companies chose to download the RFB document, and

WHEREAS, bids were formally opened and one company chose to respond, and provided a responsive and responsible bid, and

WHEREAS, City staff recommended the award of bid for the purchase of Badger Meter brand water meters, automated meter readers, and related parts to National Meter and Automation, Inc., Santa Rosa, California, for a two-year agreement with three one-year extension options at the sole discretion of the City, for an estimated annual cost of $729,333, and over five years of $3,646,665, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of bid for the purchase of Badger Meter brand water meters, automated meter readers and related parts for the Utilities Department, Water Services Division, to National Meters and Automation, Inc., Santa Rosa, California, conforms to the Modesto Municipal Code, and

WHEREAS, funds are budgeted in Fiscal Year 2015-16, in Appropriation Units: 4180 - 100575, 100576, 100577 and 4100 – 45020, 45040, and 45060.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid for the purchase of Badger Meter brand water meters, automated meter readers, and related parts to National Meters and Automation, Inc., Santa Rosa, California, for a two-year agreement with three one-year extension options at the sole discretion of the City, for an estimated annual cost of $729,333, and over five years of $3,646,665

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to issue a purchase agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of June, 2016, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Madrigal

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-236

RESOLUTION APPROVING AN AGREEMENT WITH EMA, INC. DBA EMA OF MINNESOTA, INC., TUCSON, AZ, FOR CONSULTANT SERVICES FOR THE SCADA SYSTEM UPGRADE STUDY, IN AN AMOUNT NOT TO EXCEED $126,865 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $12,687 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF $139,552 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, the City uses a Supervisory Control and Data Acquisition (SCADA) System to operate over 200 water, wastewater, and stormwater facilities (including groundwater wells, tanks, wastewater treatment plants, and lift stations), and

WHEREAS, the SCADA System comprises computer hardware and software that is critical in controlling and delivering safe drinking water supply to customers, and

WHEREAS, the SCADA System also helps treat the City's wastewater to meet strict regulatory standards, and

WHEREAS, Hoge-Shansky-Quetnick (HSQ) Technology is the developer and sole vendor of the City's existing SCADA System, and

WHEREAS, this SCADA system is over 20 years old and does not use the current technology, thus making this proprietary product difficult to use and maintain, and

WHEREAS, since SCADA improvements can be costly, prior to making any management decisions to upgrade or replace portions of the SCADA System, an independent review of its current capabilities, and a thorough assessment of current and anticipated needs of staff is required, and

WHEREAS, the scope of services to be provided under this agreement for the SCADA System Upgrade Study includes: 1) Performing staff interviews and workshops; 2) Developing a set of SCADA System performance criteria that meet existing and future

operational needs; and 3) Comparing SCADA System performance criteria with the City's existing HSQ Technology SCADA System, in order to determine if the current system needs to be upgraded or replaced, and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural and Engineering Services for Capital Projects, a Request for Qualifications (RFQ) was sent out, and

WHEREAS, three (3) non-local firms responded but only two were deemed qualified to perform this type of specialized work, and

WHEREAS, a Request for Proposals (RFP) was sent out to the two (2) qualified firms, and

WHEREAS, two (2) proposals were received, and EMA, Inc. was selected as the most qualified firm to perform the work, and

WHEREAS, EMA, Inc. has a clear understanding of the City's needs pertaining to the SCADA System,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with EMA, Inc. dba EMA of Minnesota, Inc., Tucson, AZ, for consultant services for the SCADA System Upgrade Study, in an amount not to exceed $126,865 for the identified scope of services, plus $12,687 for additional services (if needed), for a maximum total amount of $139,552.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of June 2016, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Madrigal

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-237

RESOLUTION AMENDING THE FISCAL YEAR 2015-2016 OPERATING BUDGET IN THE AMOUNT OF $139,552 TO BE TRANSFERRED INTO THE COST CENTER ACCOUNTS FROM WATER AND WASTEWATER FUND RESERVES IN ORDER TO COVER THE 50/50 COST SHARE TO FUND THE AGREEMENT FOR THE SCADA SYSTEM UPGRADE STUDY

WHEREAS, certain budgetary transactions are necessary in the amount of $139,552, in order to fund the agreement with EMA, Inc. dba EMA of Minnesota, Inc., Tucson, AZ, for consultant services for the SCADA System Upgrade Study, and

WHEREAS, the Fiscal Year 2015-2016 Operating Budget from Water and Wastewater Fund Reserves (50/50 cost share) must be amended as shown in **Exhibit A**, which is incorporated by reference herein,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2015-2016 Operating Budget from Water and Wastewater Fund Reserves (50/50 cost share) as shown in **Exhibit A**.

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of June 2016, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Madrigal

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Exhibit A

Due to the increase of estimated costs for the agreement for Cost Center #43060 - "Capital Planning", the study costs need to be increased by $69,776. This would be done by adjusting Account 53300 "Professional Services" by $69,776.

To fund the above account, $69,776 will be transferred from Water Fund Reserves into Cost Center 4100-43060-53300.

Due to the increase of estimated costs for the agreement for Cost Center #42300 - "Capital Improvement Services", the study costs need to be increased by $69,776. This would be done by adjusting Account 53300 "Professional Services" by $69,776.

To fund the above account, $69,776 will be transferred from Wastewater Fund Reserves into Cost Center 4210-42300-53300.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-238

RESOLUTION APPROVING A FIRST AMENDMENT TO THE AGREEMENT WITH WEST YOST ASSOCIATES FOR ADDITIONAL ENGINEERING SERVICES IN PREPARING A REPORT OF WASTE DISCHARGE, AN ANTI-DEGRADTION ANALYSIS, AND A TITLE 22 REPORT, IN AN AMOUNT NOT TO EXCEED $42,100, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, On October 7, 2014, City Council, by Resolution 2014-401, approved an agreement with West Yost Associates for engineering services for the preparation of a Report of Waste Discharge (RWD), an Anti-degradation Analysis, and a Title 22 Report for the Wastewater Services Division in the amount of $177,400, and

WHEREAS, the RWD is required by the California Regional Water Quality Control Board (RWQCB) for renewal of the permit that governs the land application of cannery waste and secondary-treated wastewater at the Jennings Road Ranch, and

WHEREAS, during the course of this work, RWQCB staff requested that West Yost incorporate 2015 data into the RWD and perform additional anti-degradation analysis evaluations to provide a more comprehensive analysis in the final RWD, and

WHEREAS, West Yost completed the additional work in order to meet the schedule for submitting the RWD to the RWQCB in December 2015, and

WHEREAS, this effort resulted in $42,100 in additional costs for completion of the analyses and submittal to the RWQCB, and

WHEREAS, staff recommended Council approve this First Amendment to West Yost's agreement for the additional costs incurred as a result of changes to the Scope of Work and amending the total agreement to an amount not to exceed $219,500, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes a First Amendment to the Agreement with West Yost Associates for engineering services in the amount of $42,100.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Amendment.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of June, 2016, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Madrigal

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-239

RESOLUTION APPROVING THE WATER ENGINEER'S REPORT PREPARED BY WEST YOST ASSOCIATES AS COMPLETE

WHEREAS, The City of Modesto provides water service to over 73,000 accounts throughout the City of Modesto, the communities of Salida, Empire, Grayson, Del Rio, and portions of the Cities of Ceres and Turlock, and

WHEREAS, The City's water sources consist of approximately two-thirds groundwater and one-third treated surface water purchased from the Modesto Irrigation District, and

WHEREAS, on September 2, 2014, by Resolution No. 2014-336, the City Council approved a contract with West Yost Associates (WYA) to prepare a Water Master Plan (WMP), and

WHEREAS, as part of the WMP, WYA reviewed and revised the water Capital Improvement Projects (CIPs), anticipated costs and priorities, and developed a Water Engineer's Report, and

WHEREAS, The Engineer's Report is the basis document for the Water Rates and Fee Study, providing the justification and allocation of costs for the proposed water CIPS between existing and future customer classes, and

WHEREAS, the Water Engineer's Report is now complete and has identified approximately $160 million in CIPs between FY 2016-2020.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Water Engineer's Report prepared by West Yost Associates as complete.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of June, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-240

RESOLUTION APPROVING THE WATER RATE AND FEE STUDY PREPARED BY BARTLE WELLS ASSOCIATES AS COMPLETE

WHEREAS, The City of Modesto provides water service to over 73,000 accounts throughout the City of Modesto, the communities of Salida, Empire, Grayson, Del Rio, and portions of the Cities of Ceres and Turlock, and

WHEREAS, The City's water sources consist of approximately two-thirds groundwater and one-third treated surface water purchased from the Modesto Irrigation District, and

WHEREAS, on July 14, 2015, by Resolution No. 2015-256, the City Council approved an agreement with Bartle Wells Associates (BWA) to conduct a comprehensive cost of service review of the water rates and fees, and prepare a new water rate and fee structure that is compliant with all legal requirements of Proposition (Prop) 218, and

WHEREAS, in addition, on January 26, 2016, by Resolution 2016-29, the City Council approved an agreement with BWA to conduct a Prop 218 process for sewer and water rates, and

WHEREAS, the West Yost Associates analysis in the Water Master Plan and the completed Engineer's Report identified approximately $160 million in Capital Improvement Projects (CIP) between 2016-2020, and

WHEREAS, BWA has prepared the Water Rate and Fee Study and incorporated these CIP costs into the comprehensive Water Rate and Fee Study, and

WHEREAS, BWA presented its findings at a City Council workshop on May 3, 2016, and

WHEREAS, key rate and fee impacts were discussed including:

- Updating the cost of service
- Rate design – uniform (blended) rate or individual (separate) rates for the contiguous service area and for each outlying water area
- Amount of capital improvement spending
    - Limited capital improvement plan
    - Fully-funded capital improvement plan
- Developing drought and non-drought rates
- Setting rates to recover operating costs and capital improvements
- Evaluating revenue recovery from fixed meter charges vs. volume rate
- Funding of capital improvements
    - Use of Reserves
    - Rate revenues and connection fees
    - Debt financing

WHEREAS, the Water Rate and Fee Study is now complete.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Water Rate and Fee Study prepared by Bartle Wells Associates as complete.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of June, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)
APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-241

RESOLUTION AUTHORIZING STAFF TO INITIATE A PROPOSITION 218 PROCESS TO ADJUST THE CITY'S WATER RATES TO BE EFFECTIVE SEPTEMBER 1, 2016 THROUGH FISCAL YEAR 2020-21

WHEREAS, the City of Modesto last conducted an in-depth cost of service water rate study in 2004, which was approved and implemented by the City Council by Resolution 2004-627, and

WHEREAS, this Resolution established rates through fiscal year 2008/09 followed by inflationary annual rate increase thereafter, and the last rate change occurred July 1, 2013, and

WHEREAS, on July 14, 2015, by Resolution No. 2015-256, the City Council approved an agreement with Bartle Wells Associates (BWA) to conduct a comprehensive cost of service review of the water rates and fees, and prepare a new water rate and fee structure that is compliant with all legal requirements of Proposition (Prop) 218, and

WHEREAS, in addition, on January 26, 2016, by Resolution 2016-29, the City Council approved an agreement with BWA to conduct a Prop 218 process for sewer and water rates, and

WHEREAS, the West Yost Associates analysis in the Water Master Plan and the completed Engineer's Report identified approximately $160 million in Capital Improvement Projects (CIP) between 2016-2020, and

WHEREAS, BWA has prepared the Water Rate and Fee Study and incorporated the CIP costs of approximately $160 million identified in Water Master Plan and completed Engineer's Report into the comprehensive Water Rate and Fee Study, and

WHEREAS, BWA presented its findings at a City Council workshop on May 3, 2016, and

- WHEREAS, key rate and fee impacts were discussed including: Updating the cost of service
- Rate design – uniform (blended) rate or individual (separate) rates for the contiguous service area and for each outlying water area
- Amount of capital improvement spending
    - Limited capital improvement plan
    - Fully-funded capital improvement plan
- Developing drought and non-drought rates
- Setting rates to recover operating costs and capital improvements
- Evaluating revenue recovery from fixed meter charges vs. volume rate
- Funding of capital improvements
    - Use of Reserves
    - Rate revenues and connection fees
    - Debt financing

WHEREAS, the Sewer Rate and Fee Study is now complete, and

WHEREAS, in order to maintain the Water Fund's strong credit rating, and support the financial health of the Water Fund, staff will need to initiate a Proposition 218 protest process for water rates, with an anticipated water rate hearing in August 2016.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes staff to initiate a Proposition 218 process to adjust the City's water rates effective September 1, 2016 through Fiscal Year 2020-21.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of June, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-242

RESOLUTION APPROVING AMENDMENT NO. 3 TO AMENDED AND RESTATED REIMBURSEMENT AGREEMENT AMONG BANK OF AMERICA, N.A., THE CITY OF MODESTO AND MODESTO PUBLIC FINANCING AUTHORITY; AMENDMENT NO. 3 TO FEE LETTER; AND A SUPPLEMENT TO OFFICIAL STATEMENT; AND AUTHORIZING CERTAIN OTHER RELATED ACTIONS

WHEREAS, the City of Modesto is a charter city and municipal corporation duly organized and existing under and by virtue of the Constitution and laws of the State of California (the "City"), and

WHEREAS, the Modesto Public Financing Authority (the "Authority") is authorized under the Marks-Roos Local Bond Pooling Act of 1985, constituting Article 4, Chapter 5, Division 7, Title 1 (commencing with Section 6584) of the California Government Code, as amended (the "Act"), to lease and/or purchase real property and to issue bonds for the financing and refinancing of public capital improvements whenever there are significant public benefits, and

WHEREAS, the Authority previously issued its $65,170,000 original aggregate principal amount of Modesto Public Financing Authority Lease Revenue Refunding Bonds Series 2008 (the "2008 Bonds"), and

WHEREAS, Bank of America, N.A., as Credit Facility Provider (the "Bank") issued its Irrevocable Transferable Letter of Credit dated August 28, 2008 (the "Initial Credit Facility'') to provide credit support for the 2008 Bonds, and

WHEREAS, subsequently, on various occasions, the City requested the Bank to extend the Stated Expiration Date of the Initial Credit Facility, and the Bank agreed, most recently extending the Stated Expiration Date to March 31, 2017, and

WHEREAS, the City recently received an offer from another credit facility provider to replace the Initial Credit Facility and lower the credit facility fees, and

WHEREAS, the City has now requested the Bank to match such lower fees and again extend the Stated Expiration Date of the Initial Credit Facility, and the Bank has agreed, subject to certain conditions, to match such lowered fees and extend the Stated Expiration Date of the Initial Credit Facility, and

WHEREAS, in connection with the extension of the Stated Expiration Date of the Initial Credit Facility, the City, the Authority and the Bank will enter into an Amendment No. 3 to Amended and Restated Reimbursement Agreement (the "Reimbursement Agreement Amendment") and related Amendment No. 3 to Fee Letter (the "Fee Letter Amendment"), and

WHEREAS, the City and the Authority will prepare a supplement to the Official Statement for the 2008 Bonds describing certain material information regarding the Bank and the Reimbursement Agreement (the ''Supplement to Official Statement"), and

WHEREAS, all acts, conditions and things required by the laws of the State of California to exist, to have happened and to have been performed precedent to and in connection with the consummation of the transactions authorized hereby do exist, have happened and have been performed in regular and due time, form and manner as required by law, and the City is now duly authorized and empowered, pursuant to each and every requirement of law, to consummate such transactions for the purpose, in the manner and upon the terms herein provided,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto, as follows:

Section 1. Findings. The City Council hereby specifically finds and determines that the actions authorized hereby constitute and are with respect to the public affairs of the City and that the statements, findings and determinations of the City set forth above and in the preambles of the documents approved herein are true and correct and that the consummation of the transactions contemplated therein shall result in significant public benefits to the City.

Section 2. Approval of the Reimbursement Agreement Amendment and Fee Letter Amendment. The City Council hereby approves the extension of the Stated Expiration Date of the Initial Credit Facility. The Reimbursement Agreement Amendment and related Fee Letter Amendment proposed to be executed and entered into by the City, in the forms presented at this meeting and on file with the City Clerk, are hereby approved, and each of the City Manager and the Finance Director, acting singly, is hereby authorized and directed, for and in the name and on behalf of the City, to execute and deliver the Reimbursement Agreement Amendment and Fee Letter Amendment in substantially said forms, with such changes therein as such officer executing the Reimbursement Agreement Amendment and Fee Letter Amendment may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 3. Approval of the Supplement to Official Statement. The Supplement to Official Statement proposed to be executed and delivered by the City, in the form presented at this meeting and on file with the City Clerk, is hereby approved, and each of the City Manager and the Finance Director, acting singly, is hereby authorized and directed, for and in the name and on behalf of the City, to execute and

deliver the Supplement to Official Statement in substantially said form, with such changes therein as such officer executing the Supplement to Official Statement may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 4. Attestations. The City Clerk is hereby authorized and directed to attest the signature of the City Manager and the Finance Director and to affix and attest the seal of the City, as may be required or appropriate in connection with the documents approved by this Resolution.

Section 5. Other Actions. The officers of the City are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they may deem necessary or desirable in order to consummate the transactions authorized hereby and to carry out, give effect to and comply with the terms and intent of this Resolution, the Reimbursement Agreement Amendment, the Fee Letter Amendment and the Supplement to Official Statement; and all such actions heretofore taken by such officers are hereby ratified, confirmed and approved.

Section 6. Effective Date. This Resolution shall take effect immediately upon its passage.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of June, 2016, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Madrigal

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-243

RESOLUTION AMENDING THE EXISTING AGREEMENT WITH BANK OF AMERICA MERRILL LYNCH TO PROVIDE BANKING SERVICES TO INCLUDE REVISED FEES AS CONTAINED IN BANK OF AMERICA'S PRICING MODIFICATION LETTER AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AMENDED AGREEMENT AS PREPARED AND IN A FORM APPROVED BY THE CITY ATTORNEY

WHEREAS, the City currently uses Bank of America Merrill Lynch to provide banking services, and

WHEREAS, the City currently has a direct pay Letter of Credit on its General Fund Lease Revenue Bonds, Series 2008 with Bank of America Merrill Lynch, and

WHEREAS, the City received a proposal from Bank of the West to provide the City with a direct pay Letter of Credit at a lower fee than the current letter of credit with Bank of America Merrill Lynch, and

WHEREAS, Bank of the West's proposal was contingent upon transitioning banking services from Bank of America Merrill Lynch to Bank of the West, and

WHEREAS, the City also received a proposal from Bank of America Merrill Lynch to reduce its fees associated with the direct pay Letter of Credit, and

WHEREAS, the City also received a Pricing Modification Letter on May 18, 2016 from Bank of America Merrill Lynch to reduce its banking services fees, and

WHEREAS, staff analyzed and compared savings from each proposal, and

WHEREAS, Bank of America Merrill Lynch's proposal provides the City with savings of $1,118,725 over a 3 year period, and

WHEREAS, Bank of America Merrill Lynch's savings is $20,704 greater than the proposal presented by Bank of the West.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the existing agreement with Bank of America Merrill Lynch to provide banking services to include revised fees as contained in the Pricing Modification Letter and authorizes the City Manager to execute the Amended Agreement as prepared and in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of June, 2016, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Madrigal

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-244

RESOLUTION APPROVING THE FINAL PROPOSED BUDGET INCLUSIVE OF THE CITY MANAGER'S PROPOSED BUDGET AND THE MAYOR'S FINAL BUDGET MODIFICATIONS, AND NOTICING A PUBLIC HEARING TO BE HELD ON JUNE 21, 2016 FOR THE FIRST READING OF THE FINAL PROPOSED BUDGET

WHEREAS, the Effective Government Committee heard the City Manager's Proposed Budget on May 16th through 18th, 2016; and

WHEREAS, the Effective Government Committee approved the City Manager's Proposed Budget with a 3-0 vote and approved the motion to have the Mayor make modifications to the City Manager's Proposed Budget 30 days prior to adoption by City Council; and

WHEREAS, the Mayor has presented his modifications to the City Manager's Proposed Budget to City Council and has presented them for incorporation into the City of Modesto Final Proposed Budget for Fiscal Year 2016-17; and

WHEREAS, the City of Modesto Final Proposed Budget for Fiscal Year 2016-17 will be inclusive of the City Manager's Proposed Budget as well as the Mayor's Modifications and will be heard at a public hearing to be held on June 21, 2016 and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the City of Modesto Final Proposed Budget inclusive of the City Manager's Proposed Budget and the Mayor's Modifications and directing notice to be published for a public hearing to be held on June 21, 2016 for the first reading of the an Ordinance adopting the Final Proposed Budget for Fiscal Year 2016-17, and taking related actions.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto, held on the 7th day of June, 2016, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following votes:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-245

RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE TUOLUMNE RIVER PRESERVATION TRUST AND THE CITY REGARDING THE REMOVAL OF THE REMNANT DENNETT DAM

WHEREAS, Dennett Dam was constructed in the 1930s, was condemned by the State of California in 1947 and has acted as a partial barrier to fish passage and impediment to recreational boating since, and

WHEREAS, both the Tuolumne River Preservation Trust (TRT) and the City of Modesto consider the removal of the Remnant Dennett Dam to be a significant public benefit, and

WHEREAS, the California Department of Water Resources, FloodSAFE Environmental Stewardship and Statewide Resources Office, Urban Streams Restoration Program (USRP) has conditionally awarded a grant for the removal of the Remnant Dennett Dam, and

WHEREAS, the MOU explains the nature of the collaboration between TRT and the City of Modesto in accomplishing their mutual goal of removing the Remnant Dennett Dam from the Tuolumne River in Stanislaus County, and

WHEREAS, the City of Modesto has proposed to be the CEQA Lead Agency, Construction Manager and project sponsor for the purposes of the USRP grant with the TRT as the Design Manager and project co-sponsor for the purposes of the USRP grant, and

WHEREAS, the City of Modesto has construction management, public bidding, and related public works project expertise, and

WHEREAS, TRT has fundraising, public relations, and river restoration expertise.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves a MOU between the Tuolumne River Preservation Trust and the City of Modesto regarding the removal of the Remnant Dennett Dam.

BE IT FURTHER RESOLVED that the Council hereby authorizes the City Manager, or his designee, to execute the MOU, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of June, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ah You

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-246

RESOLUTION APPROVING THE APPLICATION FOR AN URBAN STREAMS RESTORATION PROGRAM GRANT FOR REMOVAL OF THE REMNANT DENNETT DAM

WHEREAS, the California Department of Water Resources, FloodSAFE Environmental Stewardship and Statewide Resources Office, Urban Streams Restoration Program has awarded a grant to the Tuolumne River Preservation Trust (TRT) for the removal of the Remnant Dennett Dam, and

WHEREAS, the City of Modesto has proposed to sponsor the grant application with the Tuolumne River Preservation Trust, and

WHEREAS, said grant is intended to help solve flooding and erosion problems in a way that provides environmental enhancement, and

WHEREAS, the project proposed for funding with grants will be environmentally beneficial and the City of Modesto and TRT will comply with all requirements of California Environmental Quality Act and other environmental permits prior to implementation of the project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the joint application with the Tuolumne River Preservation Trust for an Urban Streams Restoration Program grant.

BE IT FURTHER RESOLVED that the Council hereby authorizes the City Manager, or his designee, to determine the appropriate environmental impact document, conditionally accept the grant, and designate the project representative, contract manager and fiscal agent.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of June, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ah You

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

RESCINDED

DEC - 6 2016

THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2016-477

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-247

RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN STANISLAUS REGIONAL FIRE INVESTIGATION, THE STANISLAUS COUNTY DISTRICT ATTORNEY'S OFFICE, THE STANISLAUS COUNTY FIRE WARDEN'S OFFICE, THE STANISLAUS COUNTY SHERIFF'S DEPARTMENT, THE STANISLAUS CONSOLIDATED FIRE PROTECTION DISTRICT, THE CERES FIRE DEPARTMENT AND THE CITY OF MODESTO TO PARTICIPATE IN A COUNTY-WIDE FIRE INVESTIGATION UNIT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE MOU

WHEREAS, the City of Modesto Fire Department currently participates in a County-wide Fire Investigation Unit, and

WHEREAS, last year, the Modesto Fire Department, the Stanislaus Regional Fire Investigation Unit, the Stanislaus County District Attorney's Office, the Stanislaus County Fire Warden's Office, the Stanislaus County Sheriff's Department, the Stanislaus Consolidated Fire Protection District, and the Ceres Fire Department launched a new regional Fire Investigation Unit, and

WHEREAS, the Fire Investigation Unit includes (4) fire investigators, the City of Modesto Fire Department will continue to contribute (2) fire investigators, while other participating departments will contribute another (2) fire investigators, and

WHEREAS, the District Attorney's Office will contribute (1) full time investigator and will provide an additional "shared time" supervisor for the Unit, and

WHEREAS, this MOU would be a continuation of beneficial services that were previously agreed to in 2015, and

WHEREAS, participation in the Fire Investigation Unit has improved fire investigation services for the City of Modesto and fire departments within Stanislaus County by increasing the total number of fire investigators and including a full time law

enforcement position to assist the investigators, and

WHEREAS, the two (2) Investigator positions are allocated, staffed with existing personnel, and included in the General Fund Operating Budget.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an MOU between the Stanislaus Regional Fire Investigation Unit, the Stanislaus County District Attorney's Office, the Stanislaus County Fire Warden's Office, the Stanislaus County Sheriff's Department, the Stanislaus Consolidated Fire Protection District, and the Ceres Fire Department and the City of Modesto to participate in a County-wide fire investigation unit.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the MOU.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of June, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ah You

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)
APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-248

RESOLUTION AUTHORIZING SUBMITTAL OF APPLICATION(S) TO THE CALIFORNIA DEPARTMENT OF RESOURCES, RECYCLING AND RECOVERY (CALRECYCLE) FOR BEVERAGE CONTAINER RECYCLING GRANTS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL RELATED DOCUMENTS FOR WHICH THE CITY OF MODESTO IS ELIGIBLE

WHEREAS, pursuant to Public Resources Code sections 48000 et seq., 14581, and 42023.1(g), the Department of Resources Recycling and Recovery (CalRecycle) has established various grant programs (grants) in furtherance of the State of California's efforts to reduce, recycle and reuse solid waste generated in the state thereby preserving landfill capacity and protecting public health and safety and the environment and,

WHEREAS, in furtherance of this authority, CalRecycle is required to establish procedures governing the administration of the Beverage Container Recycling Grants, and

WHEREAS, CalRecycle's procedures for administering Beverage Container Recycling Grants require, among other things, an applicant's governing body to declare by resolution certain authorizations related to the administration of the Beverage Container Recycling Grants, such as approval of applications and acceptance of awards, and

WHEREAS, the City benefits from CalRecycle payment programs by receiving funding for the purchase of equipment or materials related to infrastructure, direct operating expenses associated with project activities, education and outreach promoting beverage container recycling and personnel related to recycling under the conditions of the Beverage Container Recycling Grant Program, and

WHEREAS, due to the benefits that the City derives from the Beverage Container Recycling Grant's approval of applications, accepting awards and amending the annual budgets for all Beverage Container Recycling Grants to CalRecycle shall be in effect for five years from the date of adoption of this resolution.

NOW, THEREFORE, BE IT RESOLVED the Council of the City of Modesto authorizes the submittal of application(s) to CalRecycle for any and all Beverage Container Recycling Grants offered for which the City qualifies, acceptance of the awards, and amendment of the annual budgets for all Beverage Container Recycling Grants to CalRecycle.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized as Signature Authority to execute all documents necessary to implement and secure payment.

BE IT FURTHER RESOLVED that this authorization is effective for a period of five years from the date of this adopted resolution by the Council of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of June, 2016, by Councilmember Kenoyer, who moved its adoption which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and resolution adopted by the following vote:

AYES:	Councilmembers:	Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ah You

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-249

RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE PURCHASE OF SODIUM HYPOCHLORITE, SODIUM HYDROXIDE, AND CITRIC ACID TO UNIVAR, SAN JOSE, CA AND SULFURIC ACID AND PHOSPHORIC ACID TO NORTHSTAR CHEMICAL, MODESTO, CA, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE TWO-YEAR PURCHASE AGREEMENTS WITH THREE ONE-YEAR EXTENSION OPTIONS, AT THE SOLE DISCRETION OF THE CITY, FOR AN ESTIMATED ANNUAL COST OF $34,134, AND OVER FIVE YEARS OF $170,070

WHEREAS, the City of Modesto, Utilities Department, Wastewater Services Division, uses sodium hypochlorite, sodium hydroxide, sulfuric acid, phosphoric acid, and citric acid as part of the wastewater treatment process, and

WHEREAS, these chemicals are used for the cleaning of the membrane and ultra violet light systems at the City's Tertiary Treatment Plant, and

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for the chemicals and the Purchasing Division issued RFB 1515-21, Chemicals for the Wastewater Treatment on the City's website under the commodity codes "Chemicals and Solvents, Commercial," and

WHEREAS, prospective bidders were noticed online of the bid opportunity and twenty-five companies chose to download the RFB document, and

WHEREAS, bids were formally opened in the City Clerk's office with seven companies choosing to respond, and

WHEREAS, six of these companies responding provided a responsive and responsible bid and one bid was rejected as non-responsive, and

WHEREAS, Modesto Municipal Code Section 8-3.206 Support of Local Vendors (SLV) allows the lowest bid or quote submitted by a local business that is within five

percent of the lowest bid the opportunity to match the lowest bid price, and Northstar Chemical of Modesto, CA qualified for SLV and agree to match the lowest bid price for sulfuric acid, and

WHEREAS, based on the inability of any one company to provide all the chemicals required at the lowest price, City staff recommends the split award of the bid for the purchase of chemicals for sodium hypochlorite, sodium hydroxide, and citric acid to Univar USA Inc., San Jose CA, and for sulfuric acid and phosphoric acid to Northstar Chemical, Modesto CA, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of bid for the purchase of chemicals for wastewater treatment for the Utilities Department, Wastewater Services Division, to Univar USA Inc. and Northstar Chemical conforms to the Modesto Municipal Code.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of contract to Univar USA Inc., San Jose CA for sodium hypochlorite, sodium hydroxide, and citric acid and for sulfuric acid and phosphoric acid to Northstar Chemical, Modesto CA for a two-year agreement with three one-year extension options at the sole discretion of the City, for an estimated total annual cost of $34,134, and over five years of $170,070.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the purchase agreements.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of June, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ah You

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-250

RESOLUTION AUTHORIZING THE SOLE SOURCE PROCUREMENT OF GRUNDFOS CHEMICAL FEED METERING PUMPS FOR THE UTILITIES DEPARTMENT, WATER SERVICES DIVISION, TO PREFERRED PUMP AND EQUIPMENT LP, FRESNO, CA, FOR A ONE-YEAR AGREEMENT WITH FOUR ONE-YEAR EXTENSION OPTIONS, AT THE SOLE DISCRETION OF THE CITY, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE AGREEMENT FOR AN ESTIMATED ANNUAL COST OF $31,269 AND OVER FIVE YEARS OF $156,345

WHEREAS, Utilities Department Water Services Division uses chemical feed metering pumps to ensure the water quality supply for the City's service areas, and

WHEREAS, over the past 15 years, there have been approximately five chemical feed metering pump brands used throughout Modesto's water system, and the Grundfos pump supersedes the efficiency, ease of operation, maintenance, and performance of all other pumps, and

WHEREAS, the Grundfos pump is user friendly and field operators have been fully trained creating standardization across the division, and there are 75 Grundfos pumps in operation throughout the City's water system, and

WHEREAS, Preferred Pump and Equipment LP, Fresno, CA. is the only authorized Grundfos dealer in this area, and

WHEREAS, Preferred Pump and Equipment LP, provided a quote for said product, and City Staff determined said quote to be responsive and reasonable, and

WHEREAS, City staff recommends the award of sole source purchase of Grundfos chemical feed metering pumps for the Utilities Department, Water Services Division, to Preferred Pump and Equipment LP, Fresno, CA, and

WHEREAS, Modesto Municipal Code Section 8-3.204(b) allows for an exception to the bidding requirements when the Purchasing Agency's requirements can be met solely by a single article or process, and

WHEREAS, The award of sole source purchase of Grundfos chemical feed metering pumps for the Utilities Department, Water Division to Preferred Pump and Equipment LP, Fresno, CA., conforms to the Modesto Municipal Code, and

WHEREAS, funds are budgeted in Fiscal Year 2015-16, in the Water Fund, Appropriation Unit: 4100-45050-53100,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of sole source procurement of Grundfos chemical feed metering pumps for the Utilities Department, Water Services Division, to Preferred Pump and Equipment LP, Fresno, CA., for a one-year agreement with four one-year extension options at the sole discretion of the City.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute a purchase agreement for an estimated annual cost of $31,269 and over five years of $156,345.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of June, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ah You

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-251

RESOLUTION APPROVING THE STANISLAUS COUNTY TRANSPORTATION EXPENDITURE PLAN AND REQUESTING THAT THE STANISLAUS COUNTY BOARD OF SUPERVISORS PLACE THE RETAIL TRANSACTION AND USE TAX MEASURE ON THE NOVEMBER 8, 2016 BALLOT

WHEREAS, the Stanislaus Council of Governments (StanCOG) is a Regional Transportation Planning Agency and a Metropolitan Planning Organization (MPO), pursuant to State and Federal designation; and

WHEREAS, StanCOG is the Local Transportation Authority ("Authority") as designated by the Stanislaus County Board of Supervisors, pursuant to the Local Transportation Authority and Improvement Act set forth at California Public Utilities Code Section 180000 et seq; and

WHEREAS, as the Authority, StanCOG desires to become a "self-help" county through adoption and imposition of a one-half of one-cent transaction and use tax for a period of 25 years to fund transportation projects, programs and improvements as set forth in the proposed Ordinance and Transportation Expenditure Plan; and

WHEREAS, the proposed Transportation Expenditure Plan contains a summary of the projects, improvements and programs to be funded with the retail transaction and use tax funds; and

WHEREAS, the interests of the City of Modesto and its residents and businesses will benefit by the implementation of the 25-year Transportation Expenditure Plan through the adoption and imposition of a one-half of one-cent transaction and use tax for transportation in Stanislaus County;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Modesto does hereby approves the Stanislaus County Transportation Expenditure Plan and;

BE IT FURTHER RESOLVED that the City Council of the City of Modesto requests that the Stanislaus County Board of Supervisors place the Retail Transaction and Use Tax Measure on the November 8, 2016 ballot.

The foregoing documents were introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of June 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ah You

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

STANISLAUS COUNCIL OF GOVERNMENTS
Measure _____
Stanislaus County Transportation Sales and Use Tax
Ordinance #16-01

The Stanislaus County Transportation Authority ordains as follows:

SECTION 1. TITLE. This Ordinance shall be known and may be cited as, "Measure ____ : Stanislaus County Transportation Sales and Use Tax" which shall establish and implement a retail transaction and use tax.

SECTION 2. DEFINITIONS.

2.01. "Authority" means the Stanislaus Council of Governments as the Local Transportation Authority as designated by the Stanislaus County Board of Supervisors, pursuant to the Local Transportation Authority and Improvement Act set forth at California Public Utilities Code Section 180000 et seq.

2.02. "County" means the County of Stanislaus.

2.03. "Expenditure Plan" means the Expenditure Plan attached to this Ordinance as **Exhibit "A"** and incorporated herein.

2.04. "Maintenance of Effort" means a jurisdiction must demonstrate maintenance of a minimum level of local street and road expenditures in order to receive Local Streets and Roads funds.

2.05. "Operative Date" means the first day of the first calendar quarter commencing more than 110 days after the adoption of the ordinance. If the Ordinance is approved by a two-thirds majority of the electors voting on this Ordinance at the election held on November 8, 2016, the Operative Date shall be April 1, 2017.

2.06. "Ordinance" means the Measure ___: Stanislaus County Transportation Sales and Use Tax ordinance which establishes and implements the retail transaction and use tax set forth herein.

SECTION 3. EXPENDITURE PLAN PURPOSES.

3.01. This Ordinance provides for the implementation of the Expenditure Plan, as approved and adopted by the Authority, which will result in countywide local street and road improvements, arterial street widening, signalization, pedestrian, bicyclist, and driver safety improvements. These needed improvements shall be funded by a one-half of one percent retail transactions and use tax established for a twenty five year period. The revenues shall be deposited in a special fund, used solely for the transportation projects, improvements and programs described in the Expenditure Plan which is considered a part of this Ordinance and hereby incorporated by reference as if fully set forth herein.

SECTION 4. ADMINISTRATIVE EXPENSES.

4.01. The revenues received by the Authority from this Ordinance, after deduction of the required Board of Equalization costs for performing the functions specified in section 180204 of the Public Utilities Code, reimbursing the County of Stanislaus for its costs in conducting the election if the measure is approved in accordance with section 180203(a) of the Public Utilities Code, and after deduction for the administration of the Expenditure Plan pursuant to the provisions of the Public Utilities Code commencing with section 180200, in an amount not to exceed one-percent (1%), shall be used for the transportation projects, improvements and programs countywide as set forth in the Expenditure Plan and in a manner consistent with the Expenditure Plan developed by the Authority.

4.02. Revenues may be expended by the Authority for salaries, wages, benefits, overhead, auditing and those services including contractual services necessary to administer this Ordinance; however, in no event shall an amount exceeding one-percent (1%) of the annual revenue provided by this Ordinance go towards paying the administrative salaries and benefits of the staff of the Authority. Costs of performing or contracting for project related work shall be paid from the revenues allocated to the appropriate purpose.

4.03. An annual independent audit shall be conducted to assure that the revenues expended by the Authority under this section are necessary and reasonable in carrying out its responsibilities under this Ordinance.

SECTION 5. REQUEST FOR ELECTION.

5.01. The Authority hereby requests the Stanislaus County Board of Supervisors place this Ordinance before the voters for approval on the November 8, 2016 ballot.

5.02. The proposition to be placed on the ballot shall contain a summary of the projects, improvements, and programs and shall read substantially as follows:

> To provide funding for local transportation improvements including: fixing potholes/maintaining streets; improving emergency response; providing safe routes to schools; providing senior, veterans and disabled shuttle services; and improving safety/reducing traffic congestion on Highway 99/major streets; shall the Stanislaus County Transportation Authority enact a ½ cent sales tax, generating $38,000,000 annually for transportation projects, funds that cannot be taken by the State, requiring all money to be spent in Stanislaus County with citizens' oversight for 25 years?

SECTION 6. EFFECTIVE, OPERATIVE AND TERMINATION DATES.

6.01. This Ordinance shall become effective on November 8, 2016 only if a two-thirds majority of the electors voting on this Ordinance at the election held on November 8, 2016 vote to approve the Ordinance. If so approved, the provisions of this Ordinance shall become

operative on April 1, 2017 and shall be imposed and collected for a period of twenty-five (25) years thereafter.

6.02. The authority to levy the tax authorized pursuant to this Ordinance shall expire on March 31, 2042.

SECTION 7. CONTRACT WITH STATE.

7.01. Prior to the Operative Date, the Authority shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of this Ordinance; provided, that if the Authority shall not have contracted with the State Board of Equalization prior to the Operative Date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

SECTION 8. TRANSACTIONS AND USE TAX RATE.

8.01. For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated and unincorporated territory of the County at the rate of one-half of one percent (0.5%) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the Operative Date of this Ordinance.

8.02. An excise tax is hereby imposed on the storage, use or other consumption in the incorporated and unincorporated territory of the County of tangible personal property purchased from any retailer on and after the Operative Date of this Ordinance for storage, use or other consumption in said territory at the rate of one-half of one percent (0.5%) of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

SECTION 9. EXPENDITURE PLAN PROCEDURES AND MAINTENANCE OF EFFORT.

9.01. It is the intent of the Legislature and the Authority that revenues provided from this Ordinance be used to supplement existing revenues being used for transportation projects, improvements and programs.

9.02. Pursuant to the intent of the Public Utilities Code section 180001, a jurisdiction cannot redirect monies currently being used for transportation purposes to other uses, and then replace the redirected funds with local street maintenance and improvement dollars from the retail transaction and use tax.

9.03. To meet the requirements of state law, in order to receive Local Streets and Roads funds a jurisdiction must demonstrate maintenance of a minimum level of local street and road expenditures in conformance with the provision below:

9.03.01. Annual expenditures of a local jurisdiction's general funds for transportation purposes shall not be an amount less than the jurisdiction's three-year average of its annual expenditures from its general fund during the prior three fiscal years. In calculating the three-year average annual general fund expenditures, any unrestricted funds which the local jurisdiction may expend at its discretion, expended for transportation purposes are expenditures from the general fund.

9.03.02. Subject to Authority approval, if any local jurisdiction had extraordinary local discretionary fund expenditures during any fiscal year it may determine that year's minimum expenditure base level of local discretionary funds by:

a) Subtracting those extraordinary expenses (including assessment district contributions, development impact funds, or other non-recurring contributions) from its total expenditures; or

b) Petitioning the Authority for special consideration. It is possible that a local jurisdiction may need to revise its minimum expenditure base beyond the subtraction of extraordinary expenses. In this instance, the Authority may allow the establishment of a new base for that jurisdiction's Maintenance of Effort requirement. A local jurisdiction petitioning the Authority under this provision must supply evidence of the need for special consideration and the petition must be approved by a majority vote of the Authority.

9.04. An annual independent audit will be conducted to verify that the Maintenance of Effort requirements were met by the local jurisdictions. Any local jurisdiction which does not meet its Maintenance of Effort requirement in any given year may have its Local Streets and Roads fund received pursuant to the Expenditure Plan reduced in the following year by the amount by which the jurisdiction did not meet its required Maintenance of Effort. Such funds shall be redistributed to the remaining eligible jurisdictions.

SECTION 10. ORDINANCE PURPOSES.

10.01. This Ordinance is adopted to achieve the following, among other purposes, and directs the provisions hereof be interpreted in order to accomplish these purposes:

A. To impose a retail transactions and use tax in accordance with the provisions of Division 19 (commencing with Section 180000) of the California Public Utilities Code, and Part 1.6 (commencing with Section 7251) of Division 2 of the California Revenue and Taxation Code, which authorizes the Authority to adopt this tax ordinance which shall be operative if two-thirds (2/3) of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.

B. To adopt a retail transactions and use tax ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of

California insofar as those provisions are not inconsistent with the requirements and limitations contained in Division 19 (commencing with Section 180000) of the California Public Utilities Code, and Part 1.6 (commencing with Section 7251) of Division 2 of the California Revenue and Taxation Code.

C. To adopt a retail transactions and use tax ordinance that imposes a tax and provides a measure therefor that can be administered and collected by the State Board of Equalization in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State Sales and Use Taxes.

D. The funds generated by the transaction and use tax authorized by this Ordinance may only be used for transportation purposes including the administration of the Expenditure Plan, as may be amended, including defense or prosecution of legal actions related thereto, the construction, acquisition, maintenance, and operation of streets, roads, highways, including state highways and public transit systems and for related transportation purposes, including project management and oversight of the projects to be funded using the transaction and use tax, such as coordination with other responsible agencies as well as project delivery and negotiation of project agreements. These purposes include expenditures for planning, environmental reviews, engineering and design costs, and related right-of-way acquisition. Expenditures also include, but are not limited to, debt services on bonds or other indebtedness, and expenses and reserves in connection with the issuance of the same.

SECTION 11. ADOPTION OF PROVISIONS OF STATE LAW.

11.01. Except as otherwise provided in this Ordinance, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the California Revenue and Taxation Code, insofar as they relate to sales taxes and are not inconsistent with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Division 19 (commencing with Section 180000) of the California Public Utilities Code, are hereby adopted and made a part of this Ordinance as though fully set forth herein.

11.02. In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, wherever the State of California is named or referred to as the taxing agency, the name of the Authority shall be substituted therefor. The name of the Authority shall also be substituted for the word "state" in the phrase "retailer engaged in business in this state" in Section 6203 and in the definition of that phrase.

SECTION 12. ADDITONAL PERMIT NOT REQUIRED.

12.01. If a seller's permit has been issued to a retailer under section 6067 of the California Revenue and Taxation Code, an additional transactor's permit shall not be required by this Ordinance.

SECTION 13. EXEMPTIONS AND EXCLUSIONS.

13.01. The amount subject to tax pursuant to this Ordinance shall not include the amount of sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law, or the amount of any state-administered transactions or use tax.

13.02. There are exempted from the transactions tax portion of the transactions and use tax authorized pursuant to this Ordinance:

A. The gross receipts from the sale of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the use of the aircraft as common carriers of persons or property under the authority of the laws of this state, the United States, or any foreign government.

B. The sales of property to be used outside the County which are shipped to a point outside the County, pursuant to the contract of sale, by delivery to that point by the retailer or his or her agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point.

1. For purposes of this Ordinance, "delivery" of vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code shall be satisfied by (i) registration to an out-of-County address; and, (ii) by a declaration under penalty of perjury, signed by the buyer, stating that the address is, in fact, his or her principal place of residence.

2. For purposes of this Ordinance, "delivery" of commercial vehicles shall be satisfied by (i) registration to a place of business out of County; and, (ii) a declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.

C. The sale of tangible personal property is exempt from the tax authorized by this Ordinance if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the Operative Date of this Ordinance.

D. A lease of tangible personal property which is a continuing sale of that property is exempt from the tax authorized by this Ordinance for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the

Operative Date of this Ordinance.

E. For purposes of Section 13.02 subparagraphs C and D, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not that right is exercised.

13.03. There are exempted from the use tax portion of the transactions and use tax authorized pursuant to this Ordinance:

A. A retailer engaged in business in the County shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the County or participates within the County in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the County or through any representative, agent, canvasser, solicitor, subsidiary, or person in the County under the authority of the retailer.

B. "A retailer engaged in business in the County" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer is required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the County.

C. The storage, use, or other consumption of tangible personal property, other than fuel or petroleum products, purchased by operators of aircraft, and used or consumed by the operators directly and exclusively in the use of the aircraft as common carriers of person or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this state, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.1 of the California Revenue and Taxation Code.

D. The storage, use, or other consumption in the County of tangible personal property if the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the Operative Date of this Ordinance.

E. The possession of, or the exercise of any right or power over, tangible personal property under a lease which is a continuing purchase of the property is exempt from tax for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease entered into prior to the Operative Date of this Ordinance.

F. For the purposes of Section 13.03, subparagraphs D and E, the storage, use, or other consumption of, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to

terminate the contract or lease upon notice, whether or not the right is exercised.

G. Any person subject to use tax under this Ordinance may credit against that tax or any transactions tax, or to reimbursement for a transactions tax, paid to a County or retailer in the County imposing a transactions and use tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code.

SECTION 14. PLACE OF SALE.

14.01. For the purposes of this Ordinance, all retail transactions are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the state or has more than one place of business, the place or places at which the retail sales are consummated for the purpose of a transaction tax imposed by this Ordinance shall be determined under rules and regulations to be prescribed and adopted by the State Board of Equalization.

SECTION 15. BONDING AUTHORITY.

15.01. The Authority shall have the power to sell or issue, at any time, and from time to time, limited tax bonds payable from and secured by the proceeds from the sales tax authorized by this Ordinance in order to finance and refinance the transportation projects identified in the Expenditure Plan.

15.02. The maximum bonded indebtedness which may be outstanding at any one time shall be an amount equal to the sum of the principal of, and interest on, the bonds, but not to exceed the estimated proceeds of the tax. The amount of bonds outstanding at any one time does not include the amount of bonds, refunding bonds, or bond anticipation notes for which funds necessary for the payment thereof have been set aside for that purpose in a trust or escrow account.

SECTION 16. AMENDMENTS TO EXPENDITURE PLAN.

16.01. The Authority may annually review and propose amendments to the Expenditure Plan to provide for the use of additional federal, state, and local funds, to account for unexpected revenues, or to take into consideration unforeseen circumstances. The Authority may not amend the sales tax revenue allocations by category set forth in the Expenditure Plan as the allocations may be amended only if two-thirds majority of the electors vote to approve.

16.02. Amendments to the Expenditure Plan must be passed by a two-thirds majority vote of the Authority board's total membership by a roll call vote entered in the minutes of the Authority following a noticed, public hearing of the Authority. Notice of the public hearing shall be published pursuant to Government code section 6062. Subsequently, the Authority shall notify the Board of Supervisors, the City Council of each city in the county and

provide each with a copy of the proposed amendment(s). Pursuant to Public Utilities Code section 180207, proposed amendment(s) shall become effective 45 days after notice is given, unless appealed under the process outlined in the following paragraph. Should an appeal be filed, the Authority shall hold a public hearing on the proposed amendment(s) within 45 days of the filing of the appeal.

16.03. In the event that a local jurisdiction does not agree with the Authority's amendment(s), the jurisdiction's governing body must, by a majority vote, determine to formally notify the Authority of its intent, in writing by registered mail, to obtain an override of the Authority's amendment(s). The appealing jurisdiction will have 45 days from the date the Authority adopts the proposed amendment(s) to obtain resolutions supporting an override of the amendment(s) from a majority of the cities representing a majority of the population residing within the incorporated areas of the county and from the Board of Supervisors. If a jurisdiction does not obtain the necessary resolutions supporting the override, the Authority's amendment(s) to the Expenditure Plan will stand. If the necessary resolutions supporting the override are obtained within 45 days from the date the Authority adopts the proposed amendment(s), then the amendment(s) shall not become effective.

16.04. The Expenditure Plan shall be updated by the Authority every ten years that the sales tax is in effect to reflect current and changing priorities and needs in the County, as defined by the duly elected local government representatives on the Authority Board. Any changes to the Expenditure Plan must be adopted with current law in effect at the time of the update and must be based on findings of necessity for change by the Authority.

SECTION 17. AMENDMENTS TO THIS ORDINANCE.

17.01. This Ordinance may be amended to further its purposes. The Authority shall establish a process for proposed Ordinance amendment(s) which ensures that the Authority committees established by this Ordinance participate in the development of the proposed Ordinance amendment(s).

17.02. Upon completion of that process, amendment(s) to this Ordinance must be passed by a two-thirds majority of the Authority board's total membership by a roll call vote entered in the minutes of the Authority. The Authority must hold a noticed, public hearing on the matter before formal adoption of any amendment to the Ordinance. Notice of the public hearing shall be published pursuant to Government Code section 6062.

17.03. In the event that a local jurisdiction does not agree with the Authority's amendment(s), the jurisdiction's policy decision-making body must, by a majority vote, determine to formally notify the Authority of its intent, in writing by registered mail, to obtain an override of the Authority's amendment(s). The appealing jurisdiction will have 45 days from the date the Authority adopts the proposed amendment(s) to obtain resolutions supporting an override of the amendment(s) from a majority of the cities representing a majority of the population residing within the incorporated areas of the county and from the Board of Supervisors. If a jurisdiction does not obtain the necessary resolutions supporting the override, the Authority's amendment(s) to the Ordinance will stand. If the necessary resolutions

supporting the override are obtained within 45 days from the date the Authority adopts the proposed amendment(s), then the amendment(s) shall not become effective.

SECTION 18. AUTHORITY COMMITTEES.

18.01. The following committee structure is established to advise the Authority in the administration of the Expenditure Plan and this Ordinance:

A. A Measure "____" Oversight Committee is established to review the independent fiscal audit of the expenditure of the tax funds and issue an annual report on its findings regarding compliance with the requirements of the Expenditure Plan and the Ordinance to the Board of the Authority. The Measure "____" Oversight Committee is responsible for oversight of the proper use of sales tax funds and implementation of the programs and projects set forth in the Expenditure Plan and making recommendations to the Board of the Authority. The committee is not a policy making body. The Measure "___" Oversight Committee shall consist of one representative from each of the following jurisdictions: City of Ceres, City of Hughson, City of Modesto, City of Neman, City of Oakdale, City of Patterson, City of Riverbank, City of Turlock, City of Waterford and Stanislaus County. Members of the Measure "___" Oversight Committee shall not be members of any other Authority or StanCOG committee(s).

SECTION 19. STATUTORY AMENDMENTS.

19.01. All amendments subsequent to the effective date of this Ordinance to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this Ordinance, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this Ordinance.

SECTION 20. CREATION OF SEPARATE ACCOUNT.

20.01. All retail transaction and use tax revenue, plus interest, will be deposited in a special fund for the projects identified in the Expenditure Plan. The fund(s) authorized under this Ordinance will be administered by the Authority.

20.02. The Authority shall allocate funds to projects and programs identified in the Expenditure Plan as necessary to meet contractual and program obligations. The Authority may allocate funds as described but may reserve the right not to disburse monies until needed to meet contractual project or program obligations. Each agency receiving funds from this Ordinance shall deposit said funds in a separate interest bearing account. Any interest earned on funds allocated pursuant to this Ordinance shall be expended only for those purposes for which the funds were allocated or shall be returned to the Authority. The Authority reserves the right to audit such accounts.

SECTION 21. CALIFORNIA ENVIRONMENTAL QUALITY ACT.

21.01. This Ordinance is not a project as defined in Section 15378 of the California Environmental Quality Act (CEQA) Guidelines and is therefore exempt from CEQA requirements. Prior to the commencement of any project included in the Expenditure Plan, any necessary environmental review required by CEQA shall be completed.

SECTION 22. IMPLEMENTING ORDINANCES.

22.01. Upon approval of this Ordinance by the voters, the Authority may, in addition to the local rules required to be provided pursuant to this Ordinance, adopt implementing ordinances, rules and administrative procedures, and take such other actions as may be necessary and appropriate to carry out its responsibilities to implement the Expenditure Plan.

SECTION 23. DESIGNATION OF FACILITIES.

23.01. Each project or program in excess of $250,000 funded in whole or in part by revenues from this Ordinance shall be clearly designated in writing by signs and/or documents, during its construction or implementation as being funded by revenues from this Ordinance.

SECTION 24. CONTRACTING FOR PROJECT DELIVERY.

24.01. The Authority shall have the power to contract for project delivery of any project or program of the Expenditure Plan if all of the jurisdictions affected by the project agree and if the Authority finds that:

A. The project could be delivered faster under a contract issued by the Authority; or

B. A contract by the Authority would provide economies of scale and reduce project costs.

SECTION 25. ANNUAL REPORT.

25.01. An annual report will be prepared by the Authority within 180 days of the end of the fiscal year identifying the actions and accomplishments of the Authority in meeting the adopted Expenditure Plan.

SECTION 26. SEVERABILITY.

26.01. If any section, part, provision, clause or phrase of this Ordinance or the application thereof to any person or circumstances is for any reason held invalid or unconstitutional, the remaining portions of this Ordinance and the application of such provisions to other persons or circumstances shall not be affected but shall remain in full force and effect.

SECTION 27. ANNUAL APPROPRIATIONS LIMIT.

27.01. Article XIIIB of the California Constitution requires the establishment of an annual appropriations limit for certain governmental entities. The maximum annual appropriations limit for the Authority has been established as $500 million. The appropriations limit shall be subject to adjustment as provided by law. All expenditures of the retail transaction and use tax revenues authorized pursuant to this Ordinance are subject to the appropriations limit of the Authority.

SECTION 28. ENJOINING COLLECTION FORBIDDEN.

28.01. No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the Authority, or against any officer of the State or the Authority, to prevent or enjoin the collection under this Ordinance, or Part 1.6 (commencing with Section 7251) of Division 2 of the California Revenue and Taxation Code, or Division 19 (commencing with Section 180000) of the California Public Utilities Code, of any tax or any amount of tax required to be collected.

SECTION 29. CAPTIONS.

29.01. The titles and headings to the sections set forth in this Ordinance are not part of this Ordinance and shall have no effect upon the construction or interpretation of any part hereof.

SECTION 30. ADOPTION OF ORDINANCE.

30.01. This Ordinance was introduced and the title thereof read at the regular meeting of the Authority's governing Board on June 15, 2016, and adopted at the regular meeting of the Authority's governing Board on June ___ , 2016, with further reading thereof having been waived by a vote of the members present.

VITO CHIESA, CHAIR

ATTEST:

ROSA DE LEÓN PARK, EXECUTIVE DIRECTOR

EXHIBIT "A"

Expenditure Plan

Stanislaus Council of Governments
Expenditure Plan

State and federal transportation funding has dropped severely in recent years, with once dependable funds becoming increasingly unreliable. Transportation's primary fund source, the gas tax, hasn't been raised in 20 years and our cars are more fuel-efficient than ever. Therefore, revenues available to operate, maintain and improve our local transportation system have not kept up with the needs of our community. Over the next decade, Stanislaus County's population will continue to grow and our senior population will almost triple. This means without new funding, Stanislaus County will have increased congestion, increasingly deteriorating roadways and fewer and more costly transportation services.

The Modesto-Metro Area currently has the 20th worst roads in the United States.

A new, reliable source of transportation funding is needed to maintain our communities and quality of life.

Stanislaus County voters are being asked to approve a 25-year, ½ cent sales tax to address these needs. Twenty other counties in California have already approved similar ballot measures making them 'Self-Help' Counties. With these voter-approved local transportation funds, Self-Help Counties are able to maintain and improve their transportation systems. They are also more successful in competing for funding and leveraging a larger share of state and federal dollars. Self-Help funds generated must stay local and can only be spent on transportation.

The Stanislaus County Expenditure Plan ("Plan") was developed through a comprehensive public outreach program that asked residents to identify their priorities for future transportation programs and projects. Outreach included over 75 meetings with community organizations and leaders representing diverse viewpoints. Additionally, a series of focus groups were conducted along with a statistically valid telephone poll. The Plan has been unanimously supported and approved by the Stanislaus Council of Governments, all nine cities in the region and the County Board of Supervisors.

Self-Help in Stanislaus County would:

- Generate approximately $38 million per year based on ½ cent sales tax for an estimated total of $960 million over the course of the measure's lifetime,
- Be used for LOCAL projects and LOCAL priorities, prohibiting Sacramento from taking possession of these funds;
- Allow Stanislaus County to compete for State and Federal grants and leverage funds, thereby increasing revenues;
- Deliver an Expenditure Plan with a specific list of projects and programs; and
- Include an Oversight Committee to ensure projects and programs in the Plan are actually funded and/or completed.

The Expenditure Plan

Revenue Estimates and Distribution

Over the course of the 25-year plan, it is estimated that $960 million dollars will be generated for local transportation investments. This amount was calculated based on a five-year average of sales tax revenues throughout the County that was then reduced to reflect a conservative estimate.

Allocation of Self-Help revenues is established within this Plan. The estimated revenue and allocation among categories is based upon 2016 value of money and is not binding or controlling. Transportation sales tax funds shall be allocated by percentage of the actual revenue received.

This funding will serve as an investment that will leverage future local, State and Federal grant opportunities. Funds will be used for all phases of project implementation, including: planning, environmental, permits, and design, right-of-way, and/or construction capital and operations projects. State and federal fund sources that may also be used to implement transportation projects and programs in the next decade include the State Regional Transportation Improvement Program (STIP), Inter-regional Transportation Improvement Program (ITIP), Fixing America's Surface Transportation (FAST) Act Freight and Highway Projects Program, Congestion Mitigation Air Quality (regional-estimate $15M), Regional Surface Transportation Funds (regional-estimate $10M), and Local Funding (e.g. developer fees, general funds, and Measure "Local Control").

All revenue estimates and allocations contained in this Plan are for illustrative purposes. Actual net revenues may fall above or below the projections contained in the Expenditure Plan, therefore actual revenue allocations to each category will be based on the percentages contained herein.

Local Control 65% Total (50% Local Streets and Roads, 10% Traffic Management, 5% Bike and Pedestrian)

Local Streets and Roads, 50%, $480,150,000

Recognizing that streets are the backbone of our transportation system, this Plan provides funds to local cities and Stanislaus County, distributed primarily based on 2015 sales tax revenues generated to support local roads. Each agency will identify specific streets and roads that will be prioritized for repair and/or refurbishment. These funds will be used exclusively for repair and maintenance – no new roads will be funded. These funds must be used to augment current transportation spending and cannot be used to replace a local agency's general fund expenditures.

Jurisdiction	Local Street & Road Program %[1]	Total	Total Annual
Ceres	6.36%	30,552,381.79	1,222,095.27
Hughson	1.26%	6,048,075.58	241,923.02
Modesto	35.79%	171,868,971.22	6,874,758.85
Newman	1.26%	6,048,075.58	241,923.02
Oakdale	3.86%	18,528,231.53	741,129.26
Patterson	4.55%	21,840,272.92	873,610.92
Riverbank	3.42%	16,416,205.14	656,648.21
Turlock	15.26%	73,259,503.69	2,930,380.15
Waterford	1.26%	6,048,075.58	241,923.02
Stan County	26.98%	129,540,206.98	5,181,608.28
Total	100.00%	480,150,000.00	19,206,000.00

Traffic Management, 10%, $96,030,000

These are projects including upgrades to local intersections, road widening, signalization, bridge replacements and/or traffic calming methods.

Jurisdiction	Traffic Management %[2]	Total	Total Annual
Ceres	6.36%	6,110,476	244,419
Hughson	1.26%	1,209,615	48,385
Modesto	35.79%	34,373,794	1,374,952
Newman	1.26%	1,209,615	48,385
Oakdale	3.86%	3,705,646	148,226
Patterson	4.55%	4,368,055	174,722
Riverbank	3.42%	3,283,241	131,330
Turlock	15.26%	14,651,901	586,076
Waterford	1.26%	1,209,615	48,385
Stan County	26.98%	25,908,041	1,036,322
Total	100.00%	96,030,000	3,841,200

[1] 1% to StanCOG for management of program.

[2] Less 1% for StanCOG administration for programs.

Bike and Pedestrian Improvements, 5%, $48,015,000

These projects include local connectivity between communities, local schools, trails and recreation facilities. Each agency will work closely with residents to determine the type, location and priority for new or upgrades to existing facilities.

Jurisdiction	Bicycles and Pedestrians %[3]	Total	Total Annual
Ceres	6.36%	3,055,238	122,210
Hughson	1.26%	604,808	24,192
Modesto	35.79%	17,186,897	687,476
Newman	1.26%	604,808	24,192
Oakdale	3.86%	1,852,823	74,113
Patterson	4.55%	2,184,027	87,361
Riverbank	3.42%	1,641,621	65,665
Turlock	15.26%	7,325,950	293,038
Waterford	1.26%	604,808	24,192
Stan County	26.98%	12,954,021	518,161
Total	100.00%	48,015,000	1,920,600

Available uses for the Local Control funding category include:

- Maintaining, improving or constructing streets, roads, bridges, and bicycle and pedestrian facilities,
- Community Enhancements, such as downtown streetscapes, transportation enhancements, way finding, and accessibility improvements, street lighting, street furniture and trees,
- Safety Improvements,
- Programs that reduce transportation demand,
- Storm damage repair to transportation facilities
- Roadway drainage facilities,
- Traffic signal coordination, intersection and channelization, and
- Traffic management.

Regional Control

Regional Projects, 28%, $268,884,000

These funds would be used for planning, project development, right-of-way, and/or construction of major corridor, capital projects. Proposed regional projects are at different stages of implementation. The Plan includes a set of projects identified by a combination

[3] Less 1% for StanCOG administration for programs.

of public outreach, local agency priorities and StanCOG Board direction based on its adopted 2035 Regional Transportation Plan. Funds will be distributed for projects throughout the County with approximately $30,000,000 left in reserve to accommodate future regional needs.

Project		Description	Total Budget	Funded thru Plan
SR-132	SR-99 to Gates Road	Construct a four-lane expressway from SR-99 to Gates Road.	$297,000,500.00	$74,250,125.00
North County Corridor		Design / Right of Way	$239,000,000.00	$59,750,000.00
Faith Home Road		Construction of Faith Home River Crossing / Gap Closure	$71,700,000.00	$17,925,000.00
SR 99	Briggsmore Interchange	Reconstruct to 8 Lane Interchange	$98,679,400.00	$24,669,850.00
SR 99	Mitchell Service Road	New Interchange Phase 1	$122,987,400.00	$30,746,850.00
SR33		Highway and pedestrian safety improvements from Merced County line northward to Yolo Avenue	$10,000,000.00	$2,500,000.00
SR-99	Keyes Rd to Taylor Rd	Construct Auxiliary Lane	$6,226,600.00	$1,245,320.00
SR-99	Taylor Rd to Monte Vista Ave	Construct Auxiliary Lane	$6,520,300.00	$1,304,060.00
McHenry	Ladd Rd to Hogue Rd	Widen to 5 Lanes	$13,025,000.00	$2,605,000.00
SR-99	West Main	Construct New Interchange	$19,091,000.00	$3,818,200.00
Zacharias Rd	Raines Rd to I-5	Construct new Interchange at I-5	$75,000,000	$7,500,000.00

SR-99	San Joaquin County Line to Mitchell Rd	Install Ramp Metering Improvements including Intelligent Transportation Systems (ITS)	$15,758,300.00	$1,575,830.00
SR-99	Mitchell Rd to Merced County Line	Install Ramp Metering Improvements including Intelligent Transportation Systems (ITS)	$2,097,400.00	$209,740.00
SR108-SR120	Oakdale/ County	Intersection Improvements at Rodeo	$10,000,000.00	$1,000,000.00
Signal Improvements	Riverbank	Install Signal Light at Claus & SR-108 and Install Congestion Management Improvements at First Street & SR-108	$4,201,000.00	$420,100.00
SR99	SR-99 & Standiford Interchange	Reconstruct to 8 Lane Interchange.	$78,943,500.00	$7,894,350.00
			$1,070,230,400.00	**$228,414,425.00**

Transit Providers

Other Transportation Programs and Services 7%

Point-To-Point Services For Seniors, Veterans And Persons With Disabilities $20,166,300

This is for specialized need-based door-through-door transportation services for seniors, veterans and persons with disabilities. These funds will be allocated to the existing MOVE Program, essentially tripling capacity for need-based services for the County's seniors, veterans and people with disabilities.

Community Connections $20,166,300

Funds will be used for projects providing safer bicycle and pedestrian pathways in cities and the unincorporated areas, increasing bus/van service and upgrading bus stops. Many community members live in areas with limited public transit and/or bike connections to shopping, schools and work. Funds from this category will be used to boost services in these areas making it easier for people to access transit services and bike and pedestrian facilities.

Transit Services $13,444,200

Funds will be used for operations, maintenance and infrastructure improvements for public transit. They may also be used to supplement local, state and federal funds for cost of transit service. These funds will be allocated to public transit providers to support or enhance public transit service throughout the region. This may include increasing frequency of service, identifying new routes and/or investment in ride sharing services.

Transit Category Estimated Funding Distribution			
	Percentage*	**Over 25 Years**	**Annually**
Total Amount to Be Distributed	100%	$13,444,200	$537,768
Ceres	7%	$941,094	$37,644
Modesto	52%	$6,990,984	$279,639
Stanislaus County	33%	$4,436,586	$177,463
Turlock	8%	$1,075,536	$43,021
Total	*100%*	*$13,444,200*	*$537,768*
*Percentage is consistent with the StanCOG Transit Cost Sharing as discussed at the Transit Managers meeting March 14, 2016			

Rail Services $13,444,200

Funds will be used for operations, maintenance and infrastructure improvements for public transit connections to existing rail services. They may be used to supplement local, state, and federal funds for the cost of public transit connections to regional rail services including ACE, BART and Amtrak, and marketing to increase awareness and ridership across all rail services.

StanCOG and the ACE management team believe there is a need to continue to promote ACE in anticipation of future funding which may be allocated for the proposed extension. These may be used to increase ridership and/or fund new AMTRAK service and increase bus/van connections to existing ACE services to the Bay Area. No Funds will be used for high-speed rail.

Safeguards Built Into The Plan

This Expenditure Plan includes strong taxpayer safeguards to ensure that the projects and programs approved by the voters are funded and delivered.

Citizen Oversight

An Oversight Committee will be created to provide an enhanced level of accountability for expenditures made under the Plan to ensure that all voter mandates are carried out and that the financial integrity and performance of the program is maintained. The Committee will include one representative from each municipal agency, selected by the agency.

Annual Independent Audit and Annual Reporting

Annual fiscal and compliance audits will be conducted by a CPA, to assure that the revenues expended are necessary and reasonable. The audits and annual Report must be published and made available to the general public.

Sunset Date

This measure terminates in 25 years.

1% Administrative Expense Cap

Expenditures on staff salaries, wages, benefits and overhead necessary to administer the program will be limited to no more than one percent of the annual gross revenues provided by the measure.

No revenue generated from this tax shall be used to replace fair share contribution from new development.

Revenues provided from this measure shall not be used to replace private developer funding that has been or will be committed for any project to help alleviate the direct traffic impacts of any new or redeveloped residential, commercial or industrial development in Stanislaus County or its cities.

Eligibility Verification

The cities and County will select transportation projects that meet eligibility criteria as identified in this Plan. The local jurisdictions will certify in the annual verification submitted to the Stanislaus Council of Governments that these transportation funds were used for eligible expenses.

Maintaining Local Transportation Funding Efforts

The local jurisdictions will certify in the annual verification submitted to Stanislaus Council of Governments that these transportation funds will be used to augment and not supplant local resources spent. For purposes of this calculation an average of the prior three (3) years spent for local transportation purposes as defined in the Ordinance will be used.

Strategic Plan

StanCOG will prepare and adopt a Strategic Plan within twelve months of the sales tax taking effect. The Strategic Plan will include project cost estimates, revenue estimates, other matching funds, and a draft timeline for regional project delivery. Its prime purpose is to clarify program and project costs, schedule, financial plans and project readiness to expedite project delivery and to allow projects that are 'ready' to proceed forward within the parameters of the Expenditure Plan.

For additional information about specific projects and programs in your area OR to ask questions, please visit our website at:

www.Stanislaus-LocalRoadsFirst.com

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-252

RESOLUTION AMENDING THE FISCAL YEAR 2015-2016 OPERATING BUDGET TO ALLOCATE $163,530 TO FUND THE CITY OF MODESTO'S SHARE OF THE TRANSPORTATION EXPENDITURE PLAN EXPENSES

WHEREAS, certain budgetary transactions are necessary in the amount of $163,530, in order to fund the expenses related to community education and outreach associated with the Transportation Expenditure Plan, and

WHEREAS, the Fiscal Year 2015-2016 Operating Budget must be amended to allocate $163,530 from General Fund Reserves to 0100-02010-53505 (City Manager's Office).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2015-2016 Operating Budget to allocate $163,530 from General Fund Reserves to 0100-02010-53505 for the expenses related to community education and outreach associated with the Transportation Expenditure Plan.

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of June, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ah You

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-253

RESOLUTION ACCEPTING THE PHASE 2 BNR TERTIARY WASTEWATER TREATMENT PROJECT AS COMPLETE, AUTHORIZING THE CITY CLERK TO COMPLETE ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASE SECURITIES, AND RELEASE PAYMENTS TOTALING $103,606,255 TO G.S.E. CONSTRUCTION COMPANY, INC. OF LIVERMORE, CA

WHEREAS, the Phase 2 BNR Tertiary Wastewater Treatment Project has been completed by G.S.E. Construction Company, Inc. of Livermore, CA in accordance with the contract agreement dated May 22, 2012, and

WHEREAS, Staff recommends the project for acceptance as G.S.E Construction has complied with all contract requirements for this project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Phase 2 BNR Tertiary Wastewater Treatment Project is hereby accepted as complete from said contractor, G.S.E. Construction Company, Inc. of Livermore, CA.

BE IT FURTHER RESOLVED that the City Clerk is authorized to complete all necessary steps to file with the County Recorder release securities and release payments totaling $103,606,255 to G.S.E. Construction Company, Inc. of Livermore, California, as is authorized and provided in the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of June, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ah You

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-254

RESOLUTION APPROVING THE CITY OF MODESTO PROGRAM YEAR 2016-2017 U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT DEPARTMENT (HUD) ANNUAL ACTION PLAN FOR USE OF THE COMMUNITY DEVELOPMENT BLOCK GRANT, HOME INVESTMENT PARTNERSHIPS PROGRAM, AND EMERGENCY SOLUTIONS GRANT FUNDS; AUTHORIZING SUBMISSION OF AN APPLICATION TO HUD PERTAINING TO THE PROGRAM YEAR 2016-2017 ANNUAL ACTION PLAN; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE REQUIRED CERTIFICATIONS AND DOCUMENTS FOR SUBMITTAL TO HUD

WHEREAS, as a U.S. Department of Housing and Urban Development (HUD) entitlement community, the City of Modesto is required to develop an Annual Action Plan that describes proposed activities funded with Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), and Emergency Solutions Grant (ESG) funds, and

WHEREAS, the City may allocate up to fifteen percent (15%) of available CDBG funds to CDBG Public Services grants that are awarded to eligible organizations that serve low- and moderate-income residents, and

WHEREAS, the City awards ESG grants to eligible organizations that provide assistance to individuals and families experiencing homelessness and those at risk of experiencing homelessness, and

WHEREAS, HOME funds, in partnership with local nonprofit groups, fund a wide range of activities that build, buy, and/or rehabilitate affordable housing for rent or homeownership to low income citizens, and

WHEREAS, the populations served by these organizations further the City's priorities as described in its Fiscal Year 2015-2020 Consolidated Plan, and

WHEREAS, citizen participation is a key component of the Annual Action Plan process, and

WHEREAS, HUD regulations require the City provide ample opportunity and means for the populations served by the grants, as well as the general citizenry, to provide input on the goals and priorities and the specific type of activities to be funded in the City's Program Year 2016-2017 Annual Action Plan, and

WHEREAS, staff held five community meetings and one public consultation meeting to assess local needs and priorities related to community services, economic development, community facilities and infrastructure, housing and fair housing, and

WHEREAS, the information obtained from the community meetings was used to prepare the draft Program Year 2016-2017 Annual Action Plan, and

WHEREAS, the 30-day public review period to review and comment on the draft documents opened on Tuesday, May 10, 2016 and will close with a public hearing at the City Council meeting on Tuesday, June 14, 2016, and

WHEREAS, any comments received during the public review period or during the June 14, 2016, City Council meeting will be incorporated into the final Program Year 2016-2017 Annual Action Plan that is submitted to HUD, and

WHEREAS, the estimated amount of funding anticipated for Program Year 2016-2017 is approximately $3.1 million, and

WHEREAS, there is no impact to the General Fund as these funds are received from HUD for activities specified within the Program Year 2016-2017 Annual Action Plan, and

WHEREAS, on May 18, 2016, the City's Citizens Housing and Community Development Committee recommended forwarding the Program Year 2016-2017 Annual Action Plan to the City Council for consideration and approval, and

WHEREAS, all HUD assisted projects are required to undergo an environmental review to evaluate environmental impacts, and

WHEREAS, the analysis includes both how the project can affect the environment and how the environment can affect the project, site and end users, and

WHEREAS, an environmental review must be performed before any funds, regardless of source, are committed to a project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the City of Modesto Program Year 2016-2017 U.S. Department of Housing and Urban Development Department (HUD) Annual Action Plan for use of the Community Development Block Grant, HOME Investment Partnerships Program, and Emergency Solutions Grant funds.

BE IT FURTHER RESOLVED that Council hereby authorizes the submission of an application to HUD pertaining to the Program Year 2016-2017 Annual Action Plan as described in "Draft Program Year 2016-2017 Annual Action Plan", **attached** hereto as **Exhibit** A and incorporated herein by reference.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to sign the required certifications and documents for submittal to HUD.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of June, 2016, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ah You

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT A

City of Modesto
Program Year 2016-2017
Annual Action Plan

Executive Summary

AP-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

1. Introduction

The City of Modesto's Program Year (PY) 2016-17 Annual Action Plan represents the second year plan of the City of Modesto's 2015-2020 Consolidated Plan. It identifies activities to be undertaken in PY 2016-17 to address priority needs of the community. The PY 2016-17 Annual Action Plan outlines and describes the resources available, the projects and activities to be funded and the proposed accomplishments.

The Consolidated Plan is the City of Modesto's strategic plan for leveraging the United States Department of Housing and Urban Development's (HUD) annual entitlement allocations of three key federal grant programs: (1) Community Development Block Grant (CDBG); (2) Emergency Solutions Grant (ESG); and (3) HOME Investment Partnerships Program (HOME). The Consolidated Plan and Annual Action Plans serve as planning documents, an application for federal funds under HUD's formula grants programs, an implementation strategy, and a method to allocate funds to specific projects and activities

2. Summarize the objectives and outcomes identified in the Plan

The City of Modesto has identified the following areas on which to focus funds:

- Affordable Housing
- Fair Housing
- Ending Chronic Homelessness
- Public Services
- Public Facilities Improvements
- Public Improvements

3. Evaluation of past performance

The City of Modesto utilized the resources identified in the PY 2015-2016 Annual Action Plan to carry out the identified programs and activities. The City of Modesto continued to take an active role in promoting and producing affordable housing, addressing the social and economic needs of low- and moderate-income individuals, and serving the special needs populations within the City of Modesto.

The CDBG, ESG, HOME funding, and other programs provided operating funds for many local programs. These funds also allowed the City of Modesto to make progress towards its goals and objectives outlined in its2015-2020 Consolidated Plan.

Housing programs funded through the CDBG and HOME activities assisted in stabilizing neighborhoods by providing affordable housing rehabilitation and enforcing City of Modesto building codes that are designed to assure the community's housing stock is safe and sanitary.

CDBG and ESG funded public service activities strove to alleviate gaps in human service needs throughout the City of Modesto by offering various programs such as emergency rental assistance and homeless case management. In light of continuing decreases in funds and increased construction costs, staff and sub-recipients continued to explore alternative strategies to provide decent affordable housing, create economic development opportunities, and ensure suitable living environments.

The City of Modesto has a system in place to assure deadlines are met, reports are submitted timely and required tasks are accomplished. A calendar is created at the start of the program year and lists all activities, tasks, events, and deadlines related to the management of CDBG, ESG and HOME funds. Community Development Division staff (staff) meet on a regular basis to review pending issues.

At least once every two years, staff conducts formal onsite monitoring of CDBG, ESG and HOME funded projects implemented by sub-recipients. These visits are conducted more frequently if the sub-recipient is new or is having difficulty meeting program or contract requirements.

4. Summary of Citizen Participation Process and consultation process

The City of Modesto holds a minimum of two neighborhood meetings each year in low-income census tract areas to encourage participation of low- and moderate-income persons in conjunction with development of its Annual Action Plan and, every five years, for the development of its Consolidated Plan. The meetings are held at different times and locations in an effort to accommodate different households.

The City of Modesto also conducts a minimum of one community meeting annually with service providers as the primary audience. The service provider meeting is held during the day to accommodate the service providers' schedules. Additionally, the City of Modesto will, as needs are identified, make presentations at meetings hosted by civic groups, faith-based groups and other community organizations.

Spanish-speaking translators are available at all meetings. If a request for another language(s) translator is made at least five working days prior to a public meeting, a translator for the requested language(s) will be provided. All community input meetings will be held at public buildings with disabled access.

To obtain community input on the development of the 2016-17 Action Plan, staff requested to be included on the agenda for local focus groups and forums providing health services, social and fair housing services, including those focusing on services to children, elderly persons, persons with disabilities, persons with HIV/AIDS and their families, the homeless and the chronically homeless persons. Presentations to these groups outlined the eligible uses of these funds, how the funds are currently utilized, and proposed uses.

5. Summary of public comments

Please see Appendix A – Summary of Citizen Participation

6. Summary of comments or views not accepted and the reasons for not accepting them

Please see Appendix A – Summary of Citizen Participation

7. Summary

Please see Appendix A – Summary of Citizen Participation

DRAFT

PR-05 Lead & Responsible Agencies – 91.200(b)

1. Agency/entity responsible for preparing/administering the Consolidated Plan

Agency Role	Name	Department/Agency
CDBG Administrator	MODESTO	Community & Economic Development Department
HOME Administrator	MODESTO	Community & Economic Development Department
ESG Administrator	MODESTO	Community & Economic Development Department

Table 1 – Responsible Agencies

Narrative

The City of Modesto is the lead agency responsible for preparation of the Consolidated Plan and for administration of each grant program and its associated funding source(s). Primary oversight of the City of Modesto's HUD entitlement grant programs comes from the Citizens' Housing and Community Development Committee (CH&CDC). This 11-member committee is appointed by the City of Modesto Council and is comprised of representatives from the City of Modesto Council, Planning Commission, Housing Rehabilitation Loan Committee, Human Relations Commission and several citizens-at-large. Generally, the citizens-at-large represent low-income and racial minority groups. The CH&CDC makes funding recommendations to the City of Modesto Council regarding CDBG, ESG and HOME grant programs as well as other one-time HUD-funded programs.

To avoid a perceived conflict of interest, any individual who is a member of a board of directors or is employed by an agency that applies for or receives CDBG, ESG, HOME, or other HUD funding, is ineligible to vote on funding decisions involving their respective agencies.

The CH&CDC typically meets once a month. These meetings are publicly noticed, open to the public and are typically held at Tenth Street Place, 1010 Tenth Street, Modesto, California. Public comments are both encouraged and welcomed. At least one meeting is scheduled during the public comment period for the development of, or substantial amendment to, the City of Modesto's Annual Action Plan, Consolidated Plan, Citizens' Participation Plan and Analysis of Impediments as well as the City of Modesto's Consolidated Annual Performance and Evaluation Report (CAPER).

Consolidated Plan Public Contact Information

The following are several ways in which an interested party can contact the City of Modesto staff with comments regarding the City of Modesto's PY 2016-17 Annual Action Plan:

- Telephone: (209) 577-5211
- Hearing Impaired: Dial 711, and then ask for 209-577-5211
- Email: housing@modestogov.com
- In person: City of Modesto, Community & Economic Development Department 1010 Tenth Street, 3rd Floor, Modesto, California, 95354
- Mail: City of Modesto, Community & Economic Development Department Community Development Division, P.O. Box 642, Modesto, California 95353

DRAFT

AP-10 Consultation – 91.100, 91.200(b), 91.215(l)

1. Introduction

Two objectives of the City of Modesto's 2015-2020 Consolidated Plan are to 1) promote citizen participation in the development of local priority needs and objectives and 2) encourage consultation with public and private agencies to identify shared needs and solutions to persistent community problems.

The City of Modesto invites the community to provide input on the ways in which grant funds received from HUD are spent. The City of Modesto Citizen's Participation Plan outlines the ways the City of Modesto communicates with residents regarding the use and expenditure of HUD funds.

The City of Modesto continues to review and improve its delivery system by streamlining internal processes, enhancing coordination among departments and fostering collaborative working relationships with its sub-recipients and Community Housing Development Organizations (CHDOs). A few examples include:

- Memorandums of Understanding (MOUs). Staff and participating departments enter into MOUs to clearly delineate program goals and reporting requirements for each of the participating departments.
- Weekly Meetings. The Community Development Manager and key staff members meet weekly to discuss the status of existing and future HUD-funded projects, develop work plans and reporting requirements and plan for upcoming meetings.
- Intra/Interdepartmental Coordination. The Housing and Urban Development Supervisor works with the Planning Division to assist with the update of the City of Modesto's Housing Element, specifically focusing on the sections dealing with multi-family housing, affordable housing and HUD-funded housing programs and their effectiveness. Also, staff and Finance Department staff meet monthly to review various financial and reporting matters related to HUD-funded programs. Additionally, staff coordinates with various departments to ensure that capital improvement projects are on schedule and that invoices are paid in a timely manner.
- Community/ Collaborative Committees. On a regular basis, staff collaborates with the following organizations: the Stanislaus Housing and Support Services Collaborative (Stanislaus CoC); the Airport Neighborhood Collaborative, the West Modesto/King-Kennedy Neighborhood Collaborative; Emergency Food and Shelter Board; United Way Impact Councils on Building Strong Neighborhoods and Safety Net.
- Sub-recipient and CHDO Outreach. staff is proactively contacting its sub-recipients and CHDOs to keep them apprised of upcoming training opportunities, changes in HUD requirements, etc. Staff is also looking to schedule regular meetings with its CHDOs to discuss the status of existing and future projects.

Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(l))

The PY 2016-2017 Annual Action Plan was prepared with oversight by and direction from the CH&CDC. Other key aspects of the planning process are described below:

- Consult with key stakeholders, including representatives of the Housing Authority of Stanislaus County; non-profit organizations that provide housing, facilities, and/or services to low- and moderate-income residents; and neighborhood organizations.
- Consult with the general public through workshops and public hearings (see Citizen Participation below).
- Attend and participate in monthly meetings held by the Stanislaus CoC.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness.

A stakeholders meeting was held on April 21, 2016, at a regularly scheduled Stanislaus CoC meeting. The meeting was held at the Housing Authority of the County of Stanislaus in Modesto (Stanislaus Housing Authority). The PY 2016-17 Annual Action Plan and priority needs were the meeting agenda. The Stanislaus CoC meeting was attended by 33 people from the following agencies and organizations:

- Disability Resource Agency for Independent Living (DRAIL)
- Golden Valley Health Center (GVHC) – Corner of Hope
- United Samaritans Foundation
- Community Impact Central Valley (CICV)
- City of Modesto
- Turning Point Community Program
- Telecare Shop
- Stanislaus Team of Active Retired Seniors (STARS) Citizen Volunteers
- Community Housing and Shelter Services (CHSS)
- Stanislaus County
- Golden Valley Health Center
- Health Plan of San Joaquin
- Valley Recovery Resources
- Parent Resource Center
- Stanislaus Housing Authority
- Stanislaus County Affordable Housing

- Behavioral Health and Recovery Services
- American Red Cross
- Salvation Army
- We Care
- Helping Others Sleep Tonight
- Center for Human Services
- Community representative

Attendees were asked to provide feedback regarding the priority needs for the use of CDBG, ESG and HOME grant funds.

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS

Consultation with the Stanislaus CoC assists the City of Modesto in allocating and coordinating the prioritization and use of ESG funds with local needs. Through this process the City of Modesto is able to design programs and activities that are consistent with applicable federal and local standards and to distribute its funds efficiently.

The Stanislaus CoC contributes by setting up the criteria for homeless programs outcomes during its contract period. The City of Modesto's consultations with the Stanislaus CoC allows an open discussion on how to establish performance measures that benefit the City of Modesto. This allows the City of Modesto's CH&CDC and its City Council to be informed of the standards that ESG funds demand and best practice outcomes. These goals are then incorporated when negotiating contracts with sub-recipients. The Homeless Management Information System (HMIS) is essential for the coordination of services and the development of public policy. Analysis of information gathered through the HMIS is critical to the preparation of periodic reporting on homelessness and identifies the needs for services in the City of Modesto.

2. Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdiction's consultations with housing, social service agencies and other entities

Table 2 – Agencies, groups, organizations who participated

1	**Agency/Group/Organization**	Disability Resource Agency for Independent Living (DRAIL)

	Agency/Group/Organization Type	Services-Persons with Disabilities
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort that is the Stanislaus Housing and Support Services Collaborative. The Collaborative meets monthly at the offices of the Stanislaus County Housing Authority in Modesto. The Collaborative seeks to improve the coordination of housing and human services to address social problems, reduce chronic homelessness, and increase the supply of affordable housing.
2	**Agency/Group/Organization**	United Samaritan Foundation
	Agency/Group/Organization Type	Services-Health
	What section of the Plan was addressed by Consultation?	Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort that is the Stanislaus Housing and Support Services Collaborative. The Collaborative meets monthly at the offices of the Stanislaus County Housing Authority in Modesto. The Collaborative seeks to improve the coordination of housing and human services to address social problems, reduce chronic homelessness, and increase the supply of affordable housing.
3	**Agency/Group/Organization**	Community Impact Central Valley
	Agency/Group/Organization Type	Services-homeless

	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless Homelessness Strategy Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort that is the Stanislaus Housing and Support Services Collaborative. The Collaborative meets monthly at the offices of the Stanislaus County Housing Authority in Modesto. The Collaborative seeks to improve the coordination of housing and human services to address social problems, reduce chronic homelessness, and increase the supply of affordable housing.
4	**Agency/Group/Organization**	TURNING POINT OF CENTRAL CALIFORNIA
	Agency/Group/Organization Type	Services - Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort that is the Stanislaus Housing and Support Services Collaborative. The Collaborative meets monthly at the offices of the Stanislaus County Housing Authority in Modesto. The Collaborative seeks to improve the coordination of housing and human services to address social problems, reduce chronic homelessness, and increase the supply of affordable housing.
5	**Agency/Group/Organization**	COMMUNITY HOUSING AND SHELTER SERVICES
	Agency/Group/Organization Type	Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort that is the Stanislaus Housing and Support Services Collaborative. The Collaborative meets monthly at the offices of the Stanislaus County Housing Authority in Modesto. The Collaborative seeks to improve the coordination of housing and human services to address social problems, reduce chronic homelessness, and increase the supply of affordable housing.
6	**Agency/Group/Organization**	STANISLAUS COUNTY
	Agency/Group/Organization Type	Other government - Local
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless Homelessness Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort that is the Stanislaus Housing and Support Services Collaborative. The Collaborative meets monthly at the offices of the Stanislaus County Housing Authority in Modesto. The Collaborative seeks to improve the coordination of housing and human services to address social problems, reduce chronic homelessness, and increase the supply of affordable housing.
7	**Agency/Group/Organization**	PARENT RESOURCE CENTER
	Agency/Group/Organization Type	Services-Children
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs Anti-poverty Strategy

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort that is the Stanislaus Housing and Support Services Collaborative. The Collaborative meets monthly at the offices of the Stanislaus County Housing Authority in Modesto. The Collaborative seeks to improve the coordination of housing and human services to address social problems, reduce chronic homelessness, and increase the supply of affordable housing.
8	**Agency/Group/Organization**	Housing Authority of the County of Stanislaus
	Agency/Group/Organization Type	PHA
	What section of the Plan was addressed by Consultation?	Public Housing Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort that is the Stanislaus Housing and Support Services Collaborative. The Collaborative meets monthly at the offices of the Stanislaus County Housing Authority in Modesto. The Collaborative seeks to improve the coordination of housing and human services to address social problems, reduce chronic homelessness, and increase the supply of affordable housing.
9	**Agency/Group/Organization**	CITY OF TURLOCK
	Agency/Group/Organization Type	Other government - Local
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless Homelessness Strategy

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort that is the Stanislaus Housing and Support Services Collaborative. The Collaborative meets monthly at the offices of the Stanislaus County Housing Authority in Modesto. The Collaborative seeks to improve the coordination of housing and human services to address social problems, reduce chronic homelessness, and increase the supply of affordable housing.
10	**Agency/Group/Organization**	AMERICAN RED CROSS
	Agency/Group/Organization Type	Services-homeless
	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless Homelessness Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort that is the Stanislaus Housing and Support Services Collaborative. The Collaborative meets monthly at the offices of the Stanislaus County Housing Authority in Modesto. The Collaborative seeks to improve the coordination of housing and human services to address social problems, reduce chronic homelessness, and increase the supply of affordable housing.
11	**Agency/Group/Organization**	THE SALVATION ARMY (EMERGENCY)
	Agency/Group/Organization Type	Services-homeless
	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless Homelessness Strategy

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort that is the Stanislaus Housing and Support Services Collaborative. The Collaborative meets monthly at the offices of the Stanislaus County Housing Authority in Modesto. The Collaborative seeks to improve the coordination of housing and human services to address social problems, reduce chronic homelessness, and increase the supply of affordable housing.
12	**Agency/Group/Organization**	WE CARE OF TURLOCK
	Agency/Group/Organization Type	Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort that is the Stanislaus Housing and Support Services Collaborative. The Collaborative meets monthly at the offices of the Stanislaus County Housing Authority in Modesto. The Collaborative seeks to improve the coordination of housing and human services to address social problems, reduce chronic homelessness, and increase the supply of affordable housing.
13	**Agency/Group/Organization**	Center for Human Services
	Agency/Group/Organization Type	Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort that is the Stanislaus Housing and Support Services Collaborative. The Collaborative meets monthly at the offices of the Stanislaus County Housing Authority in Modesto. The Collaborative seeks to improve the coordination of housing and human services to address social problems, reduce chronic homelessness, and increase the supply of affordable housing.
14	**Agency/Group/Organization**	Golden Valley Health Centers Homeless Health Project
	Agency/Group/Organization Type	Services-homeless
	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless Homelessness Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort that is the Stanislaus Housing and Support Services Collaborative. The Collaborative meets monthly at the offices of the Stanislaus County Housing Authority in Modesto. The Collaborative seeks to improve the coordination of housing and human services to address social problems, reduce chronic homelessness, and increase the supply of affordable housing.
15	**Agency/Group/Organization**	Telecare
	Agency/Group/Organization Type	Services-homeless
	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless Homelessness Strategy

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort that is the Stanislaus Housing and Support Services Collaborative. The Collaborative meets monthly at the offices of the Stanislaus County Housing Authority in Modesto. The Collaborative seeks to improve the coordination of housing and human services to address social problems, reduce chronic homelessness, and increase the supply of affordable housing.
16	**Agency/Group/Organization**	We Care Program -Turlock
	Agency/Group/Organization Type	Services-homeless
	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless Homelessness Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort that is the Stanislaus Housing and Support Services Collaborative. The Collaborative meets monthly at the offices of the Stanislaus County Housing Authority in Modesto. The Collaborative seeks to improve the coordination of housing and human services to address social problems, reduce chronic homelessness, and increase the supply of affordable housing.

Identify any Agency Types not consulted and provide rationale for not consulting

The City of Modesto consulted a variety of agencies serving Modesto residents and the region. No agency types were specifically left out of the consultation process.

Please see Appendix A – Summary of Citizen Participation

Other local/regional/state/federal planning efforts considered when preparing the Plan

Please see Appendix A – Summary of Citizen Participation

Narrative

In addition to the organizations that were invited to and participated in public meetings on the PY 2016-17 Action Plan, significant aspects of the PY 2016-17 Action Plan development process included consultations with the Stanislaus CoC and its members, comprised of both public and private non-profit and for-profit entities, as well as private citizens.

DRAFT

AP-12 Participation – 91.105, 91.200(c)

1. Summary of citizen participation process/Efforts made to broaden citizen participation
Summarize citizen participation process and how it impacted goal-setting

The City of Modesto holds a minimum of two neighborhood meetings each year in low-income census tract areas to encourage participation of low- and moderate-income persons in conjunction with development of its PY 2016-17 Annual Action Plan and, every five years, its Consolidated Plan. These are held are different times and locations in an effort to accommodate different households.

The City of Modesto also conducts a minimum of one community meeting annually with service providers as the primary audience. The service provider meeting is held during the day to accommodate service providers. Additionally, the City of Modesto will, as needs are identified, make presentations at meetings hosted by civic groups, faith-based groups and other community organizations.

Spanish-speaking translators are available at all meetings. If a request for other language translators is made at least five working days prior to a public meeting, translators will be provided. All community input meetings will be held at public buildings with disabled access.

To obtain community input on the development of the City of Modesto PY 2016-17 Annual Action Plan, staff requested to be included on the agenda for local focus groups and forums providing health services, social and fair housing services, including those focusing on services to children, elderly persons, persons with disabilities, persons with HIV/AIDS and their families, the homeless and the chronically homeless persons. Presentations to these groups outlined the eligible uses of these funds, how the funds are currently utilized, and proposed future uses. Please see the Summary of Citizen Participation attached.

Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons
1	Public Meeting	Minorities Non-targeted/broad community	Please see Appendix A - Summary of Citizen Participation	Please see Appendix A - Summary of Citizen Participation	Please see Appendix A - Summary of Citizen Participation
2	Public Hearing	Minorities Non-targeted/broad community	Please see Appendix A - Summary of Citizen Participation	Please see Appendix A - Summary of Citizen Participation	Please see Appendix A - Summary of Citizen Participation
3	Newspaper Ad	Minorities Non-targeted/broad community	Please see Appendix A - Summary of Citizen Participation	Please see Appendix A - Summary of Citizen Participation	Please see Appendix A - Summary of Citizen Participation

Table 3 – Citizen Participation Outreach

Expected Resources

AP-15 Expected Resources – 91.220(c) (1, 2)

Introduction

There are several potential funding sources to implement the strategies contained in the PY 2016-17 Annual Action Plan. These sources include, but are not limited to:

- Funds covered under the Consolidated Plan: CDBG, HOME and ESG;
- Funds provided under other HUD programs, the Department of Commerce, the Federal Emergency Management Agency, and other federal agencies;
- Funds provided under various programs of the California Department of Housing and Community Development and the California Housing Finance Agency;
- State and federal tax credits and mortgage credit certificates;
- Tax exempt bond proceeds;
- The City of Modesto's General Fund; and
- Private industry sources such as the Federal Home Loan Bank Board's Affordable Housing Program.

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Priority Table

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 2 PY 2016-17				Expected Amount Available Reminder of ConPlan
			Annual Allocation: $	Program Income: $	*Prior Year Resources: $	Total: $	$
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	1,871,328	50,000	2,617,684	4,539,012	5,613,984
HOME	public - federal	Acquisition Homebuyer assistance Homeowner rehab Multifamily rental new construction Multifamily rental rehab New construction for ownership TBRA	717,504	50,000	1,728,475	2,495,979	2,152,512

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 2 PY 2016-17				Expected Amount Available Reminder of ConPlan
			Annual Allocation: $	Program Income: $	*Prior Year Resources: $	Total: $	$
ESG	public - federal	Conversion and rehab for transitional housing Financial Assistance Overnight shelter Rapid re-housing (rental assistance) Rental Assistance Services Transitional housing	166,397	0	41,806	208,203	499,191

***Resources are estimates. Actual amounts may vary due to PY15 project completion.**

Table 4 - Expected Resources – Priority Table

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

For the ESG program, the City of Modesto requires that ESG sub-recipients provide a dollar-for-dollar match for ESG funds received. Typically, the City of Modesto is able to generate significantly more match than the amount required through its allocation of CDBG funds for ESG activities and primarily through the cash and non-cash contributions provided by ESG sub-recipients as a result of the generosity of their donors, supporters, and other funders.

Cash contributions mean cash expended for allowable ESG costs, while noncash contributions mean the value (using a method reasonably calculated to establish fair market value) of any real property, equipment, goods, and services contributed to an ESG activity, provided that if these had to be paid with ESG funds, the costs would have been allowable.

Specific sources of cash contributions include: private individual donors, California Wellness Foundation, Family and Youth Services Bureau

(Runaway and Homeless Youth Program), California Department of Education (CCTR/CSPP), First 5 California, Emergency Food and Shelter Program, and California Governor's Office of Emergency Services (Victim Services Branch).

The 25% HOME match requirements are met through the contributions or layers of funds that the developers provide for each HOME -assisted project. The match includes private financing, waiver or deferral of development fees approved by the City of Modesto Council, Tax Credit Allocations, and any other eligible source. The City of Modesto also has accumulated a match surplus from previous years. The City of Modesto intends to satisfy this requirement by allocating sufficient funds from the Affordable Housing Fund for this purpose. The City of Modesto just released a Request for Qualifications (RFQ) for CHDO operating and set-aside funds and will release an RFQ for future developments.

If appropriate, describe publically owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

The City of Modesto has one single family unit located in the Airport Neighborhood that was recently foreclosed and has been vandalized. The intent is to transfer the unit to a non-profit organization that could, in turn, rent this unit to a low income household or rehabilitate the unit and sell it to a low income household. Additionally, the City of Modesto, as the successor housing entity to the former Redevelopment Agency of the City of Modesto, owns a parcel that will be utilized to develop 74 affordable housing units for low and very low income households.

Discussion

No additional discussion.

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Annual Goals and Objectives

AP-20 Annual Goals and Objectives - 91.420, 91.220(c)(3) &(e)

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Needs Addressed	Goal Outcome Indicator
1	Rental Housing Construction	2015	2019	Affordable Housing	H-1 Increase affordable rental housing	Rental units constructed: 8 Household Housing Unit
2	Acquisition and Rehabilitation	2015	2019	Affordable Housing	H-2 Provide Homeownership Opportunities	Homeowner Housing Rehabilitated: 14 Household Housing Unit
3	Homebuyers Assistance	2015	2019	Affordable Housing	H-2 Provide Homeownership Opportunities	Direct Financial Assistance to Homebuyers: 7 Households Assisted
4	Housing Preservation	2015	2019	Affordable Housing	H-3 Preserve Existing Affordable Housing	Rental units rehabilitated: 60 Household Housing Unit
5	Housing Rehabilitation Program	2015	2019	Affordable Housing	H-3 Preserve Existing Affordable Housing	Homeowner Housing Rehabilitated: 7 Household Housing Unit
6	Minor Home Repair - Energy Efficiency	2015	2019	Affordable Housing	H-3 Preserve Existing Affordable Housing	Homeowner Housing Rehabilitated: 12 Household Housing Unit
7	Housing Program Administration	2015	2019	Affordable Housing	H-3 Preserve Existing Affordable Housing	None (program administration)

Sort Order	Goal Name	Start Year	End Year	Category	Needs Addressed	Goal Outcome Indicator
8	Fair Housing Services and Education	2015	2019	Fair Housing	H-4 Continue to Support Fair Housing.	Public service activities other than Low/Moderate Income Housing Benefit: 437 Persons Assisted
9	Emergency Shelter Beds	2015	2019	Homeless	HM-1 Address Chronic Homelessness	Overnight/Emergency Shelter/Transitional Housing Beds added: 12 Beds
10	Supportive Services - Homeless	2015	2019	Homeless	HM-1 Address Chronic Homelessness	Public service activities other than Low/Moderate Income Housing Benefit: 600 Persons Assisted
11	Transitional Housing Units	2015	2019	Homeless	HM-2 Increase transitional housing	Housing for Homeless added: 7 Household Housing Unit
12	Permanent Supportive Housing	2015	2019	Homeless	HM-3 Provide permanent supportive housing	Overnight/Emergency Shelter/Transitional Housing Beds added: 30 Beds
13	Housing Crisis Counselling	2015	2019	Homeless	HM-4 Prevent Homelessness for those at Risk	Public service activities other than Low/Moderate Income Housing Benefit: 290 Persons Assisted

Sort Order	Goal Name	Start Year	End Year	Category	Needs Addressed	Goal Outcome Indicator
14	HMIS Implementation	2015	2019	Homeless	HM-5 Coordinated case management	None (program administration)
15	Neighborhood Clean-up	2015	2019	Non-Housing Community Development	CD-1 Neighborhood Revitalization Strategy Area	Housing Code Enforcement/Foreclosed Property Care: 20 Household Housing Unit
17	Local LMI Hiring Initiative	2015	2019	Non-Housing Community Development	CD-2 Promote Economic Development Activity	Jobs created/retained: 35 Jobs
18	Independent Living Services	2015	2019	Non-Housing Community Development	CD-3 Provide Public Services for Residents	Public service activities other than Low/Moderate Income Housing Benefit: 11 Persons Assisted
19	Supportive Housing Services	2015	2019	Non-Housing Community Development	CD-3 Provide Public Services for Residents	Public service activities other than Low/Moderate Income Housing Benefit: 2,500 Persons Assisted
20	At-risk Housing Services	2015	2019	Non-Housing Community Development	CD-3 Provide Public Services for Residents	Public service activities other than Low/Moderate Income Housing Benefit: 94 Persons Assisted

Sort Order	Goal Name	Start Year	End Year	Category	Needs Addressed	Goal Outcome Indicator
21	Child Care Services	2015	2019	Non-Housing Community Development	CD-3 Provide Public Services for Residents	Public service activities other than Low/Moderate Income Housing Benefit: 290 Persons Assisted
22	Public Improvements - Accessibility	2015	2019	Non-Housing Community Development	CD-4 Fund ADA Improvement in the City of Modesto	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 3000 Persons Assisted
23	Street Paving	2015	2019	Non-Housing Community Development	CD-4 Fund ADA Improvement in the City of Modesto	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 3000 Persons Assisted
25	Senior Housing Production	2015	2019	Affordable Housing	SN-1 Supportive housing services - elderly	Homeowner Housing Rehabilitated: 25 Household Housing Unit
26	Senior Supportive Services	2015	2019	Non-Housing Community Development	SN-1 Supportive housing services - elderly	Public service activities other than Low/Moderate Income Housing Benefit: 175 Persons Assisted
27	Supportive Housing	2015	2019	Affordable Housing	SN-2 Supporting Housing Services - Disabled	Rental units constructed: 18 Household Housing Unit

Sort Order	Goal Name	Start Year	End Year	Category	Needs Addressed	Goal Outcome Indicator
28	Supportive Services - Housing	2015	2019	Non-Homeless Special Needs	SN-2 Supporting Housing Services - Disabled	Public service activities other than Low/Moderate Income Housing Benefit: 250 Persons Assisted
29	Services - Anti-poverty	2015	2019	Non-Housing Community Development	CD-3 Provide Public Services for Residents	Public service activities other than Low/Moderate Income Housing Benefit: 250 Persons Assisted

Table 5 – Goals Summary

Goal Descriptions

1	**Goal Name**	Rental Housing Construction
	Goal Description	Construction of 44 affordable rental units over 5 years, or approximately 8 to 9 units annually.
2	**Goal Name**	Acquisition and Rehabilitation
	Goal Description	Acquire and rehabilitate 14 to 15 units annually or 73 units over 5 years.
3	**Goal Name**	Homebuyers Assistance
	Goal Description	Assist 7 to 8 households annually, or 36 households over 5 years, through the DPAP.

4	**Goal Name**	Housing Preservation
	Goal Description	Preserve 300 affordable housing units in the eight complexes with project-based Section 8 subsidies, through contract extensions
5	**Goal Name**	Housing Rehabilitation Program
	Goal Description	Assist 7 to 8 households annually, or approximately 35 households over 5 years through the Emergency Home Repair Program/Disabled Access Assistance Program.
6	**Goal Name**	Minor Home Repair - Energy Efficiency
	Goal Description	Assist 12 to 13 households annually, or approximately 60 households over 5 years through the Minor Home Repair Grant Program.
7	**Goal Name**	Housing Program Administration
	Goal Description	Provide $397,650 in annual funding, or $1.988 million over 5 years, to support rehabilitation administration, services and supplies necessary to provide technical support and oversight of the City of Modesto's housing rehabilitation programs.
8	**Goal Name**	Fair Housing Services and Education
	Goal Description	Assist 437 residents annually, or 2,184 over 5 years by providing fair housing consultations and information, investigation services, outreach and educational presentation and tenant landlord dispute resolution services.
9	**Goal Name**	Emergency Shelter Beds
	Goal Description	Increase the supply of emergency shelter beds by 8 beds annually, or 40 beds over 5 years, for individuals and 4 beds annually, or 20 beds over 5 years, for families.
10	**Goal Name**	Supportive Services - Homeless
	Goal Description	Allocate ESG and CDBG funds to provide counseling and other supportive services for homeless individuals and families as well as those most at risk. Provide supportive services to 600 homeless individuals, families, and those most at risk annually, or 3,000 persons over 5 years.

11	**Goal Name**	Transitional Housing Units
	Goal Description	Increase options for long-term transitional housing, especially for certain affected groups such as households with children, and those with mental health and chemical dependency issues. Leverage CDBG, HOME, and ESG funds with NSP, HPRP, and other federal, State, and private funding sources. Provide 4 additional transitional housing units annually for families, or 20 over 5 years, and 3 annually for individuals, or 15 over the next 5 years.
12	**Goal Name**	Permanent Supportive Housing
	Goal Description	Increase the inventory of permanent supportive housing beds, leveraging CDBG, HOME, and ESG funds with NSP, HPRP, and other federal, State, and private funding sources. Provide 3 permanent supportive housing beds annually for individuals, or 15 over 5 years, and 3 additional permanent supportive housing beds annually for families, or 15 over 5 years
13	**Goal Name**	Housing Crisis Counselling
	Goal Description	Provide counseling to homeowners to avoid defaulting on mortgage payments, offer alternative financing to address delinquencies and refinance eligible homeowners into more favorable fixed-rate loans and provide advocacy service to negotiate with lenders for alternative financing. Assist between 42 and 69 households annually, or 291 over 5 years.
14	**Goal Name**	HMIS Implementation
	Goal Description	Fully implement the Homeless Management Information System (HMIS) to better identify gaps in service and to maintain accurate data about housing and service needs. Encourage greater HMIS participation from non-HUD funded organizations by providing CDBG funding to acquire necessary HMIS equipment and technical assistance to assist those organizations. Assist one organization per year, or 5 over 5 years.
15	**Goal Name**	Neighborhood Clean-up
	Goal Description	Provide CDBG funds for neighborhood clean-up and crime- prevention activities. Assist neighborhood clean-up projects for the City of Modesto's low-income residents through Neighborhood Clean-Up events. Fund code enforcement officers that work in low- income Census Tracts, along with support staff to serve about 2,184 households annually, or 10,920 over 5 years. Fund around one eligible Community Based Development Organization (CBDO) annually, or 4 over 5 years, to carry out allowable neighborhood revitalization activities in low-income neighborhoods.

17	**Goal Name**	Local LMI Hiring Initiative
	Goal Description	Develop a process, in compliance with Section 3 requirements, to give preference to low- and very low-income persons or business concerns employing low- and very low-income persons in contract bidding opportunities for housing construction, rehabilitation, or other public construction projects that use HUD funds. Generate 7 jobs annually, or 35 jobs over 5 years, for low- and very low-income persons by giving preference in contract bidding for HUD-funded projects. Use CDBG funds to support adult literacy programs, including English as a Second Language courses. Provide literacy services to 20 residents annually, or 100 residents over 5 years.
18	**Goal Name**	Independent Living Services
	Goal Description	Use CDBG funds to provide supportive services that allow for independent living by populations with special needs. Serve approximately 41,000 residents annually, or 205,000 residents over 5 years, with food and nutrition programs for low- and moderate-income persons, including delivery of food to homeless individuals or referred clients temporarily living in hotels, food programs for seniors, and delivery of food to persons with HIV/Aids. Fund health services for 11 disabled persons annually, or 55 over 5 years, mainly funding for medical equipment, adaptive aids or assistive devices for the DRAIL program.
19	**Goal Name**	Supportive Housing Services
	Goal Description	Provide CDBG and ESG funds to combine supportive services with housing programs for homeless persons and families. Provide shelter services for 2,500 persons annually, or 12,500 over 5 years, including a seasonal homeless emergency shelter and a transitional shelter for women recovering from alcohol/drug addictions and their children, and case management for families and/or individuals who are homeless or at risk of homelessness. Note that persons assisted may receive services over multiple years, duplicating numbers over the 5-year period.
20	**Goal Name**	At-risk Housing Services
	Goal Description	Use CDBG funding to support programs for at-risk youth. Support a shelter for runaway or homeless youth, serving 72 to 73 persons annually, or 364 over 5 years. Support services for abused or neglected children, serving 21 to 22 persons annually, or 109 over 5 years.

21	**Goal Name**	Child Care Services
	Goal Description	Use CDBG funding to support programs for at-risk youth. Support a shelter for runaway or homeless youth, serving 72 to 73 persons annually, or 364 over 5 years. Support services for abused or neglected children, serving 21 to 22 persons annually, or 109 over 5 years.
22	**Goal Name**	Public Improvements - Accessibility
	Goal Description	Use CDBG dollars to fund improvements to address accessibility issues for persons with disabilities. Fund Americans with Disabilities Act (ADA) accessibility improvements in 3 public buildings over 5 years. Install of ADA-compliant curb ramps at 6 priority intersections over 5 years.
23	**Goal Name**	Street Paving
	Goal Description	Use CDBG funds to pave streets in low-income areas where such amenities are non-existent or in a state of neglect. Pave 12 streets over 5 years.
25	**Goal Name**	Senior Housing Production
	Goal Description	Use CDBG and HOME funds to promote construction as well as the rehabilitation and improvement of existing very low-, low-, and moderate-income senior housing. Construct or provide housing rehabilitation and improvement assistance to 25 senior households annually, or 125 households over 5 years.
26	**Goal Name**	Senior Supportive Services
	Goal Description	Use CDBG to fund supportive services for senior residents such as food delivery and nutritional education programs. Provide supportive services to 175 seniors annually, or 875 seniors over 5 years.
27	**Goal Name**	Supportive Housing
	Goal Description	Use CDBG and HOME funds to promote construction as well as the rehabilitation and improvement of existing very low-, low-, and moderate-income housing for persons with disabilities, mental illness, and substance addictions. Construct or provide housing rehabilitation and improvement assistance to 18 units in supportive housing facilities annually, or 90 units over 5 years

28	**Goal Name**	Supportive Services - Housing
	Goal Description	Use CDBG to fund supportive services for persons with disabilities, mental illness, and substance addictions Provide supportive services to 250 special needs residents annually, or 1,250 persons over 5 years.
29	**Goal Name**	Services - Anti-poverty
	Goal Description	Public services to the general public that are intended to address the conditions of poverty and alleviate poverty. Programs include food aid, transportation, and substance abuse treatment.

Table 6 – Goal Descriptions

Estimate the number of extremely low-income, low-income, and moderate-income families to whom the jurisdiction will provide affordable housing as defined by HOME 91.215(b):

All assistance will be provided to very low and low-income households *(10 households in total – breakdown pending).*

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AP-35 Projects – 91.220(d)

Introduction

The activities to be undertaken during 2016-17 are summarized below.

#	Project Name
1	City of Modesto ESG
2	Boys & Girls Clubs of Stanislaus County (West Modesto Boys & Girls Club)
3	CASA of Stanislaus County (CASA of Stanislaus County Direct Service Project)
4	Center for Human Services (Pathways)
5	Children's Crisis Center of Stanislaus County, Inc. (Audrey's House)
6	City of Modesto (Recreation Public Service)
7	Haven Women's Center (Domestic Violence Shelter)
8	Howard Training Center (Senior Meals Program)
9	Family Promise of Greater Modesto (Renter Restoration & Prevention Services)
10	Parent Resource Center (Mom's Moments Plus Parenting Education)
11	Second Harvest Food Bank (Food Assistance and Food 4 Thought)
12	United Samaritans Foundation (Daily Bread Mobile Lunch Program)
13	Archway Commons Phase II
14	Stanislaus County Affordable Housing Corporation (1317 Coffee Villa, Modesto, California)

Table 7 – Project Information

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Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

The City of Modesto is located within Stanislaus County, in Northern California. The attached maps show the census tracts that will be the focus of assistance during the program year. The first map shows the low-income census tracts where median household incomes are below 80% of the area's median income. The second map shows the areas of minority concentration for those who identified themselves as Hispanic, Black-African/American, Asian, and American Indian/Alaskan Native.

If 51 percent or more of the households in a given Census Tract qualify as low- or moderate-income, or 51 percent or more of the population are members of minority groups, then the tract is defined as an area of concentration. Nine Census Tracts mainly located along Highway 99 and surrounding downtown Modesto, have low- or moderate-income concentrations. Fourteen Census Tracts, including most of the Census Tracts west of Highway 99 and a couple other tracts on the edges of the City of Modesto limits, have minority concentrations.

- In the funding of all projects, and in providing assistance to specific beneficiaries, the City of Modesto will ensure:
- Documentation of the low- and moderate-income status of individuals/households, or
- The area where a project benefit will be realized has a population where at least 51% of the residents are low-and moderate-income, or
- A slum and blight project meets the criteria for such projects.

The availability of funding from both federal and State sources is a key determinant of the City of Modesto's ability to address identified needs. Budget problems at both the federal and State levels make funding for housing programs uncertain. Partly to make the most of limited resources, the City of Modesto has formed partnerships with a variety of governmental, non-profit, and service agencies to combine resources to implement programs related to housing and community development needs.

Current funding leveraging requirements;

- Not enough services to support the diverse population in affordable housing communities;
- Need to better combine housing with supportive services;
- Limited resources;
- Prevailing wage requirements;
- Resident perceptions of various services may hinder them from accepting assistance;
- Current housing market and economic conditions; and
- Need for more education and dissemination of information.

There is also a tremendous need for affordable housing including rental and homeownership units. The City of Modesto utilizes HOME funds for the development of housing units and CDBG funds for homebuyers' assistance loans for income eligible households.

Also the City of Modesto has a large number of old housing units that need repairs. The City of Modesto offers rehabilitation loans as well as grants for the repairs needed by income eligible households.

Another obstacle is the impact of the national housing market downturn on local housing production. As of the time of publication, financing for private sector housing projects is almost non-existent. It is difficult, if not impossible, for housing developers to gather the necessary private equity investment, debt financing, and multiple sources of grants to fund projects.

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Projects

AP-38 Projects Summary

Project Summary Information

Table 8 – Project Summary

1	**Project Name**	ESG16 City of Modesto
	Target Area	Not targeted by area
	Goals Supported	Emergency Shelter Beds Supportive Services - Homeless Transitional Housing Units Permanent Supportive Housing Housing Crisis Counselling HMIS Implementation
	Needs Addressed	HM-1 Address Chronic Homelessness HM-2 Increase transitional housing HM-3 Provide permanent supportive housing HM-4 Prevent Homelessness for those at Risk HM-5 Coordinated case management
	Funding	ESG: $166,397
	Description	The 2016 Federal Fiscal Year allocation of ESG funds for the City of Modesto are planned to provide outreach to persons living on the street, operate a shelter for the homeless, provide utility assistance and emergency rental assistance to prevent homelessness, implement rapid re-housing strategies and for program administration and data collection through HMIS.
	Target Date	6/30/2017

	Estimate the number and type of families that will benefit from the proposed activities	Community Housing & Shelter Services - Activity will serve 15 unduplicated households, in conjunction with FY15 City of Modesto CDBG award. Center for Human Services - Activity will serve 20 unduplicated beneficiaries in conjunction with FY15 City of Modesto CDBG award. Family Promise of Greater Modesto - Activity will serve 24 unduplicated beneficiaries in conjunction with City of Modesto FY15 ESG award. The Salvation Army, Modesto Citadel - Activity will serve 750 unduplicated beneficiaries in conjunction with FY15 City of Modesto CDBG award.
	Location Description	All activities will take place within the City of Modesto limits and with all eligible households and/or persons.
	Planned Activities	1. ESG Administration - @ 6% = $11,753.63 2. Community Housing & Shelter Services @ 29 % = $60,000 (HPRP) - Provide ESG assistance to eligible households experiencing homelessness and at risk of experiencing homelessness. Sub-recipient is to provide ESG assistance to local U.S. Department of Housing and Urban Development (HUD) – U.S. Department of Veterans Affairs (VA) Supportive Housing (HUD VASH) program participants to the maximum extent possible. 3. Center for Human Services (CHS) - Pathways @ 15% = $30,000 (Shelter) - Pathways is a transitional living program that serves up to 16 youth, ages 18-22, who are experiencing homelessness. Pathways' mission is to support young adults in their journey toward self-sufficiency. Program participants may stay in the program, rent-free, for up to 21 months. 50% of any money they receive is put into savings which is returned to them at program exit. Youth enter Pathways with mental health issues, including trauma, a lack of education and work experience, and 60-85 percent engage in substance use. Ninety-five to 100 percent have experienced negative consequences as a result of a family member's addiction. To address these barriers to success, program participants are offered intensive case management, substance abuse and mental health counseling, and a variety of life skills lessons, including job preparation and skills necessary to search for and maintain a job. Without intervention, the outcomes for these youth are poor;

		affecting the community through higher costs for public assistance, hospitalization, incarceration, and crime. The work Pathways does reduce the possibility that these youths become the next generation of those who experience chronic homelessness. 4. Family Promise of Greater Modesto (FPOGM) - Case Management @ 18% = $37,280 (Shelter) - Family Promise of Greater Modesto brings faith communities together to address homelessness and to support families in their journeys toward stable housing and self-sufficiency by connecting them to necessary resources while providing warmth and shelter. Family Promise does this through daily intensive case management and a network of 14 diverse congregations (representing more than 600 volunteers) in the community who provide shelter, food, and fellowship (without proselytizing) in their respective facilities on a rotating basis. 5. The Salvation Army – Berberian Emergency Shelter @ 32% = $65,129 (Shelter) - Operation of the Berberian Homeless Shelter and Transitional Living Center, lodging to approximately 115 unduplicated adults experiencing homelessness on any given evening. American Red Cross - Disaster/Housing Crisis Assistance
2	**Project Name**	Boys & Girls Clubs of Stanislaus County (West Modesto Boys & Girls Club)
	Target Area	Not targeted by area
	Goals Supported	Services - Anti-poverty
	Needs Addressed	CD-3 Provide Public Services for Residents
	Funding	CDBG: $42,000
	Description	The Boys & Girls Clubs of Stanislaus County will provide a number of innovative and promising programs and strategies through its Formula for Impact programs. The Boys & Girls Clubs of Stanislaus County will serve youth ages 6 to 18 at the West Modesto Boys & Girls Clubs in Mellis Park.
	Target Date	6/30/2017
	Estimate the number and type of families that will benefit from the proposed activities	250 youth/children

	Location Description	King/Kennedy Center, 601 South Martin Luther King Drive, Modesto, CA 95351
	Planned Activities	The Boys & Girls Clubs of Stanislaus County will serve youth ages 6 – 18 at the West Modesto Boys & Girls Clubs in Mellis Park. The Boys & Girls Clubs of Stanislaus County, will provide a number of innovative and promising programs and strategies through its Formula for Impact that will result in our members achieving the following Priority Outcomes. 1) Academic success - Graduate from high school ready for college, trade school, military or employment; 2) Good Character & Citizenship - Be an engaged citizen involved in the community, register to vote and model strong character; 3) Healthy Lifestyles - Adopt a healthy diet, practice healthy lifestyle choices and make a lifelong commitment to fitness. The West Modesto Club will annually serve 250 unduplicated members 6-18 years of age, Monday – Thursday, 3 PM – 7 PM with an estimated daily attendance of 100-120 youth. Occasionally specialized programs, services and events will be held on Fridays and Saturdays. Boys & Girls Clubs of Stanislaus County maintains a 20:1 staffing ratio. Based upon the estimated daily attendance, 6 adults are required during program hours. A Program Director will work an average of 6 hours per day. Youth Development Professionals will work 4 hours per day. Services will target ages 6-13 from 3:00 PM – 6:00 PM, with a limited number of high school youth 14-18 years participating as peer counselors during this period. From 6:00PM-7:00PM, the focus will be on the high school age group.
3	**Project Name**	CASA of Stanislaus County (CASA of Stanislaus County Direct Service Project)
	Target Area	Not targeted by area
	Goals Supported	Services - Anti-poverty
	Needs Addressed	CD-3 Provide Public Services for Residents
	Funding	CDBG: $18,500
	Description	CASA of Stanislaus County (CASA of Stanislaus County Direct Service Project)
	Target Date	6/30/2017
	Estimate the number and type of families that will benefit	38 youth/children

	from the proposed activities	
	Location Description	CASA of Stanislaus County office, 800 11th Street, 4th Floor, Modesto, CA 95353
	Planned Activities	CASA provides coordinated case management to address the needs of dependent youth. CASA is a program that significantly meets the needs of 'at-risk' youth. The services directly benefit a vulnerable 'low-income' population (children by definition are not in control of their resources and all of the youth in foster care, regardless of age, often live in very modest to poor conditions). This program meets an urgent community development need. For our community to thrive, we must provide proactive services for a marginalized population who cannot (yet) provide for themselves, our children. This is a unique program. It is supported (and recruited) by the Stanislaus County Superior Court to provide advocacy services for children in dependency. When a child is first placed in foster care, their future is undecided. Will they return home? What services will ensure the child's safety? Is adoption by a family member or a foster guardian a better option? While the courts grapple with these crucial questions, they are also beset by high caseloads and insufficient funding. This is where CASA comes in. CASA advocates works with everyone involved and make independent, informed recommendations on the child's behalf directly to the Judge who makes all orders regarding the case. The dedication of CASA volunteers allows judges to ensure successful outcomes for children. For many abused children, their CASA volunteer will be the one constant adult presence in their lives. Independent research has demonstrated that children with a CASA volunteer who have a chance at either reunification with their family or an opportunity to be adopted are substantially less likely to spend time in long-term foster care and less likely to reenter care.
4	**Project Name**	Center for Human Services (Pathways)
	Target Area	Not targeted by area
	Goals Supported	Services - Anti-poverty
	Needs Addressed	CD-3 Provide Public Services for Residents
	Funding	CDBG: $25,900
	Description	Pathways is a 16 bed transitional living program that addresses the need for shelter and support services for homeless youth 18 to 21 years of age. Shelter is provided up to 21 months.

	Target Date	6/30/2017
	Estimate the number and type of families that will benefit from the proposed activities	25 homeless
	Location Description	608 E. Granger Avenue Unit 25, Modesto, CA 95350
	Planned Activities	Using a youth development and trauma informed approach, Pathways seeks to promote the social and emotional wellbeing of the youth people it serves. Services provided through Pathways include outreach strategies that take into account the complexities of language, culture and sexual identity. Services are designed to meet the immediate needs of youth including ensuring that the program's environment is welcoming and safe. Youth are individually assessed to determine their specific needs and how to best meet them. Assessments are administered by the case manager, substance abuse counselor and mental health counselor to determine the youth's current level of functioning. The focus is on strengths, which are celebrated and built upon. Skills that are missing or need strengthening are discussed with the young person. An Individual Service Plan for addressing short and long term goals as defined by the youth is created between the youth and the case manager. If the youth determines that identified skills deficits are a barrier to achieving his or her goals, plans to address those deficits are developed. Case management and counseling (mental health and substance abuse) meetings are available weekly to discuss steps toward reaching goals and any barriers that may have occurred. Additional support services available to youth include: basic life, interpersonal and job skills training, assistance with obtaining medical care and advancing educational opportunities, service learning opportunities, recreation, referral and after care services. Pathways works closely with a variety of community partners. The community partners inform young people of Pathways' services. Once a youth enter Pathways, the community partner provides vital service linkages to help support the youth's safety, well-being, permanent connections and self-sufficiency.
5	**Project Name**	Children's Crisis Center of Stanislaus County, Inc. (Audrey's House)
	Target Area	Not targeted by area

	Goals Supported	Services - Anti-poverty
	Needs Addressed	CD-3 Provide Public Services for Residents
	Funding	CDBG: $21,346
	Description	Children birth to 6 years of age will be welcomed into Audrey's House to receive safety, solace and compassionate care.
	Target Date	6/30/2017
	Estimate the number and type of families that will benefit from the proposed activities	100 youth/children
	Location Description	141 Kimble Street, Modesto, CA 95354
	Planned Activities	This proposal represents a new project in Modesto to provide emergency child care, shelter, meals, crisis intervention and specialized prevention services to a disadvantaged population of high-risk infants, toddlers, preschool and school-age children living in Modesto. This project will provide essential care services to an impoverished population of children, growing up in families afflicted by generational abuse, domestic violence, extreme poverty, substance abuse, mental illness or homelessness. These children will be from high risk families living in very low to moderate low income households (below 80% of the area median income), enduring various social and economic difficulties. They will have experienced traumas stemming from exposure to family conflict and crisis. This project will operate from a home setting located at 141 Kimble Street in Modesto and will be called Audrey's House. From this location nurturing CCC staff specializing in child development, crisis counseling, meal services, crisis management, and human services will tend to the physical, emotional, therapeutic, educational and nutritional needs of each child. Children birth to 6 years of age will be welcomed into Audrey's House to receive safety, solace and compassionate care. These young children will be welcomed with food, clean clothing, emotional support, and comfort, along with medical screenings, crisis counseling, and developmental assessments. Their stay will last a few hours or a few days based on their assessed circumstances and family needs. Audrey's House will shield children from situations that threaten their well-being and will also offer troubled parents the support and tools necessary to

		overcome anxieties related to poverty, substance abuse, homelessness, domestic violence, unemployment and evictions. Audrey's House is projected to serve 30 children (12 infants and toddlers; 18 preschool aged children) daily.
6	**Project Name**	City of Modesto (Recreation Public Service)
	Target Area	Not targeted by area
	Goals Supported	Services - Anti-poverty
	Needs Addressed	CD-3 Provide Public Services for Residents
	Funding	CDBG: $31,560
	Description	A variety of recreational programming for both at risk youth, young adults & senior citizens.
	Target Date	6/30/2017
	Estimate the number and type of families that will benefit from the proposed activities	200 seniors 1500 youth/children
	Location Description	Maddux Youth Center: 615 Sierra Drive, Modesto, CA. 95351 Neighborhood Center at Marshall Park (NCAMP): 420 Chicago Avenue, Modesto, CA. 95351 Senior Citizens Center: 211 Bodem Street, Modesto, CA. 95350 Burris Pool @ Sonoma Elementary: 1325 Sonoma Avenue, Modesto, CA. 95355
	Planned Activities	The City of Modesto Parks, Recreation, & Neighborhoods Department (PRN) will utilize this funding to provide a variety of recreational programming for at risk youth, young adults & senior citizens. PRN will provide no less than 10 distinct programs at 4 different sites meeting critical needs within the City of Modesto. The Maddux Youth Center offers programs designed to enrich the lives of at risk youth including the Youth Service Learning Program and Girls Circle. The Neighborhood Center at Marshall Park offers educational and wellness opportunities for at risk youth including STEAM youth program, Kids Time, and "up, down, all around." The Senior Citizens Center and the Burris Pool offer safe exercise

		opportunities for community seniors who need the resources to age actively and safely.
7	**Project Name**	Haven Women's Center (Domestic Violence Shelter
	Target Area	Not targeted by area
	Goals Supported	Services - Anti-poverty
	Needs Addressed	CD-3 Provide Public Services for Residents
	Funding	CDBG: $37,402
	Description	Shelter to provide survivors in danger with immediate access to safe shelter; increase knowledge of how domestic violence and trauma has impacted their family; increase access to services and reduce isolation; and assist clients in addressing safety concerns so that they become safe enough to access permanent housing.
	Target Date	6/30/2017
	Estimate the number and type of families that will benefit from the proposed activities	197 homeless persons
	Location Description	Confidential
	Planned Activities	Haven's domestic violence shelter supports survivors seeking safety and healing. Victims fleeing abuse who are homeless or imminently homeless because of domestic violence, sexual assault, or human trafficking are eligible for up to six weeks of shelter in a confidential location. While in the shelter, participants receive crisis intervention, safety planning, peer counseling, legal advocacy, and support groups for adults and children affected by trauma. The goals of the shelter program are to provide survivors in danger with immediate access to safe shelter; increase knowledge of how domestic violence and trauma has impacted their family; increase access to services and reduce isolation; and assist clients in addressing safety concerns so that they become safe enough to access permanent housing. The shelter is staffed by trained advocates 24 hours a day. Shelter staff are also responsible for

		answering Haven's 24-hour domestic violence and sexual assault crisis lines. While this job duty is directly in line with the shelter's service mission it does create a barrier for shelter residents to have adequate access to support. The CRS will fill a gap in services so that shelter residents have consistent access to an advocate that can assist them in managing crisis situations, safety planning and receiving referrals to address barriers to finding safe permanent housing options.
8	**Project Name**	Howard Training Center (Senior Meals Program)
	Target Area	Not targeted by area
	Goals Supported	Services - Anti-poverty
	Needs Addressed	CD-3 Provide Public Services for Residents
	Funding	CDBG: $29,772
	Description	This program provides fresh hot or frozen meals Monday through Friday to Seniors 60 years and older. The Congregate Meal Sites offer a nutritious hot meal, socialization and opportunities to remain engaged in the community.
	Target Date	6/30/2017
	Estimate the number and type of families that will benefit from the proposed activities	953 seniors
	Location Description	Howard Training Center: 1424 Stonum Rd, Modesto CA Modesto Senior Center: 211 Bodem St, Modesto CA Marple Manor: 530 Coffee Rd, Modesto CA Ralston Tower: 900 17th St, Modesto CA Mancini Hall: 718 Tuolumne Rd, Modesto CA
	Planned Activities	Our Senior Meals program provides fresh hot or frozen meals Monday through Friday to Seniors 60 years and older. The Congregate Meal Sites offer a nutritious hot meal, socialization and opportunities to

		remain engaged in the community. For seniors who are not able to leave their home due to emotional or health problems a meal is delivered to their door twice a week, with a total of five meals. The Senior Meal Program targets seniors in the following categories: low income, ethnic minority, frail elderly, individuals with disabilities, and rural and otherwise isolated individuals. Meals provided to seniors help them remain healthy and independent. Each meal provides the senior with 1/3rd the daily nutritional requirements.
9	**Project Name**	Family Promise of Greater Modesto (Renter Restoration & Prevention Services)
	Target Area	Not targeted by area
	Goals Supported	Services - Anti-poverty
	Needs Addressed	CD-3 Provide Public Services for Residents
	Funding	CDBG: $17,299
	Description	Provide education to help participants become better tenants with a goal of restoration to the mainstream rental market.
	Target Date	6/30/2017
	Estimate the number and type of families that will benefit from the proposed activities	20 families
	Location Description	Modesto Church of the Brethren: 2301 Woodland Avenue, Suite 8, Modesto CA 95358.
	Planned Activities	As a provider of shelter and rental assistance, Family Promise frequently assists families who are homeless due to an eviction. With the current competitive rental market and increased use of property management companies, these families are finding few, if any, landlords willing to rent to them. Even with Rapid Re-Housing assistance, the difficulty finding units is resulting in longer shelter stays than in the past. In order to address this challenge and in an effort to reduce the length of time that families are homeless, Family Promise proposes a new program with two-fold approach to address this problem. First, the program will provide education to help participants become better tenants with a goal of restoration to the mainstream rental market. We will also reach out to landlords to determine what would be

		required to accept a previously evicted tenant and work with them to establish a plan and a financial guarantee that will minimize risk and encourage landlord participation. Our second component will consist of long-term case management designed to provide gap support to families as they transition from public assistance to independence. We propose to utilize a progressive case management model, providing only the resources necessary to overcome barriers but not readily available from another source. The anticipated outcome for this project is families obtaining and maintaining permanent housing.
10	**Project Name**	Parent Resource Center (Mom's Moments Plus Parenting Education)
	Target Area	Not targeted by area
	Goals Supported	Services - Anti-poverty
	Needs Addressed	CD-3 Provide Public Services for Residents
	Funding	CDBG: $20,819
	Description	Mom's Moments Plus, a 12-week parenting education program enhanced with life skills education.
	Target Date	6/30/2017
	Estimate the number and type of families that will benefit from the proposed activities	100 LMI persons
	Location Description	Parent Resource Center: 811 5th Street Modesto, CA, 95351 Modesto Gospel Mission: 1400 Yosemite Blvd, Modesto, CA, 95354 (part of collaborative effort) Salvation Army: 625 I Street Modesto, CA, 95354 (part of collaborative effort)
	Planned Activities	The PRC will target Modesto low-income mothers and their at-risk children and partner with The Salvation Army and the Modesto Gospel Mission to provide Mom's Moments Plus, a 12-week parenting education program enhanced with life skills education. The PRC will follow the Nurturing Parenting program developed by Dr. Stephen J. Bavolek and used successfully for more than 10 years. The curriculum is centered on the family, trauma informed, and designed to build nurturing parenting skills.

		According to the program, one of the long-term goals is to prevent recidivism in families receiving social services and stop the inter-generational cycle of child abuse. A successful program will demonstrate short- and long-term outcomes through survey measurement and case management/home visit follow-up. Outcomes include improved parenting skills as well as family functioning. Through these outcomes, Mom's Moments Plus will play an important role in improving stability for our region's families. To accomplish this goal, the following objectives have been developed: 1) Successful program completion rate; 2) Increased in knowledge of nurturing parenting skills; 3) Improvement in family communication; 4) Increased in knowledge of life skills. Classes, with child care, and services will be provided at no cost to families.
11	**Project Name**	Second Harvest Food Bank (Food Assistance and Food 4 Thought)
	Target Area	Not targeted by area
	Goals Supported	Services - Anti-poverty
	Needs Addressed	CD-3 Provide Public Services for Residents
	Funding	CDBG: $29,428
	Description	Second Harvest Food Bank provides food assistance to those who are low-income and food insecure.
	Target Date	6/30/2017
	Estimate the number and type of families that will benefit from the proposed activities	30,500 LMI
	Location Description	Baptist Temple of Modesto: 705 Paradise Rd., Modesto, CA, 95351 Big Valley Grace: 4040 B Tully Rd., Modesto, CA, 95356 C.F.H.S., Hutton House: 201 Jennie Street, Modesto, CA, 95354 Carpenters House: 1105 S Carpenter Rd., Modesto, CA, 95351

		Davis Park Church of Christ: 901 W Rumble Road, Modesto, CA, 95350 Eastridge Community Church: 2300 E Briggsmore Ave., Modesto, CA, 95355 The Father's House: 346 Burney Street, Modesto, CA, 95354 Interfaith Ministries: Modesto 120 Kerr Avenue, Modesto, CA, 95354 Medical Ambassadors: 523 Martin Luther King Dr., Modesto, CA, 95351 Modesto Central SDA: 602 16th Street, Modesto, CA, 95354 Nineveh Outreach/The House Modesto: 1601 Coffee Rd., Modesto, CA, 95355 Nirvana Drug & Alcohol: 1028 Reno Ave., Modesto, CA, 95351 Parent Resource Center: 811 5th St., Modesto, CA, 95351 Salvation Army - Red Shield: 1649 Las Vegas St., Modesto, CA, 95358 Second Baptist Church: 529 B California Ave., Modesto, CA, 95351 Sierra Vista - Kirk Baucher School: 2524 Finney Road, Modesto, CA, 95358 St. Vincent De Paul - St. Joseph's: 1813 Oakdale Road, Modesto, CA, 95355 United Pentecostal Church of Modesto: 825 7th Street, Modesto, CA, 95354 Victory in Praise Church: 720 G Street Modesto, CA, 95354 The Well Community Fellowship: 2500 Claus Rd., Modesto, CA, 95355 Valley Oaks: 1513 Ohio Ave., Modesto, CA, 95358 Food 4 Thought Elementary Sites: Agnes Baptist: 1825 Cheyenne Way, Modesto, CA, 95356 Chrysler: 2818 Conant Ave., Modesto, CA, 95350 Eisenhut: 1809 Sheldon Dr., Modesto, CA, 95350 Franklin: 120 S. Emerald Ave., Modesto, CA, 95351

	Planned Activities	Second Harvest Food Bank provides food assistance to those who are low-income and food insecure. Second Harvest's Food Assistance Program interacts with non-profit charities that have a food pantry program of their own. We are currently partnering with 22 non-profit agencies in the City of Modesto. Second Harvest provides low-income children and their families supplemental groceries at school sites in the City of Modesto. The Food 4 Thought Program is provided at 4 school sites in the City of Modesto. Second Harvest Food Bank is requesting $40,000 to help support our distribution efforts in the City of Modesto. For the 2016-2017 fiscal year we anticipate utilizing the funds to serve 30,500 unduplicated individuals, children, seniors, and families with total of 1.4 million pounds of supplemental groceries, including fresh fruits and vegetables.
12	**Project Name**	United Samaritans Foundation (Daily Bread Mobile Lunch Program)
	Target Area	Not targeted by area
	Goals Supported	Services - Anti-poverty
	Needs Addressed	CD-3 Provide Public Services for Residents
	Funding	CDBG: $14,172
	Description	The Daily Bread Mobile Lunch Program delivers nutritious meals directly into the neighborhoods where extremely low, very low income, low income, and homeless individuals reside.
	Target Date	6/30/2017
	Estimate the number and type of families that will benefit from the proposed activities	450 LMI
	Location Description	1416 Maze Blvd., St. Stanislaus Parish, Modesto, CA, 95351
	Planned Activities	The Daily Bread Mobile Lunch Program delivers nutritious meals directly into the neighborhoods where extremely low, very low income, low income, and homeless individuals reside. Our program ensures that persons living in these neighborhoods have access to at least one nutritious meal a day, five days a week.

		During the week we provide as many extras (milk, juice, bread eggs, yogurt and fresh produce, etc.) as we have available to supplement their diet with nutritious foods. Delivering these meals and extras directly into neighborhoods provides supportive services that enable residents to remain in independent living situations. We also distribute information regarding other supportive services such as local food box programs, holiday food box programs, the CalFresh Program, and other services that can assist those who are at risk. In 2015, USF served a total of 112,332 meals - 9,361 meals each month (on average) - 1,872 meals each week (on average) in the City of Modesto. Our goal is to use this funding to provide meals for at least 450 UNDUPLICATED individuals.
13	**Project Name**	Archway Commons Phase II
	Target Area	Not targeted by area
	Goals Supported	Rental Housing Construction
	Needs Addressed	H-1 Increase affordable rental housing
	Funding	HOME: $717,504
	Description	Archway Commons Phase II will provide an additional 74 affordable rental units at the existing Archway Commons Phase I multi-family housing development.
	Target Date	06/30/2018
	Estimate the number and type of families that will benefit from the proposed activities	74 LMI and VLI renter households
	Location Description	1101 Carver Rd, Modesto, CA, 95350
	Planned Activities	Archway Commons Phase II will provide an additional 74 affordable rental units at the existing Archway Commons Phase I multi-family housing development. All units will be income restricted. It is expected

		that at least 11 units will be HOME units. Rents will be affordable to low-income and very low-income households. The current property is at capacity with a long waiting list.
14	**Project Name**	Stanislaus County Affordable Housing Corporation (1317 Coffee Villa, Modesto, California)
	Target Area	Not targeted by area
	Goals Supported	Transitional Housing Units
	Needs Addressed	HM-2 Increase Transitional Housing
	Funding	CDBG: $400,000
	Description	Provide transitional housing for 6 individuals.
	Target Date	12/31/2016
	Estimate the number and type of families that will benefit from the proposed activities	6 VL, LMI, persons with mental disabilities; persons with alcohol or other addictions
	Location Description	1317 Coffee Villa, Modesto, California, CA, 95355
	Planned Activities	Provide transitional housing for 6 individuals.

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AP-50 Geographic Distribution – 91.220(f)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

Assistance will be primarily but not exclusively directed towards primarily residential low-income areas. The City has not established a percentage of funding that is to be directed to low-income areas.

Geographic Distribution

Target Area	Percentage of Funds
LOW INCOME CENSUS TRACTS	Not targeted by area

Table 9 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

The City of Modesto is located within Stanislaus County, in Northern California. The maps included in the 2015-20 Consolidated Plan show the census tracts that will be the focus of assistance during the term of the five-year plan. The first map shows the low-income census tracts where median household incomes are below 80% of the area's median income. The second map shows the areas of minority concentration for those who identified themselves as Hispanic, Black-African/American, Asian, and American Indian/Alaskan Native.

If 51 percent or more of the households in a given Census Tract qualify as low- or moderate-income, or 51 percent or more of the population are members of minority groups, then the tract is defined as an area of concentration. Nine Census Tracts mainly located along Highway 99 and surrounding downtown Modesto, have low- or moderate-income concentrations. Fourteen Census Tracts, including most of the Census Tracts west of Highway 99 and a couple other tracts on the edges of the City of Modesto limits, have minority concentrations.

In the funding of all projects, and in providing assistance to specific beneficiaries, the City of Modesto will ensure:

- Documentation of the low- and moderate-income status of individuals/households, or
- The area where a project benefit will be realized has a population where at least 51% of the residents are low-and moderate-income, or
- A slum and blight project meets the criteria for such projects. See AP-50 Geographic Distribution above.

Discussion

No additional discussion.

Affordable Housing

AP-55 Affordable Housing – 91.220(g)

Introduction

The City of Modesto offers programs to assist working families in obtaining or maintaining a home. The City of Modesto offers many programs to assist with the provision of affordable housing, using contracts that ensure that the units remain affordable. Publicly-assisted housing in the City of Modesto includes housing developments that were subsidized with low-interest loans and rent subsidies through various HUD and Federal Housing Administration (FHA) programs, City of Modesto funding programs, and a variety of other private funding programs. According to the City of Modesto's Housing Element, the City of Modesto can maintain the existing affordable housing stock by preserving existing assisted housing assisted units or by replenishing the affordable housing inventory with new units.

One Year Goals for the Number of Households to be Supported	
Homeless	100
Non-Homeless	500
Special-Needs	50
Total	650

Table 10 - One Year Goals for Affordable Housing by Support Requirement

One Year Goals for the Number of Households Supported Through	
Rental Assistance	14
The Production of New Units	10
Rehab of Existing Units	7
Acquisition of Existing Units	2
Total	33

Table 11 - One Year Goals for Affordable Housing by Support Type

Discussion

No additional discussion.

AP-60 Public Housing – 91.220(h)

Introduction

There are 432 public housing units in the City of Modesto, and all but eight units are currently occupied. None of the units are substandard. There are 3,345 applications combined for all of the housing programs run by the Stanislaus Housing Authority including public housing, Section 8 housing (Housing Choice Voucher), as well as other affordable housing programs. It is unknown how many of the applications are from City of Modesto residents. The Section 504 needs assessment of public housing units from the Stanislaus County Housing Authority indicates that in the City of Modesto there are 28 housing units available for the physically impaired (five one-bedroom units, 12 two-bedroom, and 11 three-bedroom units), seven units for the visually impaired (three one-bedroom, two two-bedroom, and two three-bedroom units), and seven units for the hearing impaired (4 one-bedroom, and 3 three-bedroom units). This equates to a total of 42 units for the physically, visually, and hearing impaired in the City of Modesto. The Stanislaus County Housing Authority estimates in the Authority's Five Year Plan for Fiscal Years 2009-2013 that about 15 percent of the families on the waiting list for public housing are families with disabilities (about 560 families).

Actions planned during the next year to address the needs to public housing

Goals contained in the City of Modesto's 2015-2018 Strategic commitments are also relevant to this PY 2016-17 Annual Action Plan:

Healthy Economy & Great Quality of Life (Increase the City of Modesto's proactive economic development efforts by creating and preserving jobs, strengthening our economic base and enhancing the City of Modesto's revenue base)

- Adopt a revised comprehensive General Plan
- Promote new and expanding businesses through targeted incentives
- Adopt a proactive approach for bringing utilities to identified business development areas
- Leverage the airport as a regional asset to encourage economic development

Vibrant Infrastructure & Sustainable Environment (Strengthen and maintain a safe infrastructure of City of Modesto roads, water supply, storm sewers, transit and airport needs for residents, businesses and visitors.)

- Maintain the current (PCI) Rating
- Effectively plan and manage infrastructure assets
- Enhance regional partnerships to effectively manage all water resources in the County

- Expand alternative modes of travel and improve transportation flow
- Explore opportunities for regional cooperation and service delivery

Great Safe Neighborhoods (Explore new approaches to public safety, working in partnership with the community to reduce crime and maintain a safe and inviting community in which to live, work and play. Increase collaboration with neighborhoods and school district(s) to achieve quality of life improvements, and safe neighborhoods through supporting community self-reliance, problem solving and public/private partnerships.)

- Explore progressive crime and fire prevention techniques
- Ensure the effective use and efficient deployment of public safety resources based on local need Increase public safety coordination and communication among all City of Modesto departments
- Grow neighborhood leadership and capacity and identify self-help strategies to strengthen neighborhoods
- Support positive youth activities and engagement
- Increase public awareness of City of Modesto-provided services and partnership opportunities
- Create additional strategic objective on implementing best practices (homeless; graffiti)

Effective Responsive & Transparent Government (Enhance the organizations' commitment to the 9 principles of EMBRACE IT, develop new and creative methods to leverage technology, market organizational strengths and remain dedicated to seeking efficiencies and continuous improvement.)

- Enhance the marketing of City of Modesto services and accomplishments
- Improve teamwork through enhanced Council, executive level, and staff communication channels
- Make Modesto an employer of choice
- Make informed decisions embracing best practices and continuous improvement
- Implement technology solutions for improved efficiency and service delivery

Actions to encourage public housing residents to become more involved in management and participate in homeownership

The Housing Authority provides homeownership resources to participants in the Housing Choice Voucher Program. The Family Self-Sufficiency (FSS) Program has established partnerships with a variety of community resources to refer participants for services including pre- and post-secondary education, health care, child care, employment development, supported employment, and small business

development including micro-loans. The FSS Program also encourages families to participate in financial wellness programs including financial literacy and credit repair with an emphasis on long-term financial stability for the purposes of homeownership. Supportive services are provided through the Community Impact Central Valley (CICV), the Stanislaus County Department of Mental Health, or Stanislaus County Integrated Services Agency. The Stanislaus Housing Authority previously implemented a services and communication "quality control" system that provides the Stanislaus Housing Authority with immediate customer feedback and identifies areas that may need improvement. The Housing Authority has also implemented a resident education program with regularly scheduled meetings and written communications on agency policy, rules, and leases.

Efforts to improve communications with residents and program participants include: on site resident training/informational meetings, regular newsletters and flyers. The Stanislaus Housing Authority has implemented a "curb-side" appearance program. The focus of the program is the exterior of buildings, parking areas, play grounds and other areas of the complexes. Rodent and insect problems are addressed when residents report a problem and/or on Annual Inspections. In an effort to better education residents concerning these problems, information is regularly provided through the Stanislaus Housing Authority newsletter. These actions have assisted the Stanislaus Housing Authority in creating an atmosphere which emphasizes customer satisfaction and communication.

If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance

The PHA is not troubled.

Discussion

No additional discussion included.

AP-65 Homeless and Other Special Needs Activities – 91.220(i)

Introduction

The City of Modesto participates in the Stanislaus CoC to develop and implement regional goals and strategies (outlined in this section) to address and end homelessness. The goal of the Homeless Strategy is to increase housing stability and decrease incidents of homelessness in Stanislaus County by targeting funds to populations most in need, meeting both the immediate and long-term needs of the homeless, and avoiding the duplication of services by coordinating with service providers and the Stanislaus CoC.

The current focus of the Stanislaus CoC funding has been to provide permanent supportive housing (PSH) for the chronically homeless, homeless veterans and for homeless youth out of foster care. The Emergency Solutions Grant (ESG) Program provides both emergency shelter and rental assistance to help stably house homeless households with and without children and long-term homeless adults. ESG sub-grantees will assess individual clients' needs and will evaluate their potential for success in the appropriate program (Emergency, Transitional, Permanent Supportive Housing or Rental Assistance). If they are not able to offer the needed service, then clients will be referred to the appropriate resource.

Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The City of Modesto has participated in Stanislaus CoC's planning process to move individuals and families from homelessness to permanent housing and independent living through a network of housing linked to supportive services. The primary strategy document is the annual Stanislaus CoC Application. Additionally, the Stanislaus CoC is currently working with its members in the first steps toward a continuum-wide coordinated intake system.

Addressing the emergency shelter and transitional housing needs of homeless persons

As the county seat of Stanislaus County, the City of Modesto is where most all services (including shelter and transitional housing) are located in Stanislaus County. Therefore, many people experiencing homelessness who utilize available services live in Stanislaus County live in Modesto. The City of Modesto funds shelter activities to the maximum extent possible with CDBG Public Services and ESG (Hold-Harmless Need or HHN) funds. Other strategies designed to address homelessness, such as financial assistance and supportive housing, are carried out through other City of Modesto funding sources, such as using federal stimulus funds in partnership with the Housing Authority to build affordable housing designed to serve youth experiencing homelessness and other extremely low-income/homeless populations.

All ESG sub-recipients that carry out emergency shelter activities have a street outreach component to its operations. Additionally, these ESG sub-recipients also participate in the local Stanislaus CoC's point-in-time count, which affords them an opportunity to reach out to unsheltered persons. Also, through the Stanislaus CoC, the City of Modesto participates in the annual Street Relief event, which provides a variety of services (bike repair, veterinary, haircut, information and referral, etc.) to scores of persons experiencing homelessness, including unsheltered persons

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

These homeless subpopulations are a high priority for the City of Modesto, the Stanislaus CoC, and its Ten-Year Plan. The City of Modesto is coordinating with the Stanislaus CoC and U.S. Department of Veterans Affairs, allocated security deposit assistance to its sub-recipient, Community Housing and Shelter Services (CHSS) to provide this assistance to HUD-VASH program participants, as this particular assistance is not available through this otherwise comprehensive HUD-VA program.

Families and children experiencing homelessness is also prioritized as reflected by CDBG and ESG allocations to sub-recipients that serve these subpopulations (Center for Human Services, Children's Crisis Center, Haven Women's Center, and Family Promise).

City of Modesto, its ESG sub-recipients, and other partners are especially strategic in helping these subpopulations of persons experiencing homelessness. For example, City of Modesto's Homelessness Prevention and Rapid Re-Housing (HPRP) activities through Community Housing and Shelter Services includes the allocation of ESG funds for HUD-VASH program participants (veterans and/or their families experiencing homelessness) so that they may receive security deposit assistance, which is not available through this otherwise-comprehensive permanent supportive housing program. Another subpopulation that is targeted with ESG HPRP financial assistance is families with dependent children. In addition to helping these persons make the transition to stable housing using its ESG funds, the City of Modesto has invested millions of dollars using federal stimulus funds to develop, in partnership with its sub-recipient, the Housing Authority, a 32-unit complex designed to serve youth experiencing homelessness and former foster youth (ages 18-28) with permanent supportive housing. Center for Human Services' Pathways serves as a transitional supportive housing pathway to this 32-unit permanent supportive housing project.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly

funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs.

While a discharge coordination plan has yet to be developed and implemented locally, the City of Modesto does help lead in the coordination of the Stanislaus CoC's services. Furthermore, homelessness prevention assistance, while scarce, is provided through an ESG sub-recipient (Community Housing and Shelter Services). Foster care youth and those exiting the foster care system will be served through the City of Modesto partnership with the Housing Authority on the above-mentioned federal stimulus funded activity.

Discussion

No additional discussion.

DRAFT

AP-75 Barriers to Affordable Housing – 91.220(j)

Introduction

The goals from the City of Modesto's 2016 Housing Element are relevant to the Consolidated Plan requirements to remove barriers to affordable housing.

The City of Modesto adopted an Analysis of Impediments to Fair Housing Choice (AI) in 2015 that outlines the public policies that could potentially limit access to affordable housing. These public policies include: development plans and policies; zoning ordinances; building, occupancy, and health and safety codes, affordable housing development, public housing authoring collaboration, and community representation and participation. An example of a policy that incentivizes the development of affordable housing is a recently updated program that provides exemptions and/or deferrals of Capital Facilities Fees to for-profit or non-profit affordable housing developers, with special consideration given to CHDOs.

The City of Modesto in collaboration with other participating cities throughout the Northern San Joaquin Region (Smart Valley Places) have completed a Fair Housing and Equity Assessment (FHEA) that will inform the City of Modesto's updated AI in the next program year. The City of Modesto is also preparing for the change in AI guidelines as indicated in the Assessment of Fair Housing (AFH) final rule.

Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment

The City of Modesto has worked to eliminate internal barriers to the development of affordable housing through the following continuing efforts:

- Providing funding for land acquisition, secondary financing, and infrastructure costs;
- Assisting qualified households to purchase homes utilizing the Homebuyers Assistance Program:
- Exemption or deferral of Capital Facilities Fees for projects providing low-income housing;
- Using the adopted streamlining process for environmental review;
- Continuing to work with non-profit housing agencies in the provision of supportive services and programs; and
- Using streamlined application review and permit processing.

Discussion

No additional discussion.

AP-85 Other Actions – 91.220(k)

Introduction

The City of Modesto has described other actions within the sections of this Action Plan and the five-year Strategic Plan as referenced below.

Actions planned to address obstacles to meeting underserved needs

See response at AP-35 "Describe the reasons for allocation priorities and any obstacles to addressing underserved needs."

Actions planned to foster and maintain affordable housing

See response at AP-55 "Affordable Housing."

Actions planned to reduce lead-based paint hazards

Staff developed a workbook to guide contractors through the process when lead-based paint is found or presumed to be present during construction. The workbook contains federal requirements for paint and rehabilitation programs, a flowchart of assistance thresholds, the documentation that is required, and the timeframe to submit the documentation, and cost worksheets on level of rehabilitation assistance. This workbook includes Lead Safe Housing Rule Checklist and Associated Guidance, which complies with Information Bulletin CPD- 2003-017, August 2003.

Staff also periodically sponsor an EPA-HUD certified class, "Lead Safety for Remodeling, Repair, & Painting." Most housing rehabilitation projects are subject to federal regulations for Lead-Based Paint and contractors must be certified in safe work practices when completing the rehabilitation work. This effort in the past has resulted in more contractors being able to bid on and participate in the projects that contain lead-based paint.

The cost for the stabilization of lead based paint can be included in the City of Modesto's housing rehabilitation loan program. The cost of the lead-based paint inspection and/or clearance is paid from entitlement funds.

The City of Modesto will continue to provide lead-based paint testing as a component of its housing repair and rehabilitation programs when required by HUD regulations. Given the age and condition of the City of Modesto's housing stock, there are a significant number of homes where lead-based paint testing is needed.

The City of Modesto's housing program guidelines include specific policies related to testing and abating. When lead-based paint is present or presumed to be present, lead-safe work practices are

required. In addition, all of the City of Modesto's loan agreements for new projects prohibit the use of any lead-based paint.

Actions planned to reduce the number of poverty-level families

The City of Modesto's strategy for reducing poverty will be successful only to the extent that:

- Adequate state and federal funding is available for education, job training, and supportive service programs that will increase economic opportunity and self-sufficiency;
- Adequate state and federal funding is available for regional infrastructure necessary to support economic development; and
- The City of Modesto's competitiveness in relation to other regional economies attracts employers and industries that create higher paying jobs. Unfortunately, the City of Modesto has little or no direct control over these factors and can make only marginal improvement in the local rate of poverty through its use of federal and other funds.

The City of Modesto's goals include several that align with the goal of reducing poverty, including creating new affordable housing, expanding housing and services for the homeless, creating new local jobs, and providing social services. The City of Modesto plans to fund specific activities that address each of these goals during the Consolidated Plan timeframe.

Actions planned to develop institutional structure

See response at SP-40 "Institutional Delivery Structure."

Actions planned to enhance coordination between public and private housing and social service agencies

City of Modesto relies primarily on its (A) close consultation with the Stanislaus CoC, which is made up of representative stakeholders and (B) monthly meetings with its public and private housing development partners, which include local private CHDOs (e.g., Habitat for Humanity, Stanislaus County and Stanislaus Affordable Housing Corporation) and the Housing Authority (to enhance coordination in the areas of community housing and social services.

Discussion

No additional discussion.

Program Specific Requirements

AP-90 Program Specific Requirements – 91.220(l) (1,2,4)

Introduction

Please see the responses below that are specific to the CDBG, HOME and ESG programs.

Community Development Block Grant Program (CDBG)
Reference 24 CFR 91.220(l)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	50,000
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan.	0
3. The amount of surplus funds from urban renewal settlements	0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan	0
5. The amount of income from float-funded activities	0
Total Program Income:	**50,000**

Other CDBG Requirements

1. The amount of urgent need activities	0
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan.	100.00%

HOME Investment Partnership Program (HOME)
Reference 24 CFR 91.220(l)(2)

1. A description of other forms of investment being used beyond those identified in Section 92.205 is as follows:

   The City of Modesto does not use forms of investment within the local HOME program other than those identified in Section 92.205.

2. A description of the guidelines that will be used for resale or recapture of HOME funds when used for homebuyer activities as required in 92.254, is as follows:

   The City of Modesto does not intend to use HOME funds for homebuyer activities.

3. A description of the guidelines for resale or recapture that ensures the affordability of units acquired with HOME funds? See 24 CFR 92.254(a)(4) are as follows:

   The City of Modesto does not intend to use HOME funds for homebuyer activities.

4. Plans for using HOME funds to refinance existing debt secured by multifamily housing that is rehabilitated with HOME funds along with a description of the refinancing guidelines required that will be used under 24 CFR 92.206(b), are as follows:

   The City of Modesto does not intend to use HOME funds for refinancing activities.

Emergency Solutions Grant (ESG)
Reference 91.220(l)(4)

1. Include written standards for providing ESG assistance (may include as attachment)

   City of Modesto, in consultation with the Stanislaus CoC stakeholders, developed policies and procedures for providing ESG assistance that incorporates the new and broadened components of ESG.

   Standards for providing ESG homelessness prevention and rapid re-housing assistance include respectively targeting households with dependent children and persons experiencing homelessness connected to or eligible to receive (within 6 months) assistance from mainstream benefits and services.

   These standards also include limiting assistance for a period of up to six (6) months and extending

the period of assistance up to the maximum 18 months on a case-by-case basis.

HUD-VASH (U.S. Department of Housing and Urban Development-U.S. Department of Veterans Affairs Supportive Housing) program participants are also prioritized to receive security deposit assistance upon HUD-VASH intake.

Income qualification guidelines are no less restrictive than ESG guidelines (50% or below AMI for homelessness prevention assistance and not-applicable for rapid re-housing).

2. If the Continuum of Care has established centralized or coordinated assessment system that meets HUD requirements, describe that centralized or coordinated assessment system.

   The Stanislaus CoC has not established a centralized or coordinated system, as HUD has not finalized its requirements.

3. Identify the process for making sub-awards and describe how the ESG allocation available to private nonprofit organizations (including community and faith-based organizations).

   The City of Modesto consults with the Stanislaus CoC Care to develop funding priorities and competitively awards ESG funding through an RFP process. This RFP process conforms to the City of Modesto's rigorous procurement process, including public noticing and utilizing its state-of-the-art online bidding system. The funding priorities as it relates to ESG are funding emergency shelter to the maximum extent possible (up to Hold Harmless Need [HHN] limit) and prioritizing rapid re-housing higher than homelessness prevention.

4. If the jurisdiction is unable to meet the homeless participation requirement in 24 CFR 576.405(a), the jurisdiction must specify its plan for reaching out to and consulting with homeless or formerly homeless individuals in considering policies and funding decisions regarding facilities and services funded under ESG.

   The City of Modesto is unable to meet the homeless participation requirement in 24 CFR 576.405(a) due to the fact that its policy-making entity is made up of elected officials. The City of Modesto, however, works very closely with the Stanislaus CoC which is made up of a representative group of diverse stakeholders, including persons experiencing homelessness and those who at one time in their lives had experienced homelessness. The City of Modesto intends to work with the Stanislaus CoC and elected and appointed City of Modesto officials to develop a formal homeless participation plan that will engage persons experiencing homelessness in a meaningful way that influences homelessness-related policies, including development of funding priorities and funding allocation.

5. Describe performance standards for evaluating ESG.

The City of Modesto consulted with the Stanislaus CoC and developed the following performance standard: Elimination or mitigation of barriers to stable housing. These barriers may be financial, health-related, relational, etc. Stanislaus CoC stakeholders determined that post-assistance follow-up evaluation is extremely difficult to achieve.

Discussion

The City of Modesto consults closely and regularly (at least twice monthly) with the Stanislaus CoC and its HMIS, ESG/HPRP, and SHP subcommittees, which develop policies and procedures for these programs and is taking the lead in building the service infrastructure that will be necessary to sustain a centralized or coordinated assessment system. This consultation takes the form of reports and presentations that are placed on the Stanislaus CoC monthly meeting agendas.

The operation and administration of the Homeless Information Management System (HMIS) designated by the Stanislaus CoC is led by the Stanislaus Housing Authority. The City of Modesto may pay the costs of contributing data to the HMIS via funding to sub-grantees or to the HMIS Lead.

The City of Modesto is member of the Stanislaus CoC/s HMIS Subcommittee which meets monthly to develop policies, procedures, and best practices and offers trainings developed by the HMIS Lead.

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MODESTO CITY COUNCIL
RESOLUTION NO. 2016-255

RESOLUTION APPROVING THE ALLOCATION OF FUNDING IN THE AMOUNT OF UP TO $288,200 IN COMMUNITY DEVELOPMENT BLOCK GRANT PUBLIC SERVICE GRANTS; UP TO $154,000 IN EMERGENCY SOLUTIONS GRANTS; AND CARRYOVER FUNDS IN THE AMOUNT OF $41,805 FROM PROGRAM YEAR 2015-2016; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE REQUIRED AGREEMENT AND DOCUMENTS

WHEREAS, as a U.S. Department of Housing and Urban Development (HUD) entitlement community, the City of Modesto is required to develop an Annual Action Plan that describes proposed activities funded with Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), and Emergency Solutions Grant (ESG) funds, and

WHEREAS, the City anticipates receiving approximately $50,000 in Program Income for Program Year 2015-2016,

WHEREAS, the City may award up to fifteen percent (15%) of its prior year Program Income and 15% of its current Program Year grant allocation to eligible organizations that serve low- and moderate-income residents, and

WHEREAS, up to $288,200 in CDBG funds will be allocated to Public Service sub-recipients in Program Year 2016-2017, and

WHEREAS, the City awards ESG grants to eligible organizations that provide assistance to individuals and families experiencing homelessness and those at risk of experiencing homelessness, and

WHEREAS, staff issued a Request for Proposals for the Program Year 2016-2017 CDBG Public Services and ESG grants, and

WHEREAS, ESG regulations allow 7.5% of the City's current Program Year grant allocation to be spent on administrative oversight, and

WHEREAS, the remaining funds, or $154,000, and $41,805 of unallocated ESG funds from prior Program Year allocations have been incorporated into the Program Year 2016-2017 Annual Action Plan, and

WHEREAS, up to $195,805 in ESG funds will be allocated in Program Year 2016-2017, and

WHEREAS, the City Council-appointed Citizens Housing & Community Development Committee (CH&CDC) reviewed these proposals and made funding recommendations, as set forth in **Exhibit A**, and

WHEREAS, those recommendations are incorporated into the Program Year 2016-2017 Annual Action Plan, and

WHEREAS, on May 18, 2016, the CH&CDC recommended forwarding the Program Year 2016-2017 Annual Action Plan to the City Council for consideration and approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the estimated allocation of funding in the amount of $288,200 in Community Development Block Grant Public Service Grants, and $154,000 in Emergency Solutions Grants, and any carryover funds from Program Year 2015-2016, described in **Exhibit A**, **attached** hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED, that Council hereby authorizes the City Manager, or his designee, to execute the required agreement and documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of June, 2016, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ah You

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT A

Program Year 2016-2017 Public Service Proposed Allocations	
Community Housing & Shelter Services	$ 60,00
Interfaith Hospitality Network of Greater Modesto *dba* Family Promise of Greater Modesto	$ 37,28
Center for Human Services	$ 30,00
The Salvation Army, Modesto Citadel – Berberian Emergency Shelter	$ 65,12
ESG Public Service allocations	**$ 192,40**
Haven Women's Center of Stanislaus	$ 37,40
Children's Crisis Center of Stanislaus County – Respite Child Shelter Program	$ 21,34
Howard Training Center - Senior Meals Program	$ 29,77
Court Appointed Special Advocates (CASA) of Stanislaus County - Court Appointed Special Advocate Training and Support	$ 18,50
Center for Human Service - Youth Experiencing Homelessness Project	$ 25,90
Second Harvest Food Bank of San Joaquin and Stanislaus Counties - Food Assistance and Food 4	$ 29,42
United Samaritans Foundation- Daily Bread Mobile Lunch Program	$ 14,17
Parent Resource Center - Mom's Moments Parenting Program	$ 20,81
Interfaith Hospitality Network of Greater Modesto *dba* Family Promise of Greater Modesto	$ 17,30
City Of Modesto - Recreation Programs - Public Service	$ 31,56
Boys & Girls Club of Stanislaus County	$ 42,00
CDBG Public Service allocations	**$ 288,**

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MODESTO CITY COUNCIL
RESOLUTION NO. 2016-256

RESOLUTION APPROVING THE MAYOR'S FINAL BUDGET MODIFICATIONS, BUDGET PRINCIPLES, AND FINANCIAL POLICIES AS OUTLINED IN THE MAYOR'S MODIFICATION MESSAGE FOR FISCAL YEAR 2016-2017

WHEREAS, as part of the City of Modesto's Proposed Budget for FY 2016-2017, the Mayor included his Final Budget Modifications and Budget Principles for the Council's consideration, and

WHEREAS, each year the City Council's Effective Government Committee makes recommendations regarding the upcoming Fiscal Year Operating Budget and Capital Improvement Program, and

WHEREAS, in the development of the FY 2016-2017 Operating Budget, the Effective Government Committee reviewed and recommended for City Council consideration the **attached** Proposed Budget, Budget Principles, and Financial Policies,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Proposed Budget inclusive of the Mayor's Final Budget Modifications, the Budget Principles, and Financial Policies as shown in **Attachments** 4 and 5 and **Exhibit** 6, which are incorporated by reference herein.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 21st day of June, 2016, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Ted Brandvold, Mayor
City of Modesto
[illegible]
[illegible]
[illegible]

Mayor's Final Budget Modifications

May 31, 2016

As Mayor, I have the duty to prepare and deliver to the City Council the Mayor's Final Budget Modifications for the draft budget under Modesto City Charter Section 1303.

Under our City Charter, the Mayor has specific duties related to the budget such as this message. Under the Charter, the first steps in the budget process are to occur each year before February 1. I was sworn in as Mayor on February 23rd, following the run-off election. Consequently, while I met and worked with the City Manager a number of times about the budget, because of the schedule, I had to rely heavily on the City Manager and other experienced City staff to produce this year's draft budget. To the City Manager and staff, thank you for your work on the budget.

The City's staff-directed budget process provided modest increases in funding for public safety. For example, this year's draft budget includes an additional $1,246,536 for the Fire Department. This increase is mostly due to continuing adjustments related to dissolution of the Modesto Regional Fire Authority that the City and other agencies created in 2011, and dissolved in 2014. I am told that this will be the last year of such adjustments. In the future, the City Council will be able to better judge the Fire Department's budget in terms of its delivery of services to our citizens and taxpayers. This year's staff proposed budget includes a total of $28,640,785 from the General Fund for the Fire Department, or 24.8 % of our General Fund total expected revenue.

In addition to this increase for the Fire Department, the City's staff-directed budget process was able to provide some minor additions for the Police Department in the budget "enhancement" procedure. The City engages in a process that, upon completion, is identified in the draft budget as the "Mayor Recommended Enhancement List." Under this process, City departments make their budget requests for the upcoming fiscal year. These requests are reviewed by the City Manager and his team. Then, in a collaborative fashion, the City Manager and I review his recommendations resulting from this process. There were tough choices to be made. I thank the City Manager for his wisdom in reviewing the many departmental requests. I agreed with the City Manager's recommendations on the "Mayor Recommended Enhancement List" and they are included in the draft budget.

The City Manager should be congratulated for minimizing the impact of the "enhancement" requests on the proposed General Fund portion of the budget. The revisions added a net

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$444,389 to our General Fund expenditures (and almost 11 new full-time equivalent employees to the City's personnel), and were common sense adjustments to City operations. Also in this process, the City Manager recommended disapproving "enhancements" that would have added a net $540,533 to our General Fund expenditures.

For the purposes of increasing police services within the staff directed budget, through the "Mayor Recommended Enhancement List" process, we were able to add 3 Community Service Officers and 5 support personnel to the Police Department. Community Service Officers are non-sworn officers that can undertake duties that free-up sworn officers to spend more time combatting criminals. The ranks of Community Service Officers were depleted during the economic downtown. The Police Chief has said that more Community Service Officers will allow him to better deploy his sworn officer corps to fight crime. After these changes, the Police Department budget includes $56,107,205 from the General Fund, or 48.6 % of our General Fund total expected revenue. 218 sworn police officer positions are included in this year's current draft budget, a decline of one position from last year's 219 sworn police officer positions.

On a parallel schedule with the City's budget process, the City Council at my suggestion appointed the 100 Day Budget Review Committee to review the City budget. The Committee is composed of accomplished citizens, most of whom have experience as CEOs, CFOs, or CPAs, The Committee has worked very hard, in a brief amount of time, to research the City budget and to develop short-term and long-term recommendations for the budget and to improve the overall financial condition of the City. The Committee's recommendations will be considered by the City Council. For the purposes of this Mayor's Final Budget Modifications message, I have had the benefit of both the committee's deliberations to date and its short-term recommendations. I thank the Chairman and Committee members for their devoted efforts.

As these two efforts proceeded early in my term of office, I did not feel that I should impose my goal of hiring additional police officers into the budget proceedings until I had a more complete view of City finances. However, now that these efforts have progressed, the combination of the City's budget process and the work of the 100 Day Budget Review Committee has convinced me that the City Council can and must immediately authorize the hiring of additional police officers, within our current budget constraints, and without raising taxes.

The City Manager has estimated that the cost of adding 22 sworn police officers to the budget will cost approximately $2.5 million. This would increase our force strength from 218 to 240 officers. As noted above, the Police Chief has indicated that he may be able to increase the effectiveness of our policing by utilizing additional Community Service Officers instead of hiring only sworn officers.

After considering all these factors, my Final Budget Modifications recommendation is quite simple: **increase the Police Department budget by $2.5 million to fund additional sworn officers and/or community service officers in a combination recommended by the City Manager and the Police Chief.** These monies could only be used for these

specified purposes and no other purposes. This would allow the Police Chief to raise his sworn officer ranks to 240, or to a lesser amount if greater effectiveness can be achieved by a combination of sworn officers and community service officers.

Under the Modesto City Charter, if the Mayor recommends additional spending, he or she must specify how the spending will be funded. It has been suggested to me, and is likely true, that due to training and hiring timelines, it is unlikely that all 22 new police officers could be hired within one year. Under that possibility, it might not be necessary for the Mayor to specify how the entire $2.5 million would be funded in one budget year. However, I feel that I should identify the entire funding amount in this year's budget in case the entire additional complement ofofficers could be hired. To that end, I have sought input from the City Manager and the 100 Day Budget Review Committee on how we can achieve this full funding.

While I am sure Modesto citizens hope that I could immediately identify and eliminate wasteful spending, it turns out that a municipal budgeting process is not set up for this type of common-sense approach. I imagine some of the long-term recommendations of the 100 Day Budget Review Committee will include proposals to make the budget a more useful document for the City Council and the public to assess the priorities of City Hall. Unfortunately, I do not have the benefit of such an improved approach that would allow a more surgical review of City spending.

With that backdrop, I have done my best to identify spending areas that can safely be cut, and additional revenue areas that can reasonably be relied upon in the coming fiscal year.

To fund these additional expenditures on police officers, I recommend some combination of the following:

1) Cut $425,000 from the City budget through the elimination from the budget of positions as recommended by the City Manager and accepted by the 100 Day Budget Review Committee.
2) Cut $650,000 from the City budget that was allocated for the hiring of outside consultants.
3) Accept the $100,000 in department budget cuts from the City Attorney.
4) Utilize the anticipated $360,000 in annual savings from reduced letter of credit banking costs identified both by the 100 Day Budget Review Committee and the City staff.
5) Reallocate $731,000 by adjusting the employee vacancy rate utilized by the City for budgeting from the proposed 4% to 5% as recommended by the 100 Day Budget Review Committee.
6) Earmark $150,000 of anticipated net increased mill tax revenues that result from enhancing enforcement and collection of these as recommended by the 100 Day Budget Review Committee.
7) Endorse the process the City has undertaken to seek a COPS grant. COPS is a federal government program that assists local communities in funding police officers. If awarded the grant, the City would receive additional funding of $1,151,866 in Year

1, $1,161,556 in Year 2 and $576,325 in Year 3. It is anticipated that, if awarded, the Year 1 funding would become available around January of 2017. Please note that there is a local match requirement for this grant that has budget implications, especially in Year 3. You may obtain specific details about this from the City Manager

8) If any these are infeasible, I would be comfortable recommending use of a portion of "one-time money" as gap funding for this proposal because I am highly confident that the long-term recommendations from the 100 Day Budget Review Committee will identify more than sufficient monies to cover any short-fall.

Many people have commented that not all the funding sources that have been considered are long-term or "sustainable" sources of funding. I agree. However, we should proceed with the addition of 22 police officers for the following reasons. First, as I noted above, many of the long-term recommendations of the 100 Day Budget Review Committee will lead to additional long-term or "sustainable" funding. Second, our City staff is quite adept at meeting the many challenges of budgeting within the real-world constraints the City of Modesto faces. I am confident that if the City Council makes a clear policy statement that the Council wants 22 more police officers that the City staff will implement that policy decision. Simply put, if the City Council chooses the funding priority of more police officers, I am confident the funding will be long-term and "sustainable," barring another severe economic downturn.

As we undertake our budget duties, we also need to be careful not to rely on unsustainable budget gimmicks. For example, raising the City's anticipated personnel vacancy rate from 4% to 5% could be attacked as a budget gimmick instead of proper budgeting. However, the 100 Day Budget Review Committee suggested 5% as a more realistic vacancy figure for an organization as large and complex as our City government. In addition, we cannot rely indefinitely, as we do in this year's proposed budget, on funding "holidays" for certain City accounts such as the Information Technology Fund, the Liability Insurance Fund, the Workman's Compensation Fund, and the like. To achieve a long term, sustainable budget, I believe we should devote significant effort before next year's budget process seeking to eliminate such funding "holidays". To this end, we should encourage the City Manager to continue the work he has undertaken to determine the appropriate funding levels of these funds for the long term.

Fulfilling my duties under City Charter Section 1303 to produce this Mayor's Final Budget Modifications for the draft budget will no doubt create additional questions for members of the City Council. Because of this and since a number of City Councilmembers were not able to attend the budget hearings, I suggest that we hold one or more additional full Council hearings on the budget to address all concerns.

When I ran for Mayor, I indicated that a first goal would be to re-prioritize our City budget in order to supplement public safety resources without tax increases. As I stated then, tax increases should be a last resort. This Final Budget Modifications message attempts to meet that priority.

As always, I am open to better ideas about how to achieve this priority. I look forward to input from the City Councilmembers who are entrusted by the citizens and taxpayers of Modesto with these decisions. I also welcome additional input from the City Manager, City staff, members of the 100 Day Budget Review Committee, and any other concerned citizen or group in our community.

In summary, I am confident that by working together, the City Council, our City Manager, all City employees, the 100 Day Budget Review Committee and all concerned citizens and taxpayers can immediately increase funding for additional police officers while continuing to strive for the long-term financial sustainability of our City for our taxpayers and for city operations.

With respect,

Ted Brandvold, Mayor
City of Modesto

Recommended Budget Principles

1. Annually Adopt a Structurally Balanced Budget
A structurally balance budget means on-going revenues and on-going expenditures are in balance with on-going revenues meeting or exceeding expenditures during the same time period. If a structural imbalance occurs, a plan must be developed and implemented to bring the budget back into balance.

2. Use of One-Time Resources
Once brought into balance, one-time revenues (excess reserves about reasonable risk calculations, revenue spikes, prior year budget savings, sale of property, etc) shall not be used for current or new on-going operating costs. Examples of appropriate uses of one-time revenues include early retirement of debt, capital expenditures without significant operating or maintenance costs, and other non-reoccurring expenditures.

3. Budget Revisions
New programs, services, or staffing requests are considered in light of the Council's priorities and shall include a spending offset at the time of the request so that the request has a net-zero impact on the budget.

4. Reserves
All City funds must maintain an adequate reserve level and/or ending fund balance as determined annually as appropriate for each fund. For the General Fund, the contingency reserve amount, which is a flat $7 million, shall be maintained. Any use of the General Fund contingency reserve will require a majority vote of the Council.

5. Debt Issuance
Long-term General Fund debt will not be incurred to support on-going operating costs (other than debt service) unless such issuance achieves net operating cost savings and such savings can be independently verified. All General Fund debt issuances shall identify a method of repayment or have a dedicated revenue source.

6. Employee Compensation
Recognizing that employees are the City's major resource, negotiations for employee compensation shall focus on the total compensation costs (e.g. increases in salary, steps, and benefit costs) while considering the City's fiscal condition, revenue growth, and changes in the cost of living.

7. Capital Improvement Projects
Capital Improvement Projects shall not proceed for projects with annual operating and maintenance costs in the General Fund without City Council certification that funding will be available in the applicable year of the cost impact. Certification shall demonstrate that the entire cost of the project, including operating and maintenance costs, will not require a decrease in the City's core services.

8. Fees and Charges
The development of fees and fee increases shall be utilized where appropriate to assure fee program costs are fully recovered by fee revenue.

9. Grants
Staff will seek out, apply for, and effectively administer grants that address the City's priorities, policy objectives, and provide an overall positive benefit to the City. Before a grant is pursued, staff shall provide a detailed fiscal analysis addressing both the immediate and long-term costs and benefits of the grant. With the exception of pilot projects, one-time grant revenues shall not be used to begin or support the costs of on-going programs.

10. General Plan
The General Plan is the primary long-term fiscal planning tool. Recommendations to create new development capacity beyond the existing General Plan shall be analyzed to ensure that capital improvements and operating/maintenance costs are within the City's financial capabilities.

11. Performance Measurement
All requests for funding shall include performance measure data so funding requests can be reviewed and approved in light of anticipated service level outcomes.

City of Modesto Financial Policies

1. Budget Adoption Level: The city wide, legally adopted level for the budget of any program is by department at the Fund level.

2. General Fund Reserve: The Council has established the unappropriated reserve's minimum level to be 8% of the current appropriations for operating expenditures and operating transfers-out.

3. Forecasting Model: For the General, Enterprise, Internal Service and Capital Project and other major funds the Finance Department will maintain either a 5 or 10-year financial forecasting model to assess the City's ability to respond to changes in anticipated revenue levels, capital improvement program needs and changes proposed in operating costs. (The use of a 5 or 10-year model will depend on the conditions that apply to each fund.)

4. Enterprise Funds and other Non-General Fund Operations: These activities should be self-supporting and should maintain reserve levels that are adequate to protect against fluctuations in revenue and expenditure levels. Activities that deviate from this requirement shall be identified for the City Council annually at the time of budget adoption. Exempt from this requirement are those funds that account solely for grant funds.

5. Inter-fund Loans and Loans to Component Units: Loans between funds and loans to other component units of the city should be considered in light of a multi-year business plan that demonstrates a reasonable ability to repay the loan. All inter-fund loans and loans to component units, either existing or proposed, shall be identified for the City Council at the time of budget adoption. Generally, inter-fund loans and loans to component units shall be established with a repayment deadline that reflects the earliest feasible opportunity for repayment of the loan. Interest rates charged on the loan shall be based on the actual rate of return earned by the City's investment portfolio during the 12-month period immediately preceding a payment date.

    a. Note that the terms and conditions for existing loans between the City and the former Redevelopment Agency are governed by one or more separate resolutions adopted at the time the loans were approved and are subject to the laws put into place by recent redevelopment dissolution legislation passed by the State of California.

6. Interest Allocation: Interest shall be allocated quarterly to all funds based on their average monthly balances during each quarter.

7. Direct Charges between Funds: Costs charged between funds such as force-account labor and other direct costs shall be charged on the basis of actual cost and not on the budgeted amount, unless a separate contract exists between the

managers of the two programs allowing the use of the budgeted amount as the basis for the charge.

8. Inter-fund Transfers: Unless direction is given at the time an inter-fund transfer is approved that the amount to be transferred between funds is not subject to adjustment based on a share of cost formula, all inter-fund transfers shall be based upon the sending fund's pro rata share of any project costs or other obligation that is the basis for the transfer. Therefore, a reconciliation of the share of costs allocable to the fund(s) from which resources are to be transferred shall be performed prior to the year-end closing of the city's financial records and shall become the basis for determining the actual amount of any resources to be transferred. It is the intent of this policy that any transfers designed to provide a subsidy to the operations of another fund shall not exceed the amount needed to provide sufficient resources to make revenues equal expenditures unless other direction is provided by the City Council.

   All inter-fund transfers and their purpose shall be identified to the Council annually, at the time of the budget adoption.

9. Multi-year Appropriations: Appropriations for certain grants and on-going Capital Improvement Program projects that were authorized in previous years and that are not fully expended shall be deemed valid until revoked. Appropriations related to certain developer-funded expenditures may also be treated as multi-year appropriations.

10. Fund Replacement Reserves: In order to provide future resources for the replacement or repair of depreciable assets, each fund shall establish a list of depreciable assets, including useful lives and replacement costs that will determine the amount to be set-aside annually to allow the timely replacement or repair of these assets. Each program manager shall also establish a plan for funding the reserve and shall disclose the adequacy of the reserve level annually to the City Council as part of the annual budget adoption process.

11. Grant and Entitlement Revenues: The City of Modesto is modifying the period of availability related to the recognition of recording grant and entitlement revenues to 180 days effective July 1, 2015. This change is needed based on the timing of when grant billings are issued and how expenditures are accrued during the fiscal year.

12. Budget Adjustment Authority: The authority to approve any budget adjustment in the amount of $25,000 or less is delegated to the Director of Finance. The authority to approve any budget adjustment between $25,000 and $50,000 is delegated to the City Manager. Authority for any budget adjustment over $50,000 is delegated to the parties shown below:

City Council

i. Appropriation of undesignated reserves
ii. Appropriation of new revenues
    1. Does not include Developer Payments
iii. Budgeting inter-fund transfers
    1. Does not include adjustments to budgeted transfers where the intent is to subsidize an enterprise operation as shown in item (v) under the City Manager's budget adjustment authority
iv. Creation of inter-fund loans
v. Creation of, or increase in, any multi-year appropriation except for the allocation of interest
vi. Addition of permanent staff positions
vii. Appropriation of payments for new indebtedness including operating leases
viii. All other budgetary actions not delegated to another official

City Manager

i. Transfer appropriations between departments within a fund
ii. Changing any capital equipment appropriation
iii. Appropriate reserves for litigation on a case-by-case basis
iv. Adjust operating program appropriation levels at his/her discretion to maintain the required 8% reserve level and any reserve levels for non-GF funds
v. Adjustments to Inter-fund transfers intended to balance enterprise fund operations where the cumulative total of any adjustment does not increase the original City Council approved appropriation by more than $50,000
vi. Appropriate Developer Payments not previously budgeted
    1. Annexation Deposits
    2. Special District Formation Deposits
    3. Developer Deposits to be recognized as revenue

Director of Finance

i. Appropriate unbudgeted grant interest
ii. Revise the allocation of Internal Service Fund charges between departments, provided that the total allocated amount does not increase (any such changes to the allocation shall not result in an increase or decrease to the total amount of discretionary appropriations provided to the affected departments)
iii. Changing any CIP line item appropriation
iv. Revoke multi-year appropriations
v. Close Capital Improvement Program or Non-Capital projects
vi. Make technical budget corrections to implement the intent of Council-approved actions and resolutions

vii. Transfer fiscal appropriations between sub-funds of a single fund (except where this changes appropriation amounts for temporary agency labor and/or capital equipment purchases over $5,000)

Department Director

i. Transfer appropriations within a department, within a single fund (excludes appropriations related to capital equipment, capital improvement program)

ii. Acting as a designee of the City Manager, the Parks, Recreation, & Neighborhoods Director shall be authorized to appropriate private donations or grants made to the Fund Development Program of the Parks, Recreation, & Neighborhoods Department for specified purposes up to $25,000

13. Fund Balance Information Requirements: The requirements of GASB Statement No. 54 are intended to enhance the usefulness, including the understandability, of fund balance information, in the financial statements. The City will spend the most restricted dollars before less restricted, given equal eligibility, in the following order:

Non-Spendable – if funds become spendable (inventories, prepaid amounts)
Restricted (grants, bond proceeds)
Committed (capital acquisitions, pending projects)
Assigned (purchase orders, encumbrances)
Unassigned (residual fund balance after deducting the other fund balance categories)

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-257

RESOLUTION AMENDING THE POSITION ALLOCATION FOR FISCAL YEAR 2016-17 AS ADOPTED IN THE OPERATING BUDGET

WHEREAS, a Position Allocation for the City of Modesto was adopted by Modesto City Council on June 9, 2015, as part of the Annual Budget of the City of Modesto for Fiscal Year 2015-2016, and

WHEREAS, classification studies are conducted to insure that a classification system is equitable and consistent within an organization and that positions are correctly classified, and

WHEREAS, per Personnel Administrative Order 2.2-87-12, a classification study may be conducted in response to a reclassification request, to develop/revise a classification specification, or to assist in a reorganization, and

WHEREAS, classification studies were conducted by Human Resources to determine appropriate classification, and

WHEREAS, position changes will be effective the first full pay period following Council adoption, (Pay Period beginning June 28, 2016), and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Position Allocation and the Fiscal Year 2016-17 Operating Budget for various departments as follows:

1. Remove one (1) Business Analyst in the Administration Division of the Community & Economic Development Department.

2. Reallocate one (1) Business Analyst to one (1) Senior Business Analyst in the Administration Division of the Community & Economic Development Department.
3. Allocate one (1) Economic Development Marketing Specialist in the Administration Division of the Community & Economic Development Department.
4. Remove one (1) Assistant City Attorney in the City Attorney's Office and reduce the Salary and Benefit budget allocation and transfer said funding to the Legal Services account in the City Attorney's Office.
5. Remove one (2) Senior Deputy City Attorneys in the City Attorney's Office and reduce the Salary and Benefit budget allocation and transfer said funding to the Legal Services account in the City Attorney's Office.
6. Remove one (1) Legal Secretary II in the City Attorney's Office and reduce the Salary and Benefit budget allocation and transfer said funding to the Legal Services account in the City Attorney's Office.
7. Remove one (1) Assistant Chief Building Official in the Building Safety Division of the Community & Economic Development Department.
8. Reallocate one (1) Plans Examiner to one (1) Building Safety Program Coordinator in the Building Safety Division of the Community & Economic Development Department.
9. Remove one (1) Centre Plaza Manager in the Cultural Services Administration Division of the Community & Economic Development Department.

10. Move two (2) Parks Project Coordinator positions in the Park Planning and Development Division, Cost Center 14460 in Community and Economic Development Department, to Cost Center 32020 in Parks Recreation and Neighborhoods Department.
11. Remove one (1) Central Stores Supervisor in the Central Stores Division of the Finance Department.
12. Remove one (1) Senior Administrative Office Assistant (Confidential) in the Customer Services Administration Division of the Finance Department.
13. Remove one (1) Senior Buyer in the Purchasing Division of the Finance Department.
14. Reallocate one (1) Executive Assistant Unrep to one (1) Office Supervisor in the Administration Division of the Human Resources Department.
15. Remove one (1) .60 allocation Administrative Office Assistant III (Confidential) in the Administration Division of the Human Resources Department.
16. Allocate one (1) Director of Human Resources in the Administration Division of the Human Resources Department.
17. Allocate one (1) Senior Human Resources Analyst in the Administration Division of the Human Resources Department.
18. Remove one (1) Employee Benefits Manager in the Employee Benefits Administration Division of the Human Resources Department.
19. Allocate one (1) .50 Administrative Office Assistant III (Confidential) in the Risk Management Division of the Human Resources Department.

20. Allocate one (1) Senior Software Analyst in the Business Application/ Development Services Division of the Information Technology Department.
21. Allocate one (1) Software Analyst II in the Business Application/ Development Services Division of the Information Technology Department.
22. Allocate three (3) Police Community Service Officer II in the Field Operations Division of the Police Department.
23. Allocate one (1) Police Identification Technician II in the Investigative Services Division of the Police Department.
24. Allocate four (4) Police Clerk II in the Records and Support Division of the Police Department.
25. Freeze one (1) EMS Coordinator position in the Administration and Officers Division of the Fire Department.
26. Remove one (1) Fire Captain in the Investigations Division of the Fire Department.
27. Remove three (3) Fire Captain in the Suppression Division of the Fire Department.
28. Remove one (1) Fire Engineer in the Suppression Division of the Fire Department.
29. Remove two (2) Fire Fighter in the Suppression Division of the Fire Department.
30. Remove one (1) 0.75 Recreation Coordinator in the Administration Division of the Parks, Recreation & Neighborhoods Department.

31. Increase one (1) 0.75 Recreation Coordinator in the Recreation Administration Division of the Parks, Recreation & Neighborhoods Department.
32. Increase one (1) 0.75 to one (1) 1.0 FTE Recreation Coordinator in the Recreation Administration Division of the Parks, Recreation & Neighborhoods Department.
33. Remove one (1) 0.75 Recreation Coordinator in the Recreation Administration Division of the Parks, Recreation & Neighborhoods Department.
34. Increase one (1) 0.75 Recreation Coordinator in the After School Programs Division of the Parks, Recreation & Neighborhoods Department.
35. Increase one (1) .75 to one (1) 1.0 FTE Recreation Coordinator in the After School Programs Division of the Parks, Recreation & Neighborhoods Department.
36. Increase two (2) .75 to two (2) 1.0 FTE Recreation Coordinator in the Senior and Children's Services Division of the Parks, Recreation & Neighborhoods
37. Remove one (1) Tree Trimmer Crewleader in the Community Forestry Division of the Public Works Department.
38. Remove four (4) Tree Trimmer in the Community Forestry Division of the Public Works Department.
39. Remove two (2) Equipment Operator in the Community Forestry Division of the Public Works Department.
40. Remove one (1) Administrative Analyst II in the Greenhouse gas Emission Reduction Program Division of the Public Works Department.

41. Remove one (1) Maintenance Worker II in the Parking Services Division of the Public Works Department.
42. Reallocate one (1) Administrative Office Assistant I to one (1) Administrative Office Assistant II in the Solid Waste Management Division of the Public Works Department.
43. Remove two (2) Equipment Operator in the Street Maintenance Division of the Public Works Department.
44. Remove one (1) Administrative Office Assistant III in the Traffic Engineering Division of the Public Works Department.
45. Remove one (1) Senior Administrative Office Assistant (Confidential) in the Traffic Engineering Division of the Public Works Department.
46. Reallocate one (1) Associate Land Surveyor to one (1) Senior Land Surveyor in the Construction Administration Division of the Utilities Department.
47. Reallocate one (1) Assistant Land Surveyor to one (1) Associate Land Surveyor in the Construction Administration Division of the Utilities Department.
48. Reallocate one (1) Construction Inspector to one (1) Senior Construction Inspector in the Construction Administration Division of the Utilities Department.
49. Reallocate one (1) Senior Administrative Office Assistant to one (1) Administrative Services Technician in the Construction Administration Division of the Utilities Department.

50. Reallocate two (2) Plant Mechanic II to two (2) Senior Plant Mechanic in the Jennings Plant Maintenance Division of the Utilities Department.
51. Reallocate one (1) Plant Mechanic II to one (1) Senior Utilities Services Worker in the Jennings Plant Maintenance Division of the Utilities Department.
52. Reallocate two (2) Plant Mechanic II to two (2) Senior Plant Mechanic in the Sutter Plant Maintenance Division of the Utilities Department.
53. Remove one (1) Administrative Office Assistant II in the Wastewater Collections Administration Division of the Utilities Department.
54. Remove one (1) Senior Administrative Office Assistant in the Wastewater Operations Administration Division of the Utilities Department.
55. Reallocate two (2) Utilities Plant Operator II to two (2) Senior Utilities Plant Operator in the Wastewater Plant Operations Division of the Utilities Department.

BE IT FUTHER RESOLVED by the Council of the City of Modesto that the City Manager or designee is hereby authorized to execute the agreement.

The foregoing resolution was adopted at a special meeting of the Council of the City of Modesto held on the 21st day of June, 2016, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-258

RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 2015-434 TO REVISE THE CLASS RANGE TABLE FOR GENERAL NON-SWORN CLASSES

WHEREAS, the City Council desires to amend **Exhibit** "A" of Resolution No. 2015-434, which approved the Class Range Table for General Non-Sworn Classes,

WHEREAS, the positions will be effective upon Council adoption,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION I. AMENDMENT TO RESOLUTION NO. 2015-434. **Exhibit** "A" entitled, "City of Modesto Class Range Table General Non-Sworn Classes," **attached** to Resolution No. 2015-434, is hereby amended as shown on the amended **Exhibit** "A" entitled "City of Modesto Class Range Table General Non-Sworn Classes Effective June 28, 2016", which is **attached** hereto and made a part hereof as though set forth in full herein. Said **Exhibit** "A" amends the Class Range Table as follows:

1. Delete Assistant Land Surveyor from salary range 133

SECTION II. EFFECTIVE DATE. This resolution shall become effective on and after June 28, 2016.

BE IT FUTHER RESOLVED by the Council of the City of Modesto that the City Manager or designee is hereby authorized to execute the agreement.

The foregoing resolution was introduced in a special meeting of the Council of the City of Modesto held on the 21st day of June, 2016, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:

ADAM U. LINDGREN, City Attorney

CITY OF MODESTO
CLASS RANGE TABLE
GENERAL NON-SWORN CLASSES
Effective June 28, 2016

RANGE	TITLE
103	Administrative Office Assistant I Custodian I
106	Engineering Intern
107	Administrative Office Assistant II Custodian II Exhibits Coordinator
109	Account Clerk I Customer Services Account Clerk I
111	Account Clerk II Administrative Office Assistant III Custodian Crewleader Customer Services Account Clerk II
114	Electrician Assistant I Equipment Service Technician Maintenance Worker I Production Technician Storeskeeper
115	Plant Mechanic Trainee Senior Administrative Office Assistant Senior Customer Services Account Clerk
116	Electrical and Instrumentation Technician Trainee
118	Airport Maintenance Worker Electrician Assistant II Fleet Procurement Technician Groundskeeper Maintenance Worker II Senior Storeskeeper Tree Trimmer
119	Account Technician Code Enforcement Officer I -Neighborhood Preservation Unit Customer Services Account Technician
120	Administrative Services Technician I Assistant Buyer

RANGE	TITLE
	Environmental Compliance Technician
	Laboratory Analyst I
	Parking Services Crewleader
	Utilities Services Worker I
121	Utilities Plant Operator Trainee
	Water Resource Specialist
122	Accountant I
	Electrician Assistant III
	Equipment Operator
	Parks Maintenance Crewleader
	Recreation Coordinator
	Tree Trimmer Crewleader
123	Building Maintenance Technician
	Code Enforcement Officer II -Neighborhood Preservation Unit
	Development Services Technician I
	Engineering Assistant Trainee
	Equipment Mechanic
	Parks Maintenance Mechanic
	Plant Mechanic I
	Solid Waste Enforcement Officer
	Welder/Fabricator
124	Administrative Services Technician II
	Community Development Program Specialist I
	Cross Connection Specialist
	Environmental Compliance Inspector I
	Fire Equipment Mechanic
	Heavy Equipment Mechanic
	Laboratory Analyst II
	Utilities Services Worker II
	Water Conservation Specialist
	Water Meter Technician
125	Development Services Technician II
	Plant mechanic II
	Utilities Plant Operator I
126	Airport Maintenance Crewleader
	Head Groundskeeper
	Housing Financial Specialist

RANGE	TITLE
	Housing Rehabilitation Specialist I
	Senior Equipment Operator
127	Engineering Assistant I
	Equipment Mechanic Crewleader
	Traffic Operations Technician
128	Building Inspector I
	Building Maintenance Specialist
	Community Development Program Specialist II
	Electrical and Instrumentation Technician
	Electrician - Traffic and Buildings
	Environmental Compliance Inspector II
	Heavy Equipment Mechanic Crewleader
	Maintenance Planning Technician
	Senior Fire Equipment Mechanic
	Utilities Plant Operator II
	Utilities Services Worker III
129	Senior Plant Mechanic
	Traffic Striping Crewleader
130	Construction Inspector
	Housing Rehabilitation Specialist II
	Laboratory Analyst III
	Operations Crewleader
131	Engineering Assistant II
132	Building Inspector II
	Environmental Review Specialist
	Senior Environmental Compliance Inspector
	Senior Utilities Plant Operator
	Senior Utilities Services Worker
134	Plans Examiner
	Senior Construction Inspector
135	Engineering Project Coordinator
136	Senior Building Inspector

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-259

Print

RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 2016-148 TO REVISE THE CLASS RANGE TABLE FOR REPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

WHEREAS, the City Council desires to amend **Exhibit** "A" of Resolution No. 2016-148, which approved the Class Range Table for Represented Management and Confidential Non-Sworn Classes,

WHEREAS, the positions will be effective upon Council adoption,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION I. AMENDMENT TO RESOLUTION NO. 2016-148. **Exhibit** "A" entitled, "City of Modesto Class Range Table Represented Management and Confidential Non-Sworn Classes," **attached** to Resolution No. 2016-148, is hereby amended as shown on the amended **Exhibit** "A" entitled "City of Modesto Class Range Table Represented Management and Confidential Non-Sworn Classes Effective June 28, 2016", which is **attached** hereto and made a part hereof as though set forth in full herein. Said **Exhibit** "A" amends the Class Range Table as follows:

1. Add Assistant Surveyor to salary range 432
2. Add Economic Development Marketing Specialist to salary range 438
3. Add Senior Land Surveyor to salary range 444
4. Amend the title of Building Inspection Program Coordinator to Building Safety Program Coordinator at salary range 444
5. Delete Modesto Regional Fire Authority Information Technology Technician from salary range 422

6. Delete Modesto Regional Fire Authority Finance Manager from salary range 438

SECTION II. EFFECTIVE DATE. This resolution shall become effective on and after June 28, 2016.

BE IT FUTHER RESOLVED by the Council of the City of Modesto that the City Manager or designee is hereby authorized to execute the agreement.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 21st day of June, 2016, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

CITY OF MODESTO
CLASS RANGE TABLE
REPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES
Effective **June 28, 2016**

RANGE	TITLE
407	Administrative Office Assistant II (Confidential)
411	Administrative Office Assistant III (Confidential)
412	Police Clerk II (Confidential)
415	Senior Administrative Office Assistant (Confidential)
416	Legal Secretary I
418	Systems Technician I
419	Account Technician (Confidential)
420	Administrative Services Technician I (Confidential) Executive Assistant Legal Secretary II Workers' Compensation Claims Assistant
421	Deputy City Clerk
422	Office Supervisor Senior Legal Secretary Systems Technician II
423	Custodian Supervisor Workers' Compensation Claims Examiner I
424	Administrative Services Technician II (Confidential) Buyer
425	Employee Benefits Coordinator
426	Central Stores Supervisor Financial Analyst I Senior Systems Technician
427	Administrative Analyst I Parking Services Supervisor Technology Solutions Analyst I Utility Dispatch Supervisor

RANGE	TITLE
428	Animal Control Supervisor
	Assistant Planner
	Human Resources Analyst I
	Workers' Compensation Claims Examiner II
429	Assistant City Clerk
	Parking Adjudication Program Coordinator
	Police Range and Training Center Coordinator
430	Financial Analyst II
	Senior Buyer
	Software Analyst I
	Systems Engineer I
431	Administrative Analyst II
	Events Coordinator
	Police Civilian Supervisor
	Technology Solutions Analyst II
432	**Assistant Surveyor**
	Associate Planner
	Compost Facility Supervisor
	Human Resources Analyst II
	Junior Engineer
	Neighborhood Preservation Supervisor
	Operations Supervisor
	Senior Workers' Compensation Claims Examiner
433	Water Resources Analyst
	Recreation Supervisor
434	Customer Services Supervisor
	Financial Analyst III
	Parks Project Coordinator
	Recycling Program Coordinator
	Software Analyst II
	Systems Engineer II
435	Assistant Transportation Planner
	Business Analyst
	Cultural Services Program Manager
	Emergency Medical Services Coordinator

RANGE	TITLE
	Management Analyst
	Organizational Development Coordinator
	Transit Analyst
	Weed and Seed Program Coordinator
436	Assistant Engineer
	Electrical Supervisor
	Housing Rehabilitation Supervisor
	Senior Crime and Intelligence Analyst
438	**Economic Development Marketing Specialist**
	Associate Land Surveyor
	Electrical Supervisor - Utilities
	Environmental Services Supervisor
	Integrated Waste Specialist
	Laboratory Supervisor
	Materials Management Superintendent/City Arborist
	Plant Maintenance Supervisor
	Property Agent
	Public Safety Business Services Analyst
	Risk and Loss Control Coordinator
	Senior Community Development Program Specialist
	Senior Financial Analyst
	Senior Human Resources Analyst
	Senior Planner
	Senior Software Analyst
	Senior Systems Engineer
439	Administrative Services Officer
	Associate Transportation Planner
	Senior Business Analyst
440	Associate Engineer
	Deputy Fire Marshal
	Public Information Coordinator
	Utilities Services Supervisor
	Utilities Plant Operations Supervisor

RANGE	TITLE
441	Housing and Urban Development Supervisor
	Infrastructure Financing Program Supervisor
	Police Civilian Manager
442	Centre Plaza Manager
	Construction Inspection Supervisor
	Customer Services Manager
	Environmental Regulatory Compliance Manager
	Parks Planning and Development Manager
	Principal Information Technology Administrator
	Purchasing Manager
	Recreation Program Manager
443	Associate Civil/Traffic Engineer
	Senior Transportation Planner
444	**Building Safety Program Coordinator**
	Building Inspection Supervisor
	Plant Maintenance Superintendent
	Senior Land Surveyor
	Water Superintendent
445	Airport Manager
	Fleet Manager
	Streets Manager
446	Accounting Manager
	Principal Planner
447	Traffic Operations Engineer
	Wastewater Collections Systems Manager
	Water Quality Control Plant Manager
	Water Systems Manager
448	Information Technology Manager
	Operations Manager
	Recreation and Neighborhoods Services Manager
	Transit Manager
	Solid Waste Program Manager

RANGE	TITLE
449	Assistant Chief Building Official
450	Business Center Manager Community Development Manager Planning Manager Senior Civil Engineer
452	Parks Recreation & Neighborhoods Operations Manager Traffic Engineer
453	Chief Building Official
455	Engineering Division Manager
457	City Engineer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-260

RESOLUTION AMENDING THE CLASSIFICATION PLAN FOR THE CITY OF MODESTO TO CREATE VARIOUS CLASSIFICATIONS CONSISTANT WITH ECONOMIC DEVELOPMENT MARKETING SPECIALIST AND SENIOR LAND SURVEYOR; AMEND THE TITLE OF THE CLASSIFICATION OF BUILDING INSPECTION PROGRAM COORDINATOR TO BUILDING SAFETY PROGRAM COORDINATOR; TO AMEND THE TITLE OF THE CLASSIFICATION OF ASSISTANT LAND SURVEYOR TO ASSISTANT SURVEYOR AND TO COMBINE THE ASSISTANT SURVEYOR WITH THE ASSOCIATE LAND SURVEYOR TO CREATE A "FLEX" CLASSIFICATION; AND TO DELETE THE CLASSIFICATIONS OF MODESTO REGIONAL FIRE AUTHORITY INFORMATION TECHNOLOGY TECHNICIAN AND MODESTO REGIONAL FIRE AUTHORITY FINANCE MANAGER

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution No. 2008-681 pursuant to Rule 2.2 of the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, the City Manager has recommended to the Council amendments to the Position Classification Plan, and

WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides that revisions to the Classification Plan shall be effective upon adoption of resolution of the City Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION I. CLASSIFICATION PLAN AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to create the classifications of Economic Development Marketing Specialist to salary range 438 and Senior Land Surveyor to salary range 444; to amend the title of the classification of Building Inspection Program Coordinator to Building Safety Program Coordinator; to amend the

title of the classification of Assistant Land Surveyor to Assistant Surveyor and to combine the Assistant Surveyor with the Associate Land Surveyor to create a "flex" classification; and to delete the classifications of Modesto Regional Fire Authority Information Technology Technician from salary range 422 and Modesto Regional Fire Authority Finance Manager from salary range 438.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after June 28, 2016.

BE IT FUTHER RESOLVED by the Council of the City of Modesto that the City Manager or designee is hereby authorized to execute the agreement.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 21st day of June, 2016, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-261

RESOLUTION APPROVING A LETTER OF AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO CONFIDENTIAL AND MANAGEMENT ASSOCIATION (MCMA) REGARDING THE GRANDFATHERING OF ONE (1) INCUMBENT IN THE ALLOCATION OF BUILDING SAFETY PROGRAM COORDINATOR FOR MEETING THE MINIMUM QUALIFICATION REQUIREMENTS PRIOR TO THE AMENDMENT OF THE CLASSIFICATION SPECIFICATION WHICH WILL NOW INCLUDE THE CERTIFIED ACCESS SPECIALIST (CASp) PROGRAM CERTIFICATION

WHEREAS, on July 1, 2010 Senate Bill No. 1608 (2)(d)(1) made it a requirement that local agencies shall employ or retain at least one building inspector who is a certified access specialist, and

WHEREAS, on January 1, 2014 Senate Bill No. 1608 (2)(d)(1) made it a requirement that local agencies shall employ or retain a sufficient number of building inspectors who are certified access specialist, and

WHEREAS, on January 27, 2015, the Community and Economic Development Department (CEDD) requested review of the Building Inspection Program Coordinator job specification for inclusion of the Certified Access Specialist (CASp) program certification, and

WHEREAS, on May 6, 2016, the Human Resources Department completed an audit of the position of Building Inspection Program Coordinator and recommended the successful obtainment of the Certified Access Specialist (CASp) program certification within eighteen (18) months of appointment be added to the minimum requirements of the classification and that the title be changed to Building Safety Program Coordinator, and

WHEREAS, in adding this additional requirement one (1) incumbent currently holding the classification will no longer meet the minimum requirements of the position, and

WHEREAS, representatives of the CITY requested from MCMA the approval to grandfather the incumbent into the minimum qualifications that he meet upon entering the job and to not request that he be made to obtain said certification, and

WHEREAS, MCMA agreed with the City's recommendation to not displace the current incumbent due to the minimum qualification changes, and

WHEREAS the CITY and MCMA have reached agreement for this one time exception through a Letter of Agreement (LOA) which, upon execution, shall be **attached** hereto and made a part hereof, and

WHEREAS, the Council considered this matter at its meeting of June 21, 2016,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the letter of agreement between the City of Modesto and the Modesto Confidential and Management Association (MCMA), and upon execution of same, a copy of the LOA will be on file in the office of the City Clerk.

BE IT FUTHER RESOLVED by the Council of the City of Modesto that the City Manager or designee is hereby authorized to execute the agreement.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 21st day of June, 2016, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

LETTER OF AGREEMENT
Between
City of Modesto
And
Modesto Confidential and Management Association (MCMA)

Building Safety Program Coordinator

The Human Resources department recently completed a Single-Class Audit following the submittal of a Position Inventory Questionnaire (PIQ) submitted by the Community and Economic Development. During the review of the PIQ, Senate Bill No. 1608 (below) led the department to recommend changes to the Building Inspection Program Coordinator.

Per Senate Bill No. 1608, Chapter 549, PART 2.52, Section 55.53:

- (2)(d)(1) Commencing July 1, 2010, a local agency shall employ or retain at least one building inspector who is a certified access specialist.
- (2)(d)(1) Commencing January 1, 2014, a local agency shall employ or retain a sufficient number of building inspectors who are certified access specialist to conduct permitting and plan check services to review for compliance with state construction-related accessibility standards by a place of public accommodation with respect to new construction, including, but not limited to, projects relating to tenant improvements that may impact access.

The above referenced Senate Bill confirms that it would be in the best interest of the City of Modesto to employ individuals that have obtained the mentioned Certified Access Specialist (CASp) program certification. During the desk audit, it was determined that the best position for this requirement was the Building Inspection Program Coordinator. The following job specification changes will be recommended to Council for approval:

TITLE
From: Building Inspection Program Coordinator
To: Building Safety Program Coordinator

- This position encompasses a wide array of scope and authority over the entire permitting process. The word "Safety" better describes the work conducted by this position.

EXPERIENCE
License or Certificate:

- ADD – "Possession of the Certified Access Specialist (CASp) program certification is required within eighteen (18) months of appointment."
- ADD – "Failure to obtain the required certification may result in demotion to a previously held classification or termination."

Due to the change in Experience, the current incumbent within the second allocation of this position, Bert Lippert, will no longer meet the minimum requirements for the job that he is

holding. It is the recommendation of the Human Resources Department that Bert is grandfathered into meeting the minimum requirements of this position and **not** be required to complete the Certified Access Specialist (CASp) program certification. This would take effect on the adoption by Council of the job specification changes. At no time during Bert's employment within the classification of Building Safety Program Coordinator would he be required to complete the before mentioned certification. Following Bert's exit from this classification, all future candidates would be required to meet the standards set forth within the job specification change.

If MCMA agrees with this one-time exception, please sign, date and return this side Letter of Agreement to the Human Resources department.

City of Modesto:	Modesto Confidential Management Association:
Joe Lopez Deputy City Manager	Laurie Smith MCMA President
Jim Holgersson City Manager	Kim Gillingham Goyette & Associates

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-262

Print

RESOLUTION ESTABLISHING THE CALCULATION FOR THE APPROPRIATION LIMIT FOR THE FISCAL YEAR 2016-2017 ANNUAL OPERATING BUDGET

WHEREAS, Proposition IV of the California State Constitution requires the City to establish an appropriation limit calculation each fiscal year, and

WHEREAS, Article XIIIB of the California Constitution specifies that appropriations made by state and local governments may increase annually by a factor comprised of the change in population combined with either the change in California per capita personal income or the change in the local assessment roll due to local nonresidential construction, and

WHEREAS, the **attached** schedule shows the preferred price and population factors to be used and the appropriations limit with the recommended factors in calculating the limit are the price factor of "state growth in per capita income" and the population factor of "growth rate in the city limits of Modesto", and

WHEREAS, a copy of said report is on file with the City of Modesto Finance Department and was available for public inspection at least fifteen days before the regularly scheduled meeting during which this resolution was considered,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appropriation limit calculation is hereby established as shown on Schedule A, **attached** hereto, and made a part hereof.

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following votes:

AYES:	Councilmembers:	Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ah You, Madrigal

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

SCHEDULE A

FISCAL YEAR 2016-17

PROPOSITION 4

APPROPRIATION LIMIT CALCULATION

FY 2015-2016 Appropriation Limit		$384,378,257
Adjustment Factors		
Per Capita Personal Income Change	5.37%	
Population Change (Modesto)	0.84%	
Per Capita converted to a ratio	1.0537	
Population converted to a ratio	1.0084	
Calculation of factor for FY 2016-2017	1.0626	
Adjustment		$24,062,079
FY 2016-2017 Appropriation Limit		$408,440,336

Article XIIIB places a limit on most, but not all, government revenue sources. The limit applies to appropriations from proceeds of taxes from both the general fund and special funds of government entities. Proceeds of taxes include tax revenues, interest earnings on invested tax revenues, and any revenues collected by a regulatory license fee or user charge in excess of the amount needed to cover the cost of providing the regulation, product, or service.

Appropriations from nontax revenues, including the City's enterprise funds, are not subject to the limit.

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-263

Print

RESOLUTION APPROVING THE FINAL MAP OF ABERDEEN PLACE 2 SUBDIVISION, ACCEPTING THE DEDICATIONS OF EASEMENTS ON BEHALF OF THE PUBLIC FOR PUBLIC USE, AND AUTHORIZING THE CITY CLERK TO CERTIFY AND RECORD THE FINAL MAP WITH THE STANISLAUS COUNTY RECORDER'S OFFICE

WHEREAS, Manjit Kaur and Karen Bhatti, as joint tenants, are in possession of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 0.36 acres, known as the ABERDEEN PLACE 2 SUBDIVISION ("SUBDIVISION"), in the Planned Development Zone, R-1, and

WHEREAS, a Vesting Tentative Subdivision Map was approved by the Planning Commission on January 5, 2015 per Planning Commission Resolution No. 2015-02, and

WHEREAS, the Secretary of the Planning Commission and the City Engineer acting as the designee for the Director of Public Works, have certified that the Final Map of said tract substantially conforms to the approved Tentative Map, and

WHEREAS, the public improvements have been completed by the developer Harry Bhatti and approved by the Construction Administration Office, and

WHEREAS, the City Engineer of the City of Modesto has certified that the Final Map of said SUBDIVISION meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and the City Surveyor has determined that the map is technically correct, and the corresponding fees have been collected,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Council finds that the Aberdeen Place 2 Final Map conforms with the provisions of Modesto Municipal Code section 4-4.601 et seq. and is therefore approved.

BE IT FURTHER RESOLVED that the dedications for public easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto.

BE IT FURTHER RESOLVED that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ah You, Madrigal

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-264

RESOLUTION APPROVING A MEMORANDUM OF AGREEMENT WITH STANISLAUS COUNTY FOR THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) FORMULA PROGRAM FISCAL YEAR 2016 LOCAL SOLICITATION AUTHORIZING A JOINT APPLICATION WITH STANISLAUS COUNTY, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE MEMORANDUM OF AGREEMENT

WHEREAS, the allocation of Edward Byrne Memorial Justice Assistance Grant (JAG) is based on a formula of population and violent crime statistics, in combination with a minimum allocation to ensure that each state and territory received an appropriate share of funding, and

WHEREAS, the JAG Program allows states, tribes and local governments to support a broad range of activities to prevent and control crime based on their own local needs and conditions, and

WHEREAS, the City of Modesto Police Department is eligible to apply for $165,937 and Stanislaus County is eligible for $30,626, and

WHEREAS, the City of Modesto Police Department is considered a "disparate" under the terms of this grant because the City is eligible to receive one and one-half times more than a County (150% more than the County with concurrent jurisdiction), and

WHEREAS, the Modesto Police Department and Stanislaus County are required to submit a joint application for the total eligible allocation of $165,937 and

WHEREAS, recommended distribution of the 2014 JAG funds are as follows:

Probation	$ 7,656
Sheriff	$ 22,970
Sheriff (Administrative Fee)	$ 4,059
Modesto Police Department	$131,252

WHEREAS, the City of Modesto will use its allocation to help fund the acquisition and implementation of License Plate Reader (LPR) equipment and analytical software.

WHEREAS, there is no match required for this grant, and

WHEREAS, the awards are made in the first fiscal year of the appropriation and may be expended during the following three years for a total of four years, and

WHEREAS, Stanislaus County will be the fiscal agent for this grant, and

WHEREAS, the County will charge the City a three percent (3%) administrative fee in the amount of $4,059 to cover the reporting costs associated with the grant, and

WHEREAS, the administrative fee reduces the City's total projected grant award to $131,252 ($135,311 less the 3% administrative fee of $4,059), and

WHEREAS, the grant requires that a trust fund must be established for fund deposits, and funds cannot be commingled with funds from any other source, and

WHEREAS, the Memorandum of Agreement states that the City agrees to provide the County a quarterly financial and programmatic report not later than fifteen (15) calendar days after the end of the quarter, and

WHEREAS, grant requires a signed Memorandum of Agreement for the application,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Memorandum of Agreement with Stanislaus County for the Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program Fiscal Year 2016 Local Solicitation, authorizing a joint application with Stanislaus County.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the grant application upon award.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ah You, Madrigal

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-265

Print

RESOLUTION APPROVING ANGLED PARKING ALONG THE WEST SIDE OF 8TH STREET BETWEEN H STREET AND I STREET AND RESCINDING RESOLUTION NO. 2011-384

WHEREAS, Article 10 of Chapter 2 of Title 3 of the Modesto Municipal Code authorizes the City Council, by resolution, to establish angled parking in the City of Modesto, and

WHEREAS, staff is requesting that Resolution No. 2011-384 which established the prior approved angled parking list in the City of Modesto be rescinded, and

WHEREAS, City staff received a request from Crescent Work & Outdoor to install angled parking along the west side of 8th Street between H Street and I Street, to provide additional parking spaces for customers visiting their store and others along 8th Street, and

WHEREAS, staff evaluated the traffic volumes and the speeds for this section of roadway and concluded that angled parking can be accommodated on the west side of 8th Street between H Street and I Street without creating a hazard and without impeding traffic flow, and

WHEREAS, the Healthy Economy Committee considered the additional angled parking on 8th Street at its June 8, 2016, meeting and supported staff's recommendation.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. ANGLED PARKING. Angled parking in the City of Modesto is hereby approved and established at the following locations:

- 4th Street, between E Street and G Street (west side)
- 6th Street, Sierra Drive to north property line of New Bethany Missionary Baptist Church (west side)
- 8th Street, between J Street and K Street (east side)
- 8th Street, between L Street and Jefferson Street (east side)
- 10th Street, between F Street and G Street (east side)
- 10th Street, between G Street and H Street (east side)
- 10th Street, between I Street and J Street (east side/west side)
- 13th Street, between H Street and L Street (east side)
- 13th Street, between F Street and G Street (east side)
- 15th Street, between H Street and K Street (east side)
- 16th Street, between I Street and J Street (east side)
- 18th Street, between G Street and H Street (west side)
- F Street, between 9th Street and 10th Street (north side)
- F Street, between 10th Street and 11th Street (north side/south side)
- I Street, between 9th Street and 12th Street (both sides)
- J Street, between 7th Street and 8th Street (north side)
- K Street between 415 K Street and 6th Street (north side)
- Coldwell Avenue, between Tully Road and College Avenue
- Elm Street, between Jefferson Street and Washington Street
- Jefferson Street, between Elm Street and Laurel Street
- Sierra Drive, between F Street and 4th Street (north side)
- Sierra Drive, between 5th Street and 6th Street (north/south side)

- 8th Street, between H Street and I Street (west side)

SECTION 2. The Public Works Director, or his designee, is hereby directed to implement the installation of angled parking along the west side of 8th Street between H Street and I Street.

SECTION 3. Resolution No. 2011-384 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ah You, Madrigal

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-266

RESOLUTION APPROVING THE INSTALLATION OF A MID-BLOCK CROSSWALK ACROSS SUNNYSIDE DRIVE NEAR COFFEE ROAD AND LUCERN AVENUE

WHEREAS, the California Vehicle Code 21106 (a) states that Local authorities, by ordinance or resolution may establish crosswalks between intersections, and

WHEREAS, Sutter Gould Medical Foundation facility is bounded by Coffee Road, Locke Road, Sunnyside Drive and Lucern Avenue, and is partially served by a parking lot for their employees located across the street on the east side of Sunnyside Drive, and

WHEREAS, the parking lot is for employee parking, and to encourage a safer pedestrian route for their employees. Sutter Gould Medical Foundation has requested the City of Modesto install a mid-block crosswalk across Sunnyside Drive, and

WHEREAS, Sutter Gould Medical Foundation will construct the curb ramps for the mid-block crosswalk that meet current Americans with Disabilities Act (ADA) standards at no cost to the City of Modesto, and

WHEREAS, City staff does not typically support mid-block crosswalks, but with safety measures in mind along with the high level of pedestrian activity the parking lot has, City staff has no objection to this mid-block crosswalk, and

WHEREAS, the Healthy Economy Committee reviewed the proposed mid-block crosswalk installation at its June 8, 2016 meeting and recommends the City Council approve the mid-block crosswalk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council approves the establishment of the mid-block crosswalk on Sunnyside

Drive, 150 feet north of Lucern Avenue. The mid-block crosswalk will become effective when signs and pavement markings are installed under provisions of the Vehicle Code of the State of California and regulations adopted pursuant thereto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ah You, Madrigal

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-267

Print

RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE PURCHASE OF TWO THERMO-LAY HOT PATCH TRUCKS TO NATIONAL AUTO FLEET GROUP, WATSONVILLE, CA, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE PURCHASE AGREEMENT FOR AN ESTIMATED TOTAL COST OF $452,275

WHEREAS, the replacement of two Thermo-Lay Hot Patch Trucks for the City's Streets Division has been subjected to a thorough evaluation and has met or exceeded the replacement criteria before being placed on the replacement list, and

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFBs) for new vehicles and heavy equipment through various competitive processes, and

WHEREAS, National Auto Fleet Group has been awarded the National Joint Powers Alliance (NJPA) master contract 102811 through a competitive bid process. Taking advantage of this process and awarding the contract by "piggybacking" is an efficient and effective way to purchase these vehicles, and

WHEREAS, Modesto Municipal Code (MMC) Section 8-3.203 generally requires all purchases which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. However, there are exceptions to the rule set forth in the Modesto Municipal Code. One exception, MMC Section 8-3.204(d), is available where the Purchasing Manager, at his or her discretion, determines that a process other than the usual formal bid procedure set forth in MMC Section 8-3.203 will result in procurement for the City at the lowest possible cost commensurate with the desired quality. Acting within his discretion, the Purchasing Manager invoked that exception for this purchase due to the cost savings of staff time and the limited number of competitors. The purchase

of two Thermo-Lay Hot Patch Trucks by "accessing the terms" of the NJPA contract with National Auto Fleet Group, Watsonville, CA will conform to MMC Section 8-3.204(d), and

WHEREAS, sufficient funds for the purchase of two Thermo-Lay Hot Patch Trucks are budgeted in Fiscal Year 2015-2016, in account 5409-53246-57003.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid for the purchase of two Thermo-Lay Hot Patch Trucks to National Auto Fleet Group, Watsonville, CA.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute a purchase agreement for an estimated total cost of $452,275.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ah You, Madrigal

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-268

Print

RESOLUTION ACCEPTING A FEDERAL AVIATION ADMINISTRATION GRANT OFFER FOR $145,287

WHEREAS, the Modesto City-County Airport (Airport) is part of the Federal airport system and eligible for Federal funding, and

WHEREAS, as Airport sponsor, the City is eligible each year for entitlement and discretionary funds that provide 90.66% for the FAA Airport Capital Improvement Program (ACIP), and

WHEREAS, the local 9.34% match required for grants will be paid from a City Local Match (Stanislaus County Aircraft Tax Fund), and

WHEREAS, the Airport has two airport improvement projects, Pavement Maintenance Management Plan (PMMP) and Wildlife Hazard Management Plan (WHMP), and an FAA Grant Application for Airport Improvement Project 3-06-0153-040-2016 (AIP 40) has been made regarding those projects.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts an FAA grant offer for $145,287.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is authorized to execute all grant related documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ah You, Madrigal

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-269

RESOLUTION APPROVING AN AGREEMENT BETWEEN WITH STANISLAUS COUNTY FOR ENGINEERING DESIGN SERVICES, ENGINEERING SUPPORT DURING CONSTRUCTION AND CONSTRUCTION INSPECTION SERVICES PROVIDED BY THE CITY RELATED TO CONSTRUCTION OF THE AIRPORT NEIGHBORHOOD SEWER IMPROVEMENTS PROJECT, IN AN AMOUNT NOT TO EXCEED $120,000

WHEREAS, the Airport Community is an unincorporated, disadvantaged community located on the southeast side of the City of Modesto with 481 parcels that rely on septic systems for treatment of sewage, and

WHEREAS, the Airport Community's septic systems are failing and pose a threat to public health and groundwater, and

WHEREAS, the City owns and operates a sanitary sewer system adjacent to the Airport, and is prepared to provide sewer services to the Airport Community, and

WHEREAS, the County received a Cleanup and Abatement Account Grant from the California State Water Board to prepare the design of the sewer system improvements, and

WHEREAS, on December 13, 2011, by Resolution No. 2011-477, City Council approved a Memorandum of Agreement with the County for City engineering staff to provide sewer design services for the project, and

WHEREAS, on August 29, 2012, City staff completed and submitted the plans and specifications to the County, and

WHEREAS, on April 9, 2013, by Resolution No. 2013-132, the City Council approved the Measure M Sewer Advisory Vote to allow City sewer extension in the Airport Community, and

WHEREAS, once these sewer facilities are constructed, the residences will be allowed to connect to the City's sewer system, and

WHEREAS, on September 9, 2014, by Resolution No. 2014-377, the City Council approved a Memorandum of Agreement with the County for City engineering staff to provide engineering design support services during construction of Phase 1 of the Airport Neighborhood Sewer Improvements – Kerr Avenue project consisting of 48 parcels, and

WHEREAS, the agreement also provided conditions for the County to transfer ownership of sewer improvements upon Notice of Completion filed by the County and upon inspection and approval by the City, and

WHEREAS, on July 14, 2015, by Resolution No. 2015-251, the City Council accepted the Airport Neighborhood Sewer Improvements Phase 1 Project as complete and annexed said improvements into Modesto Municipal Sewer District No. 1, and

WHEREAS, the State Water Resources Control Board (SWRCB) has conditionally approved the County's application for Clean Water State Revolving Fund Program grant funds to complete the construction of the second and final phase (Phase 2) of the project, and

WHEREAS, the County has requested assistance from the City to update the project plans and specifications and to provide engineering support during construction and construction inspection for the Phase 2 project, and

WHEREAS, the City has qualified staff with experience to perform these services, and the County has agreed to compensate the City in an amount not to exceed $120,000, and

WHEREAS, the purpose of this Agreement is to facilitate cooperation between the City and the County for the above referenced services,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Stanislaus County for engineering design services, engineering support during construction and construction inspection services to be provided by the City related to construction of the Airport Neighborhood Sewer Improvements Project, in an amount not to exceed $120,000.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Modesto held on the 28th day of June, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ah You, Madrigal

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-270

RESOLUTION APPROVING THE SPECIFICATIONS FOR THE WELL DESTRUCTION PROJECT, ACCEPTING THE BID, AND APPROVING A CONTRACT WITH HOWK SYSTEMS, OF MODESTO, CA IN THE AMOUNT OF $413,812

WHEREAS, specifications have been prepared for the Destruction of Wells 4, 8, 19, 32, 36, 44, 226 & 229 Project, and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Destruction of Wells 4, 8, 19, 32, 36, 44, 226 & 229 Project were opened at 11:00 a.m. on June 7, 2016 for the consideration of the Council, and

WHEREAS, the Director of Utilities has recommended that the bid of $413,812 received from Howk Systems, Inc., be accepted as the lowest responsible and responsive bid and the contract be awarded to Howk Systems, Inc.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the specifications for Destruction of Wells 4, 8, 19, 32, 36, 44, 226 & 229 Project accepts the bid of $413,812 and awards Howk Systems, Inc. of Modesto, CA, the contract for the Destruction of Wells 4, 8, 19, 32, 36, 44, 226 & 229 Project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ah You, Madrigal

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-271

RESOLUTION AUTHORIZING AN INCREASE IN THE DIRECTOR'S AUTHORITY TO ISSUE CHANGE ORDERS FOR THE WELL DESTRUCTION PROJECT

WHEREAS, on June 28, 2016, the City Council is concurrently awarding a $413,812 contract to Howk Systems, of Modesto, CA for the construction of the Destruction of Wells 4, 8, 19, 32, 36, 44, 226 & 229 Project, and

WHEREAS, the City of Modesto water system is supplied by surface water and groundwater, and

WHEREAS, wells are taken out of service when they do not meet federal and state water quality standards, and

WHEREAS, the State Water Resources Control Board requires that action be taken to remediate or destroy wells that are out of service for long periods of time to protect existing groundwater resources, and

WHEREAS, given the nature of well removal and well destruction, additional work may be needed to address unexpected conditions that require changes in project scope that may exceed the Director's Authority of 10%, and

WHEREAS, the additional costs could exceed the Director's authority for the project as established by the Council's Change Order Approval Policy adopted by Resolution No. 94-443, and

WHEREAS, the Director of Utilities currently has authority to approve change orders up to a cumulative amount of $41,381,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Director of Utilities to issue change orders for the

Destruction of Wells 4, 8, 19, 32, 36, 44, 226 & 229 Project from 10 percent ($41,381) to 25 percent ($103,453) of the construction contract price of $413,812 with Howk Systems, of Modesto, CA

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ah You, Madrigal

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-272

RESOLUTION AMENDING THE FISCAL YEAR 2015-2016 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $224,832 TO BE TRANSFERRED FROM WATER FUND RESERVES

WHEREAS, certain budgetary transactions are necessary in the amount of $224,832, in order to fund construction, City construction forces, contingency, construction administration, and design support during construction, including engineering, design, and administration support by City staff, for the Destruction of Wells 4, 8, 19, 32, 36, 44, 226 & 229 Project, and

WHEREAS, the Fiscal Year 2015-2016 Capital Improvement Program Budget must be amended as shown in **Exhibit A**, which is incorporated by reference herein,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2015-2016 Capital Improvement Program Budget as shown in **Exhibit A**.

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ah You, Madrigal

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Exhibit A

Due to construction costs being higher than initially budgeted for the project, line item increases are necessary for CIP Account #100796 "Destroy Contaminated Wells", and the total project costs need to be increased by $224,832. This would be done by adjusting Construction Administration by $5,424, Construction City Forces by $18,000, Construction by $103,812, Contingency-CIP by $72,453, and Engineering/Design/Administration by $25,143.

To fund the above account, $224,832 will be transferred from Water Fund Reserves into CIP Project 100796 for the Destruction of Wells 4, 8, 19, 32, 36, 44, 226 & 229 Project.

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-273

Print

RESOLUTION APPROVING AN AMENDMENT TO AN AGREEMENT WITH KRAZAN & ASSOCIATES, INC. OF MODESTO, CA FOR ON-CALL CONSTRUCTION MANAGEMENT TESTING SERVICES

WHEREAS, City staff finds it necessary to utilize the services of a materials testing firm during the course of administering the construction on public improvement projects, and

WHEREAS, the testing services are required to help achieve compliance with the specification requirements of the various projects, and

WHEREAS, staff does not have the required equipment or certifications to perform all the required testing services, and

WHEREAS, staff issued a Request for Bids through the City's competitive bidding process, and bids were opened on April 23, 2013, for Construction Management Testing Services, and the firm of Krazan & Associates, Inc. was the lowest responsible bidder, and

WHEREAS, on May 28, 2013, by Resolution No. 2013-201, the City Council approved an Agreement with Krazan & Associates, Inc. to perform Construction Management Testing Services on various City of Modesto projects for Fiscal Year 2013/2014, with two (2) one-year extension options, and

WHEREAS, on May 9, 2014, the first of two approved contract extensions was executed for Fiscal Year 2014/2015 in an amount not to exceed $91,800, and

WHEREAS, on May 13, 2015, the second and final of two approved contract extensions was executed for Fiscal Year 2015/2016 in an amount not to exceed $92,500, and

WHEREAS, given the various capital improvement projects planned for Fiscal Year 2016/17 the City wishes to retain Krazan & Associates' materials testing services for an additional year and thus an amendment to their Agreement is needed in order to extend the term and increase compensation.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Amendment to Agreement for Construction Management Testing Services between the City of Modesto and Krazan & Associates, Inc., for various Capital Improvement Program projects in an amount not to exceed $75,000, as well as extending the agreement for one year,

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ah You, Madrigal

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-274

Print

RESOLUTION APPROVING THE SUBMITTAL OF A GRANT APPLICATION TO THE FEDERAL TRANSIT ADMINISTRATION REQUESTING $9,871,944 IN TRANSIT FUNDS AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE AND FILE THE ANNUAL CERTIFICATIONS AND ASSURANCES AND ALL OTHER NECESSARY DOCUMENTS WITH THE FTA

WHEREAS, the Federal Transit Administration (FTA) has been delegated authority to award federal financial assistance for transportation related projects, and

WHEREAS, the City of Modesto has provided all annual certifications and assurances required by the FTA for Section 5307 funding, and

WHEREAS, in Fiscal Years 2014/2015 and 2015/2016 the City of Modesto was allocated $9,871,944 in Section 5307 funding by the FTA, and

WHEREAS, the project expenses for the City of Modesto shown in the **attached** Program of Projects are eligible to receive federal reimbursement from Section 5307 funds, and

WHEREAS, the projects shown in the **attached** Program of Projects are included in the Federal Transportation Improvement Program (FTIP) adopted by the Stanislaus Council of Governments (StanCOG), and

WHEREAS, Modesto is eligible to use federally approved Transportation Development Funds, known as "State Toll Credits", in lieu of a local match, and

WHEREAS, the grant for Federal assistance will impose certain obligations on the City of Modesto, and may require the City to provide the local share of the project costs.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the submittal of an application to the FTA for $9,871,944 in Section 5307 funds for projects included in the **attached** Program of Projects.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute and file the annual certifications and assurances and other documents the FTA requires for awarding a federal assistance grant.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute all necessary grant documents with the FTA on behalf of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ah You, Madrigal

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

2016-2017 Federal Transit Administration
Program of Projects

FTA Section 5307 Program of Projects

FTA Fund Availability	5307 Apportionment for 2014-15	$	4,883,793
	5307 Apportionment for 2015-16	$	4,988,151
	Total	$	9,871,944

MODESTO URBANIZED AREA SECTION 5307 PROJECTS

FTA Project Description **Modesto Projects**		**Total**	**Local**	**FEDERAL**
Purchase New Replacement Bus		$147,000		$147,000
Purchase Zero Emission Bus for Expansion		$500,000		$500,000
Rehab/Renovate Bus Stop and Stations		$120,000		$120,000
Acquire Mobile Fare Collection Equipment		$100,000		$100,000
Purchase Communications Equipment		$110,000		$110,000
Capital Cost of Contracting		$11,549,316	$6,929,590	$4,619,726
Preventive Maintenance		$4,136,499		$4,136,499
Employee Training & Education		$20,000		$20,000
Transit Enhancements		$98,719		$98,719
	Total	$16,801,534	$6,929,590	$9,871,944

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-275

RESOLUTION APPROVING THE SUBMITTAL OF A GRANT APPLICATION TO THE FEDERAL TRANSIT ADMINISTRATION REQUESTING $1,100,000 IN CONGESTION MITIGATION AND AIR QUALITY FUNDS AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE AND FILE THE ANNUAL CERTIFICATIONS AND ASSURANCES AND ALL OTHER NECESSARY DOCUMENTS WITH THE FTA

WHEREAS, the Federal Transit Administration (FTA) has been delegated authority to award federal financial assistance for transportation related projects, and

WHEREAS, the City of Modesto has provided all annual certifications and assurances required by the FTA for Congestion Mitigation and Air Quality (CMAQ) funding, and

WHEREAS, the CMAQ projects for the City of Modesto shown on the **attached** Program of Projects are eligible to have 100% of their expenses reimbursed by CMAQ funds, and

WHEREAS, the CMAQ projects for the City of Modesto were competitively awarded to Modesto by Stanislaus Council of Governments (StanCOG), and

WHEREAS, the projects shown in the **attached** Program of Projects are included in the Federal Transportation Improvement Program (FTIP) adopted by StanCOG, and

WHEREAS, Modesto is eligible to use federally approved Transportation Development Funds, known as "State Toll Credits", in lieu of a local match, and

WHEREAS, the grant for Federal assistance will impose certain obligations on the City of Modesto.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the submittal of an application on behalf of the City of Modesto to the FTA for $1,100,000 in CMAQ funds.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute and file the annual certifications and assurances and other documents the FTA requires for awarding a federal assistance grant.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute all necessary grant documents with the FTA on behalf of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ah You, Madrigal

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

2016-2017 Federal Transit Administration
Program of Projects

Congestion Management Air Quality Program of Projects

FTA Fund Availability CMAQ for FY 2015/16 $ 1,100,000

FTA Project Description

	Total	Local	FEDERAL
Purchase two Replacement Buses	$1,100,000		$1,100,000
Total	$1,100,000	$0	$1,100,000

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-276

RESOLUTION ADOPTING THE JOINT 2015 URBAN WATER MANAGEMENT PLAN

WHEREAS, the State Department of Water Resources (DWR) requires Urban Water Management Plans (UWMPs) to be updated and submitted every five years under the Urban Water Management Planning Act of the State Water Code, and

WHEREAS, in addition to being a required document, an UWMP is necessary for water purveyors to be eligible for state water management grants or loans, and

WHEREAS, as a wholesale water supplier to the City of Modesto, the Modesto Irrigation District (MID) is also required to submit an UWMP because it provides municipal water supply to more than 3,000 customers, and

WHEREAS, the City and MID have previously submitted joint UWMPs in 1995, 2000, 2005, and 2010 in order to simplify the required efforts and coordinate the urban water needs more closely, and

WHEREAS, on January 13, 2016, the City and MID entered into a Letter of Agreement for cost sharing for the development of the Joint 2015 UWMP, and

WHEREAS, on November 10, 2015, by Resolution No. 2015-437, the City Council approved an Agreement with West Yost Associates to develop the Joint 2015 UWMP, and

WHEREAS, on February 22, 2011, by Resolution No. 2011-063, the City Council conducted a public hearing and adopted a Methodology Consumption Calculation determining 2015 and 2020 per capita water use targets and associated per capita water uses as required by the State's Water Code, and

WHEREAS, the current water use targets and adopted calculation methodology were reevaluated under the Joint 2015 UWMP and deemed still the most favorable for the City and are incorporated in the future water demand estimates of the Joint 2015 UWMP, and

WHEREAS, the City has achieved its 2015 water use reduction target by a significant margin and is currently below the 2020 target, and

WHEREAS, the City also expects its future 2020 per capita water use to remain below the established 2020 target, and

WHEREAS, though not required by the state, another task under the Joint 2015 UWMP is to update the City's Water Conservation Plan, and

WHEREAS, the Water Conservation Plan update will be brought to Council for adoption at a later date.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby adopts the Joint 2015 Urban Water Management Plan as required by the State's Water Code substantially in the form of the revised draft plan before The Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ah You, Madrigal

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-277

RESOLUTION APPROVING THE RECONVENING OF THE COMPREHENSIVE FEES TASK FORCE TO REVIEW AND ALIGN DEVELOPMENT-RELATED FEES WITH THE GOALS AND POLICIES OF THE CITY'S GENERAL PLAN AND STRATEGIC COMMITMENTS, AND PROVIDE POLICY DIRECTION FOR A COMPREHENSIVE CAPITAL FACILTIES FEES PROGRAM UPDATE

WHEREAS, on November 23, 2009, the Finance Committee approved the formation of the Comprehensive Fee Task Force for the purpose of coordinating all development related fee proposals and aligning all fee structures with the goals and policies of the General Plan and Strategic Plan, and

WHEREAS, the Economic Development Committee held a special meeting on January 7, 2010 to review and consider appointments to the Task Force, and

WHEREAS, on March 10, 2010 the City Council approved the formation of the Comprehensive Fees Task Force, and

WHEREAS, on March 22, 2011 the City Council approved the recommendations of the Comprehensive Fees Task Force, and

WHEREAS, current development-related fees should be reviewed and aligned with the goals and policies of the City's General Plan and Strategic Commitments, and

WHEREAS, the last comprehensive update of the Capital Facilities Fees program was completed in 2003, and

WHEREAS, on May 11, 2016 the Healthy Economy Committee recommended reconvening the Comprehensive Fees Task Force be forwarded to the City Council for consideration to

1) review and align development-related fees with the City's General Plan and Strategic Commitments;

2) provide policy direction of a comprehensive update of the Capital Facilities Fees program; and

3) be comprised of the following members pending City Council approval at a future meeting:

   Voting Members:
   Member – Healthy Economy Committee (Selected by Committee)
   Member – Effective Government Committee (Selected by Committee)
   Representative – Manufacturer's Council (Selected by Organization)
   Representative – Building Industry Association (Selected by Organization)
   Representative – Chamber of Commerce (Selected by Organization)
   Citizen-at-Large (4) – Interviewed and Appointed
   Commercial Broker – Interviewed and Appointed
   Affordable Housing Representative – Interviewed and Appointed

   Staff Support:
   Deputy City Manager - Operations
   Director of Community and Economic Development
   Director of Utilities
   Director of Finance
   Community Development Manager
   Chief Building Official
   Economic Development & Asset Administration Manager
   Planning Manager
   City Engineer

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby reconvenes the Comprehensive Fees Task Force and authorizes staff to proceed with its formation to review and align development-related fees with the goals and policies of the City's General Plan and Strategic Commitments, and provide policy direction for a comprehensive Capital Facilities Fees program update.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ah You, Madrigal

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-278

Print

RESOLUTION AUTHORIZING ACCEPTANCE OF A GRANT FOR $4,085,000 FROM THE CALIFORNIA AIR RESOURCES BOARD (CARB) FOR THE PURCHASE OF FOUR PROTERRA ZERO-EMMISSION ELECTRIC PUBLIC TRANSIT BUSES, TWO FAST-CHARGERS, FOUR OVERNIGHT CHARGERS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL GRANT APPLICATION AND GRANT AGREEMENT DOCUMENTS

WHEREAS, Assembly Bill 118 (2007), created the Low Carbon Transportation Greenhouse Gas Reduction Fund, and

WHEREAS, Assembly Bill 1532 (2012), Senate Bill 535 (2012) and Senate Bill 1018 (2012) established that the California Air Resources Board's (CARB) Greenhouse Gas Reduction Funds would administer Cap-and-Trade auction proceeds, and

WHEREAS, CARB has developed guidelines for the purpose of administering the Greenhouse Gas Reduction Funds, and

WHEREAS, the statutes related to Greenhouse Gas Reduction Funds require Modesto to abide by various regulations, and

WHEREAS, Modesto's grant application for $4,085,000 was preliminarily approved to receive CARB funds contingent on Modesto's acceptance of the funds and demonstrating the available match, and

WHEREAS, Modesto has the available matching funds of $2,131,239 in Transit funds for the four year period of the grant's term.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Modesto accepts the CARB funds and commits Transit funds as a match.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute all necessary grant documents with CARB on behalf of the City of Modesto.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to designate the Public Works Director to execute all necessary grant documents with CARB on behalf of the City of Modesto.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to designate the Transit Manager to execute all necessary grant documents with CARB on behalf of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ah You, Madrigal

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-279

RESOLUTION AMENDING THE TRANSIT DIVISION'S FISCAL YEAR 2016-2017 OPERATING BUDGET IN THE AMOUNT OF $4,637,000 TO FUND THE PURCHASE OF FOUR PROTERRA ZERO-EMISSION ELECTRIC PUBLIC TRANSIT BUSES, AND THE PURCHASE AND INSTALLTION OF TWO FAST-CHARGERS AND FOUR OVERNIGHT CHARGERS

WHEREAS, certain budgetary transactions are necessary in the amount of $4,637,000, in order to fund the purchase of four electric public transit buses and the purchase and installation two fast-chargers and four overnight chargers for the Modesto Area Express (MAX) bus system, and

WHEREAS, the City was tentatively awarded a grant from California Air Resources Board (CARB) in the amount of $4,085,000 for this purchase and

WHEREAS, Federal Transit Administration (FTA) funds in the amount of $552,000 awarded to the City for transit's operating and capital expenses will be used for this purchase and

WHEREAS, the Fiscal Year 2016-2017 Operating Budget must be amended as shown in **Exhibit A**, which is incorporated by reference herein.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2016-2017 Operating Budget as shown in **Exhibit A**.

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ah You, Madrigal

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Request for Budget Adjustment
(Projects and Grants)

Contact Person: Maria Garnica
Telephone: 577-5249
Submitting Department: PW

Council Action Date:
Resolution Number:
Date Submitted by Dept:

Project Name: Electric Bus Purchase
Project Fund: 4510

Fiscal Year being Adjusted: FY16/17

FY	-	Fund	-	Cost Center	-	Account	-	Project	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Account
Revenues												
FROM												
	-		-		-		-				$0	
											$0	
	-		-		-		-				$0	
	-		-		-		-				$0	
TO												
	-		-		-		-				$0	
17	-	4510		59999	-	42090	-	100959	$0	$4,085,000	$4,085,000	Intergov- Federal Miscellaneous
17	-	4510	-	59999	-	42014	-	100959	$0	$552,000	$552,000	Inergov- Federal - Federal Transit Administration - Capital Related
	-		-		-		-				$0	

FY	-	Project	-	Task	-	Expenditure Type	Current Budget	Increase/ (Decrease)	Revised Budget	Project Organization
Expenses										
FROM										
TO										
17		100959		Appr C		Vehicles >$5,000	$0	$4,637,000	$4,637,000	PW- Transit Services

Justification for Budget Adjustment

New CARB grant funds awareded for the purchase of electric buses. Match will come from new FTA grant.

Authorization	Signature	Date
Administrative Services Officer (if needed)		
Deputy Director (if needed)		
Department Director or Authorized Designee		
Financial Analyst		
Finance Director		
City Manager		

To be Completed by Finance Staff

Transfer Number: 2

Completed By:

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-280

RESOLUTION ORDERING JUDICIAL FORECLOSURE OF DELINQUENT ANNUAL SPECIAL FACILITIES TAXES PURSUANT TO THE MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982 AND ORDERING THAT THE STANISLAUS COUNTY TAX COLLECTOR BE CREDITED WITH THOSE TAXES

WHEREAS, the City of Modesto (City) has conducted proceedings resulting in the formation of Community Facilities Districts (CFDs) and the issuance and sale of bonds or debt pursuant to the Mello-Roos Community Facilities Act of 1982 (Cal. Gov. Code Section 53311, et seq.; the "Act"), and

WHEREAS, pursuant to the Act, the City has duly recorded Notices of Special Tax Lien and has duly and regularly levied special taxes, which special taxes and interest and penalties thereon constitute a lien against the parcel of the land against which it was levied until the same are paid, which liens secure in whole or part debt issued pursuant to the Act, and

WHEREAS, certain installments of the special taxes have not been paid when due, and certain special taxes may not be paid when due in the future, and

WHEREAS, pursuant to Section 53356.1(a) of the Act, the CFDs are authorized to order the special taxes collected by an action brought in the Superior Court to foreclose their liens, and

WHEREAS, pursuant to Section 53356.1(b) of the Act, the CFDs covenanted for the benefit of owners of the debt to file such foreclosure actions on behalf of the debt holders and are authorized to order the County Auditor to credit the delinquent special taxes upon the secured tax roll, thus relieving the County Tax Collector of further duty and regard thereto, and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto, acting as the governing body of all of the City of Modesto Community Facilities Districts that:

The parcels with delinquent special taxes identified in **Exhibit A attached** hereto and incorporated herein shall be subject to judicial foreclosure lawsuits to collect delinquent special taxes as authorized under the Act and the City Attorney is hereby authorized and directed to file the appropriate actions in the Superior Court of the County of Stanislaus to foreclose the liens thereof.

BE IT FURTHER RESOLVED that pursuant to the Act, the Stanislaus Tax Collector is to be credited upon the current tax roll with the amount charged on account of the delinquent special taxes to be sued on, including applicable penalties, interest and costs and to be relieved of further duty in regard thereto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of July, 2016 by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Zoslocki Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ridenour

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Exhibit A

Delinquent Parcels as of May 31, 2016
Missed 3 or More Installments

CFD No. 2003-1 (Fairview Village)		
APN	**Tax Year**	**Unpaid Taxes**
056-096-063-000	2014	$459.48
	2015	$435.62
	Subtotal	**$895.10**
056-096-067-000	2013	$850.80
	2014	$850.80
	2015	$747.50
	Subtotal	**$2,449.10**
	TOTAL	**$3,344.20**

CFD No. 2004-1 (Village One #2)		
APN	**Tax Year**	**Unpaid Taxes**
077-060-038-000	2014	$1,404.82
	2015	$1,424.74
	Subtotal	**$2,829.56**
077-060-070-000	2013	$696.96
	2014	$702.41
	2015	712.37
	Subtotal	**$2,111.74**
	TOTAL	**$4,941.30**

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-281

Print

RESOLUTION APPROVING THE SALE OF SURPLUS PROPERTY, CONSISTING OF 1,613 SQUARE FEET (0.04 ACRE) DESCRIBED AS AN UNUSED PORTION OF WELLS AVENUE LOCATED NEXT TO THE PELANDALE AND MCHENRY AVENUES INTERSECTION

WHEREAS, the City of Modesto owns surplus property which is a portion of the public right-of-way and cul-de-sac of Wells Avenue, and

WHEREAS, this property was purchased in 2007 for the Pelandale Avenue Widening Project, and

WHEREAS, Burchell Nursery, Inc., the original owner of the property wishes to purchase the property for a development project, and

WHEREAS, this property is considered exempt surplus property, as defined by Government Code 54221, and

WHEREAS, the City of Modesto has agreed to sell the property to the previous owner.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the sale of surplus property to Burchell Nursery, Inc., described as an unused portion of a public right-of-way and cul-de-sac of Wells Avenue in Stanislaus County, in the amount of $7,350.

BE IT FURTHER RESOLVED that the City Manager, or his designee, to execute the Quit Claim Deed, and all necessary documents required for the sale of the surplus property to Burchell Nursery, Inc.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of July, 2016 by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-282

RESOLUTION APPROVING AN EXEMPTION FOR RECREATIONAL WATER PLAY FEATURES IN CITY OF MODESTO PARKS FROM STAGE I, II OR IIA DROUGHT CONTINGENCY PLAN REQUIREMENTS

WHEREAS, the State Water Resources Control Board has required each urban water supplier to self-certify their water supply reliability for three additional years of drought and to set their own conservations standard, and

WHEREAS, the City of Modesto's prior required water use reduction of 33 percent has been adjusted down to a new water conservation target of 25% and the current Stage II of the City of Modesto Drought Contingency Plan is still in place, and

WHEREAS, the Modesto City Council has previously approved exemptions to the City of Modesto's Drought Contingency Plan for community sports and recreation fields and for a plant establishment period for newly installed landscapes, and

WHEREAS, recreational water play features in Modesto parks are not decorative in nature and are not regulated by the State Drought Emergency Water Conservation Regulations, and

WHEREAS, recreational water play features in Modesto parks appear to be regulated by the City of Modesto Drought Contingency Plan, and

WHEREAS, staff has received more than on hundred inquiries regarding water play features in our parks, and

WHEREAS, daily temperatures in Modesto during summer could result in unsafe conditions and water play features can help alleviate this health and safety issue, and

WHEREAS, the goal of the State and City of Modesto water regulations is to "prevent the waste and unreasonable use of water" and Modesto's water play features are

designed with time clocks and activations bollards and will be adjusted to operate during the hottest hours of the day from 2pm to 6pm in order to prevent the waste or unreasonable use of water, and

WHEREAS, City staff is recommending adjusting the water play features at Marshall Park, Sylvan Park and Lions Junction at Virginia Corridor to limit their water use to below 25 gallons per minute and leaving Sanders Park, Creekwood Park and Graceada Park water play features off this summer, and

WHEREAS, the seven (7) parks that will have operating recreational water play features this summer will be Ustach Park, Freedom Park, Coffee-Claratina Park, Marshall Park, Sylvan Park, George Rogers Park and Lions Junction at Virginia Corridor, and

WHEREAS, historically Modesto's water play features used about 3,386,400 gallons of water in a summer and with the restrictions outlined above and a shortened operating window expected to be from July 8th to Labor Day this year, the water play features will use about 720,000 gallons of water this summer, and

WHEREAS, City staff is requesting that the City Council approve an exemption for recreational water play features in City of Modesto Parks from Stage I, II or IIA Drought Contingency Plan requirements to ensure the health and safety of the citizens of Modesto and to allow the citywide benefit of recreational water play in our parks, and

WHEREAS, should the City Council enact Stage III of the Drought Contingency Plan staff would recommend turning off all recreational water play features, and

WHEREAS, the Parks Operations division of the Public Works Department has indicated that the minimal additional costs associated with granting this exemption can be absorbed into their FY2016/2017 operating budget.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves an exemption for recreational water play features in City of Modesto Parks from Stage I, II or IIA Drought Contingency Plan requirements.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of July, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	Ah You
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-283

RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE PURCHASE OF A FOUR WHEEL DRIVE FRONT LOADER WITH A THREE YARD BUCKET TO VOLVO CONSTRUCTION EQUIPMENT, TURLOCK, CA, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE A PURCHASE AGREEMENT FOR AN ESTIMATED TOTAL COST OF $125,160.88

WHEREAS, the purchase of one new four wheel drive front loader with a three yard bucket was approved in the adopted Fiscal Year 2015-2016 budget to support the operational needs of the Stormwater Collections Division of the Utilities Department, and

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFBs) for new vehicles and heavy equipment through various competitive processes, and

WHEREAS, The Purchasing Division issued RFB 1516-29 for the purchase of a four wheel drive front loader with a three yard bucket on the City's website under the commodity codes for Loaders, Front End and Road and Highway Equipment Earth Handling. Prospective bidders were notified online of the bid opportunity. Eight companies chose to download the RFB document, one of which is a local company, and

WHEREAS, bids were formally opened in the City Clerk's office on March 1, 2016. Five companies chose to respond. All five companies provided responsive and responsible bids. The one local vendor capable of providing this type of equipment chose not to respond, and

WHEREAS, based on providing the overall lowest responsive and responsible bid, City staff recommends the award of bid for the purchase of a four wheel drive front

loader with a three yard bucket to Volvo Construction Equipment, Turlock CA, for a total estimated cost of $125,160.88, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of bid for the purchase of a four wheel drive front loader with a three yard bucket to Volvo Construction Equipment, Turlock, CA, conforms to the Modesto Municipal Code, 8-3.203, and

WHEREAS, sufficient funds for one four wheel drive front loader with a three yard bucket are budgeted in Fiscal Year 2015-2016, in Stormwater Collections account 4480-44222-57003.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid for the purchase of a four wheel drive front loader with a three yard bucket to Volvo Construction Equipment, Turlock, CA, for an estimated total cost of $125,160.88.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute a purchase agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of July, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-284

Print

RESOLUTION CONFIRMING THE FISCAL YEAR 2016-17 DIAGRAM AND ASSESSMENT, AND ORDERING THE LEVY AND COLLECTION OF CHARGES WITHIN LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 1-6

WHEREAS, on May 10, 2016, the City Council, by Resolution No. 2016-195, declared its intent to levy charges or assessments for the purpose of administering the maintenance of landscaping in the public right-of-way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 1-6 under the provisions of the California Streets and Highways Code Sections 22500 through 22679, more commonly known as the Landscape and Lighting Act of 1972, and

WHEREAS, the charges against the real property are not levied with regard to property values but rather by the allocated cost shown within the Annual Engineer's Report, and

WHEREAS, the City of Modesto has determined and certifies that the charges are either exempt from or in compliance with all the provisions of Proposition 218, which was passed by the voters in November 1996. The City of Modesto has further determined the charges are in compliance with all laws pertaining to the levy of such charges,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby orders the levy and collection of such charges within City of Modesto Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1-6 for Fiscal Year 2016-17, and in each subsequent fiscal year in which the charges may validly be levied.

BE IT FURTHER RESOLVED that a certified copy of this resolution and **attached** documentation shall be delivered to the Auditor-Controller of the County of Stanislaus for placement of such charges on the 2016-17 County Tax Roll, and in each subsequent fiscal year in which the charges may validly be levied.

BE IT FURTHER RESOLVED that the diagram of said assessment district and amount of levy thereon is hereby confirmed.

The foregoing resolution was introduced at a special meeting of the City Council of the City of Modesto held on the 5th day of July, 2016 by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following votes:

AYES:	Councilmembers:	Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Grewal

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Assessment District Diagram

Landscape Maintenance Assessment District No. 1
(Dry Creek Meadows Subdivisions No. 1 - 6)

250 125 0 250
Feet

Date: 2/13/2015

N
W E
S

MODESTO
CALIFORNIA

MODESTO
CALIFORNIA

City of Modesto
LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT No. 1
♦DRY CREEK MEADOWS SUBDIVISIONS Nos. 1 through 6♦

A Landscape Maintenance Assessment District pursuant to the Landscape and Lighting Act of 1972

ENGINEER'S ANNUAL REPORT

FISCAL YEAR
JULY 1, 2016 - JUNE 30, 2017

REGISTERED PROFESSIONAL ENGINEER
VICTORIA MICHELLE DION
NO. C58900
Exp. 6-30-17
CIVIL
STATE OF CALIFORNIA

Prepared By:
Tina Rocha
Community Development Manager

Certified By:
Vickey Dion
City Engineer

Accepted By Motion:
Modesto City Council

TABLE OF CONTENTS

SECTION	TITLE
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II.	Annual Assessment Review & Summary
III.	Financials – Annual Assessment Revenue & Expense Projections
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V.	Annual Assessment District Diagram
VI.	Annual Assessments List by Parcel & Property Owner

SECTION I HISTORY

On December 12, 1988, Landscape Maintenance Assessment District No. 1 ("LMAD No. 1") was formed in accordance with the Landscape and Lighting Act of 1972 (California Streets and Highway Code §22500 through §22679) ("the Act"), to administer the maintenance of landscaping in the public right-of-way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 1-6. All costs for the LMAD No. 1 are funded by the annual assessments levied on each property within the district. The Act requires several courses of action on the part of City staff and City Council prior to August 10th of each year.

The Act initially requires the City Council to order, prepare, and file an Engineer's Annual Report for the City Council. This report is prepared for the purpose of detailing the plans and specifications for the maintenance of work, the estimated costs for landscape maintenance performed by City contractors, utility service charges, City street tree pruning costs, City staff time to administer the maintenance contract, and additional work to be performed by the City Contractor at the request of the City.

LMAD No. 1 is located east of North McClure Road and southwest of MID Lateral #2 and Claus Road. It is comprised of 749 single-family residential lots and three (3) public agency owned parcels. An annual assessment of $26 per single-family residential parcel has remained the same since 1996. The total assessment to be levied for LMAD No. 1 for Fiscal Year 2015-2016 is $19,474.

Upon the City Council's approval of the Engineer's Annual Report, the City Council adopts a resolution declaring its intent to levy and collect assessments within LMAD No. 1 for the following fiscal year and schedules a public hearing. This public hearing and proposed resolution levying the proposed assessments is in accordance with the annual assessment procedures.

Finally, in compliance with the Act, the City Council conducts the public hearing and adopts certain resolutions in accordance with the California Streets and Highways Code §22625 through §22641. The City Clerk is required to give the Modesto Bee notice of the public hearing no less than ten (10) days prior to the scheduled hearing date. All interested persons are afforded the opportunity to be heard during the public hearing. Should there be any protests, whether written or oral, the City Council may choose to continue the hearing to a later date and/or may change any part of the Engineer's Annual Report to address the concerns of the property owner(s). The adopted resolution is then forwarded to the Auditor-Controller of the County of Stanislaus for placement of such charges on the upcoming year's County Tax Roll.

SECTION II ANNUAL ASSESSMENT REVIEW AND SUMMARY

A. PARCEL REVIEW

1. Single Family Residential Parcels:
   There are 749 single-family residential parcels located within LMAD No. 1.

2. Multi-Family Residential Parcels:
   There are no multi-family residential parcels located within LMAD No. 1.

3. Commercial/Industrial Parcels:
   There are no commercial or industrial parcels located within LMAD No. 1.

4. Public Agency Parcels:
   There are two (2) parcels owned by the City of Modesto (Creekwood Park and the Pedestrian Overcrossing at Claus Road) and one (1) parcel owned by the Empire School District (Bernard Hughes School). According to §22663 of the California Streets and Highways Code, public property owned by any public agency and in use in the performance of a public function shall not be subject to assessment.

B. 2016-2017 ANNUAL ASSESSMENTS

All single-family residential parcels are levied at a flat rate of $26.00 per parcel. Each parcel receives equal benefits from the District. The annual assessments levied are calculated by multiplying the total number of parcels by the flat rate.

$	26.00	Annual assessment per parcel
x	749	Single-family residential parcels
$	19,474.00	Total annual assessment

C. COMPARISON TO PREVIOUS FISCAL YEAR

The proposed Fiscal Year 2016-2017 annual assessment is the same as the annual assessment for Fiscal Year 2015-2016 of $26.00 per single-family residential parcel.

SECTION 3 FINANCIALS – ANNUAL ASSESSMENT REVENUE & EXPENSE PROJECTIONS

LMAD No. 1 Fund 6480		Estimated FY 2015-16[1]	Proposed FY 2016-17[2]
Beginning Fund Balance		$ 6,755	$ 2,074
Revenue (Cost Center 80020)			
Special Assessments		$ 10,550 [3]	$ 19,474 [4]
Interest		$ (1)	$ -
Estimated - Special Assessments		*$ 8,924* [5]	
Total Revenue		$ 19,473	$ 19,474
Expenses (Cost Center 80020)	**Account**		
Operating Budget			
Postage Expenses	52025	$ (25)	$ -
Water Utility Expenses	53043	$ (2,482)	$ (4,000)
Repair and Maintenance Services - Landscape	53165	$ (3,495)	$ (9,830)
Professional Services	53300	$ -	$ (1,000)
Services City Forces - Interfund	54500	$ (3,994)	$ (6,215)
Estimated - Water Utility Expenses	*53043*	*$ (827)*	
Estimated - Repair and Maintenance Services	*53165*	*$ (12,000)*	
Estimated - Professional Services	*53300*	*$ -*	
Estimated - Services City Forces	*54500*	*$ (1,331)*	
Total Expenses		$ (24,154)	$ (21,045)
Ending Fund Balance		$ 2,074	$ 503

[1] The estimated amount shows what has been expended as of 03-31-2016. There will be more expenses through the end of the fiscal year (June); these are shown as *Estimated*

[2] The estimated expenditures for FY 2016-17 are based on the revenue that is currently able to be generated within LMAD No. 1.

[3] Actual revenue received for first installment of FY 2015-16 tax levy.

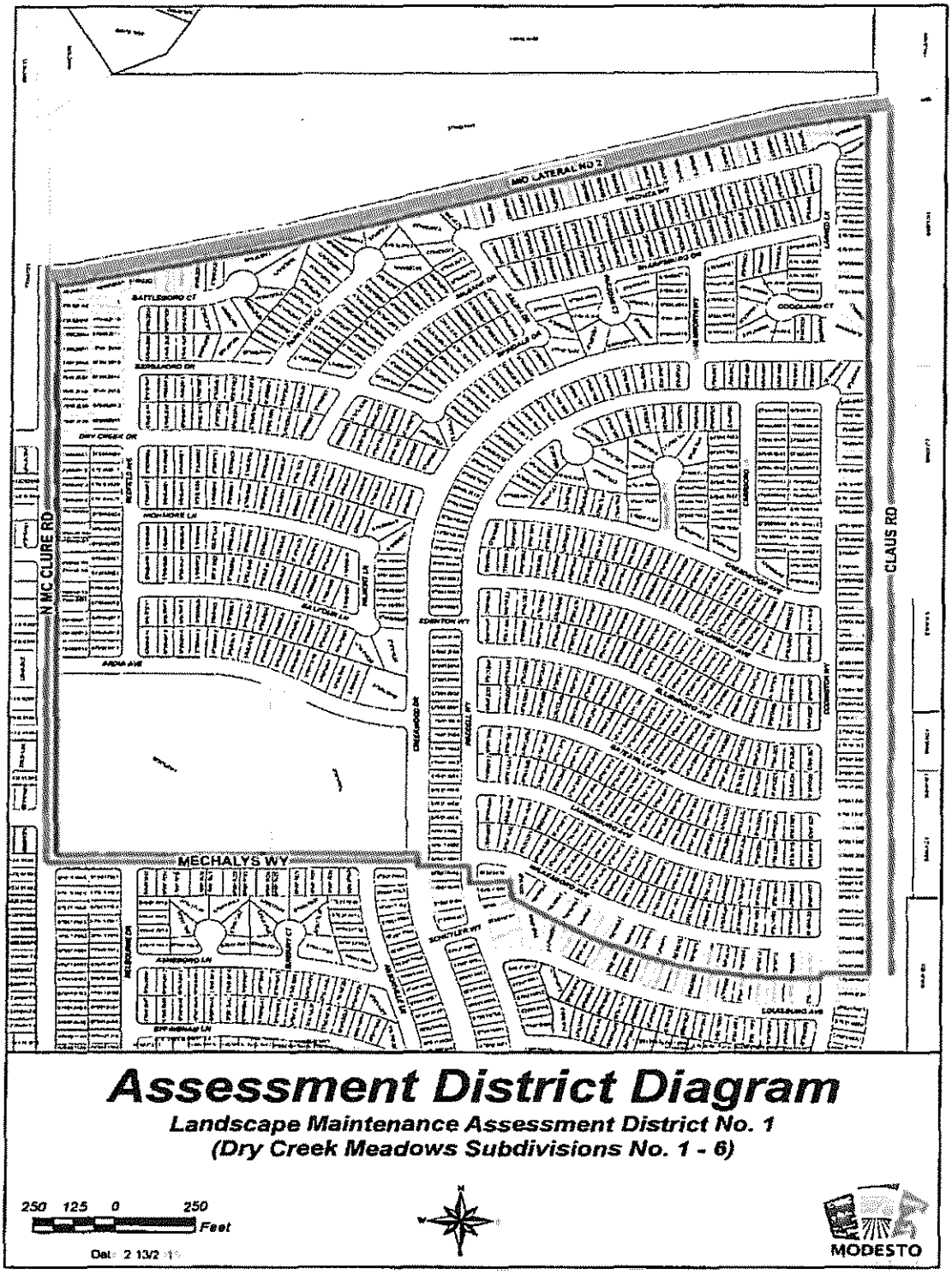
[4] Proposed levy.

[5] Estimated revenues for second installment of FY 2015-16 tax levy.

SECTION IV MAINTENANCE & PLAN SPECIFICATIONS

Plans and specifications are available for review in the Public Works Department, located at 512 Jefferson Street, Modesto, CA. For more information, contact Kelly Gallagher, Parks Operations Manager at (209) 524-2330.

SECTION V ANNUAL ASSESSMENT DISTRICT DIAGRAM



SECTION VI ANNUAL ASSESSMENT LIST BY PARCEL & OWNER

FeeParcel	Owner	Address	City/State/Zip	2016/17 Ass't
079-002-001	MERCADO LISA M & RODOLFO	736 N MC CLURE RD	Modesto CA 95357	$26.00
079-002-002	SOUMPHONPHAKDY YOUTHANA	732 N MC CLURE RD	Modesto CA 95357	$26.00
079-002-003	SORDO BRYON S ET AL	728 N MC CLURE RD	Modesto CA 95357	$26.00
079-002-004	PRASAD AJAY B & CHANDRA SAILESHNI D	724 N MC CLURE RD	Modesto CA 95357	$26.00
079-002-005	YUSON BONIFACIO C & YUSON ZENAIDA P	720 N MC CLURE RD	Modesto CA 95354	$26.00
079-002-006	YATES MICHAEL V & YATES CHRISTINE M	716 N MC CLURE RD	Modesto CA 95357	$26.00
079-002-007	ALBANO FLORANTE J & ALBANO JUANITA T	712 N MC CLURE RD	Modesto CA 95354	$26.00
079-002-008	GARCIA JOSE DE JESUS	708 N MC CLURE RD	Modesto CA 95354	$26.00
079-002-009	ESPINOZA GABRIEL	704 N MC CLURE RD	Modesto CA 95357	$26.00
079-002-010	LEON MARTHA	700 N MC CLURE RD	Modesto CA 95357	$26.00
079-002-011	SAMRA AMARJIT S TR	701 REDFIELD AVE	Modesto CA 95357	$26.00
079-002-012	BARRIENTOS DAVID & BARRIENTOS MARIA E	705 REDFIELD AVE	Modesto CA 95357-	$26.00
079-002-013	YOUNGMAN AARON BRIAN & LAUREN ELIZABETH	709 REDFIELD AVE	Modesto CA 95357	$26.00
079-002-014	BATTAGLIA COREY J	713 REDFIELD AVE	Modesto CA 95357	$26.00
079-002-015	BADAL EDWARD E & BADAL JANET E	717 REDFIELD AVE	Modesto CA 95357	$26.00
079-002-016	NGUYEN THANG & DANG LIEN	721 REDFIELD AVE	Modesto CA 95357	$26.00
079-002-017	SMITH ROBIN K & SMITH SUSAN R	725 REDFIELD AVE	Modesto CA 95357	$26.00
079-002-018	DEOL HARMINDER S & DEOL SUKHWINDER K	729 REDFIELD AVE	Modesto CA 95357	$26.00
079-002-019	KGILL LLC	733 REDFIELD AVE	Modesto CA 95357	$26.00
079-002-020	MIGUEL TARA	737 REDFIELD AVE	Modesto CA 95357	$26.00
079-002-021	PANYANOUVONG ROCKY P ET AL	3513 BATTLEBORO CT	Modesto CA 95357	$26.00
079-002-022	JOHNSON VERDELL TR	3517 BATTLEBORO CT	Modesto CA 95357	$26.00
079-002-023	VILLEGAS JOSEPH J	3521 BATTLEBORO CT	Modesto CA 95357	$26.00
079-002-024	PLUNK NATALIE & ROBERT	3525 BATTLEBORO CT	Modesto CA 95357	$26.00
079-002-025	HASKEL ALAN	3529 BATTLEBORO CT	Modesto CA 95357	$26.00
079-002-028	ALVAREZ VICTOR R & CRISTINA TRS	3536 BATTLEBORO CT	Modesto CA 95357	$26.00
079-002-029	HASKEL ROBERT	3532 BATTLEBORO CT	Modesto CA 95357	$26.00
079-002-030	TREVINO SHONDA	3528 BATTLEBORO CT	Modesto CA 95357	$26.00
079-002-031	VILLALPANDO HERIBERTO & ROSA	3524 BATTLEBORO CT	Modesto CA 95357	$26.00
079-002-032	CARR PATRICK K & CHERYL J	3520 BATTLEBORO CT	Modesto CA 95357	$26.00
079-002-033	PRASHAD RAJENDRA & SONI L	3516 BATTLEBORO CT	Modesto CA 95357	$26.00
079-002-034	VO SANG	3512 BATTLEBORO CT	Modesto CA 95357	$26.00
079-002-035	ARROYO STEVEN I & ARROYO SANDRA	3513 BERESFORD DR	Modesto CA 95357-	$26.00
079-002-036	CARREON JOSE & CECILIA	3517 BERESFORD DR	Modesto CA 95357	$26.00
079-002-037	GOMEZ PATRICIA	3521 BERESFORD DR	Modesto CA 95357	$26.00
079-002-038	COENEN KELVIN L & COENEN CHRISTINA P	3525 BERESFORD DR	Modesto CA 95357	$26.00
079-002-039	HILL PAUL JAMES SR TRS & HILL DORTHA HELENE	3529 BERESFORD DR	Modesto CA 95357	$26.00
079-002-040	CARSON SAMMY D & CARSON BRENDA S	713 PARKSTON CT	Modesto CA 95357	$26.00
079-002-041	MENDOZA SHAWN	717 PARKSTON CT	Modesto CA 95357	$26.00
079-002-042	WOLTER DENNIS & CAROL	721 PARKSTON CT	Modesto CA 95357	$26.00
079-002-043	SAMRA AMARJIT	725 PARKSTON CT	Modesto CA 95357	$26.00
079-002-044	MEFFERD JULIE A	729 PARKSTON CT	Modesto CA 95357	$26.00
079-002-048	SINGH JOTIKA ET AL	745 PARKSTON CT	Modesto CA 95357	$26.00
079-002-049	BISHOP ROSIE	749 PARKSTON CT	Modesto CA 95357	$26.00
079-002-050	YALDA JORGINA Y	753 PARKSTON CT	Modesto CA 95357	$26.00
079-002-051	TORRES JUAN LUIS	752 PARKSTON CT	Modesto CA 95357	$26.00
079-002-052	CASTILLO RANDY	748 PARKSTON CT	Modesto CA 95357	$26.00
079-002-053	LANZA MARION RAFFELLA TR	744 PARKSTON CT	Modesto CA 95357	$26.00
079-002-054	FISHER TIMOTHY S	740 PARKSTON CT	Modesto CA 95357	$26.00
079-002-055	PEREZ ISIDRO C	736 PARKSTON CT	Modesto CA 95357-	$26.00
079-002-056	GANJA SAM	732 PARKSTON CT	Modesto CA 95357	$26.00
079-002-057	SANCHEZ JASON MICHAEL	728 PARKSTON CT	Modesto CA 95357	$26.00
079-002-058	COLLS LUIS R TR	724 PARKSTON CT	Modesto CA 95357	$26.00
079-002-059	REYES ANTHONY P	720 PARKSTON CT	Modesto CA 95357-	$26.00
079-002-060	CLARKE THOMAS D II & BRENDA L	716 PARKSTON CT	Modesto CA 95355	$26.00
079-002-061	CASTIGLIONE JOSEPH B & BECKY M	713 MILBANK DR	Modesto CA 95357	$26.00
079-002-062	LUBINSKY EDWARD & LUBINSKY CAROL E	717 MILBANK DR	Modesto CA 95354	$26.00
079-002-063	CASTILLO HECTOR	721 MILBANK DR	Modesto CA 95357	$26.00
079-002-064	PRASAD RAMA	725 MILBANK DR	Modesto CA 95357	$26.00
079-002-065	WINGO NAIDA J	729 MILBANK DR	Modesto CA 95357	$26.00
079-002-066	SMITH MARQUE R	733 MILBANK DR	Modesto CA 95357-	$26.00
079-002-067	VILLANUEVA DAVID M & VILLANUEVA DIANE M	737 MILBANK DR	Modesto CA 95357-	$26.00
079-002-068	JAMES BRENDAN R ET AL	741 MILBANK DR	Modesto CA 95357	$26.00

079-002-069	MORSE GERALD WAYNE & CONSUELO	745 MILBANK DR	Modesto CA 95357	$26 00
079-002-070	WILKERSON KENNETH	817 SALINA DR	Modesto CA 95357	$26 00
079-002-071	CONTRERAS JESUS E RAMOS & RAMOS ANGELICA N CARRASC	821 SALINA DR	Modesto CA 95357	$26.00
079-002-072	SALAZAR JENNIFER	825 SALINA DR	Modesto CA 95357	$26.00
079-002-073	MANANQUIL DEXTER & PRAK DEBBIE	3701 WICHITA WAY	Modesto CA 95357	$26.00
079-002-074	ROMAN TED ET AL	3705 WICHITA WAY	Modesto CA 95357	$26.00
079-002-076	BATES HAROLD & JANICE	3533 BATTLEBORO CT	Modesto CA 95357	$26.00
079-002-078	HESKEL MATTHEW ET AL	733 PARKSTON CT	Modesto CA 95357	$26 00
079-002-079	LEZA OSCAR	737 PARKSTON CT	Modesto CA 95357	$26 00
079-002-080	HASKEL ROBERT P	3537 BATTLEBORO CT	Modesto CA 95357-	$26 00
079-002-082	SIMAS LUIS & DAISY	741 PARKSTON CT	Modesto CA 95357	$26.00
079-003-001	MAHARAJ SANJAI S & MAHARAJ ARUNA D	3641 DRY CREEK DR	Modesto CA 95357	$26.00
079-003-002	HUFFMAN JOSEPH R II & MARLENE J	3637 DRY CREEK DR	Modesto CA 95357	$26.00
079-003-003	LONG HERBERT JR & PATRICIA	3633 DRY CREEK DR	Modesto CA 95357	$26.00
079-003-004	CALVO SERGIO & SILVIA	3629 DRY CREEK DR	Modesto CA 95357	$26.00
079-003-005	EM SEREY	3625 DRY CREEK DR	Modesto CA 95357	$26.00
079-003-006	MAGCALAS JOEL & VIRGINIA	3621 DRY CREEK DR	Modesto CA 95357	$26 00
079-003-007	CORDOVA ISIDRO C & CORDOVA MARTHA B	3613 DRY CREEK DR	Modesto CA 95357	$26 00
079-003-008	CHUANGS INVESTMENT INC	3609 DRY CREEK DR	Modesto CA 95357	$26.00
079-003-009	PRASAD URMILLA	3605 DRY CREEK DR	Modesto CA 95357-	$26.00
079-003-010	GIL MARTIN & GIL DEBORAH L	3601 DRY CREEK DR	Modesto CA 95357	$26.00
079-003-011	DOUGLAS GREG & DOUGLAS TERI	3537 DRY CREEK DR	Modesto CA 95357	$26.00
079-003-012	HERNANDEZ FERNANDO PARDO & HERNANDEZ GLORIA C	3533 DRY CREEK DR	Modesto CA 95357	$26.00
079-003-013	CHERRY RANDY & ROSALBA	3529 DRY CREEK DR	Modesto CA 95357	$26.00
079-003-014	LAIRD RODNEY G	3525 DRY CREEK DR	Modesto CA 95357	$26.00
079-003-015	SANTOS CLAUDIO C JR & LUCY V	3521 DRY CREEK DR	Modesto CA 95357	$26 00
079-003-016	DIXON THOMAS L TR	3517 DRY CREEK DR	Modesto CA 95357	$26 00
079-003-017	MICHAEL SCOTT A	3512 BERESFORD DR	Modesto CA 95354	$26.00
079-003-018	ESTRADA ADRIANA G	3516 BERESFORD DR	Modesto CA 95357	$26.00
079-003-019	DELANEY KIMBERLY R	3520 BERESFORD DR	Modesto CA 95357-	$26.00
079-003-020	LOVE BOBBY	3524 BERESFORD DR	Modesto CA 95357-	$26.00
079-003-021	DHALIWAL AMRITPAL	3528 BERESFORD DR	Modesto CA 95357	$26.00
079-003-022	LUTTRELL ERIC ET AL	3532 BERESFORD DR	Modesto CA 95357	$26.00
079-003-023	MENDOZA ADRIAN & ROSA	3536 BERESFORD DR	Modesto CA 95357	$26 00
079-003-024	MANHOSO FRANK & MANHOSO MARIA	3540 BERESFORD DR	Modesto CA 95357-	$26 00
079-003-025	FISCHER WILLIAM & FISCHER CAROL	3600 BERESFORD DR	Modesto CA 95357	$26.00
079-003-026	MARTINEZ MICHAEL & TERESA	3604 BERESFORD DR	Modesto CA 95357	$26.00
079-003-027	PRAKASH OM & SUSHIL	3608 BERESFORD DR	Modesto CA 95357	$26.00
079-003-028	REYES ERLINDA M TR	3616 BERESFORD DR	Modesto CA 95357	$26.00
079-003-029	CHUNG WILLIAM & YEH GEORGINA PIK-CHING TRS	3620 BERESFORD DR	Modesto CA 95357-	$26.00
079-003-030	STANLEY COYE & MACHELLE	3624 BERESFORD DR	Modesto CA 95357	$26.00
079-003-031	MUNOZ ALFREDO F & CEYLON A	3628 BERESFORD DR	Modesto CA 95357	$26 00
079-003-032	SAENGPHACHANH PHONESY ET AL	3632 BERESFORD DR	Modesto CA 95357-	$26 00
079-003-033	ROTH WILLIAM C & ROTH DOLORES	704 SPINDALE DR	Modesto CA 95350	$26.00
079-003-034	SOLIS MARIA	708 SPINDALE DR	Modesto CA 95357	$26.00
079-003-035	LANGI SOANE	712 SPINDALE DR	Modesto CA 95357	$26.00
079-003-036	SHARMA RUDRA DUTT & RESHMIKA	716 SPINDALE DR	Modesto CA 95357	$26.00
079-003-037	DEL REAL INDELACIO & DEL REAL ELENA	720 SPINDALE DR	Modesto CA 95357	$26.00
079-003-038	MORALES DIANA R	724 SPINDALE DR	Modesto CA 95357	$26.00
079-003-039	MONTELONGO SANDRO	728 SPINDALE DR	Modesto CA 95357-	$26.00
079-003-041	GONZALES JUAN JR & GLORIA	729 SPINDALE DR	Modesto CA 95357	$26 00
079-003-042	DORRETT NEWTON & LYNELL D	725 SPINDALE DR	Modesto CA 95357	$26.00
079-003-043	ANAYA JAMIE LEE	721 SPINDALE DR	Modesto CA 95357-	$26.00
079-003-044	MARENTES YESENIA	717 SPINDALE DR	Modesto CA 95357	$26.00
079-003-045	CARSON CHRISTOPHER & MARGARET F	713 SPINDALE DR	Modesto CA 95357	$26.00
079-003-046	GARCIA ROBERTO AVILA & GARCILAZO LAURA	709 SPINDALE DR	Modesto CA 95357	$26.00
079-003-047	BIELEFELDT JAMES W & MONICA C	3617 BERESFORD DR	Modesto CA 95357	$26.00
079-003-048	IDTS LLC	720 MILBANK DR	Modesto CA 95357	$26.00
079-003-049	MOODY ROBERT P & MOODY DIANE K	724 MILBANK DR	Modesto CA 95357	$26.00
079-003-050	SWITZER LYNDELL	728 MILBANK DR	Modesto CA 95357	$26.00
079-003-051	KILGORE LINDA L	732 MILBANK DR	Modesto CA 95357	$26.00
079-003-052	MAXWELL VIRGINIA E	736 MILBANK DR	Modesto CA 95357-	$26.00
079-003-053	JUDD JIMMIE RANDALL ET AL	740 MILBANK DR	Modesto CA 95357	$26.00
079-003-054	SPIEKER DAVE M & SPIEKER JANE R	744 MILBANK DR	Modesto CA 95357	$26.00
079-003-055	ALVEAR FELICITAS	748 MILBANK DR	Modesto CA 95357	$26.00
079-003-056	PAHL KAREN M ET AL	733 SPINDALE DR	Modesto CA 95357	$26.00
079-004-001	ESPARZA WILLIAM & ELSA	3709 WICHITA WAY	Modesto CA 95357	$26.00
079-004-002	CASSIDY ALAN K & CASSIDY SUSAN H	3713 WICHITA WAY	Modesto CA 95357	$26.00

079-004-003	HAWIL ALFRED	3717 WICHITA WAY	Modesto CA 95357	$26.00
079-004-004	PALMERIN ARTURO & PATRICIA	3721 WICHITA WAY	Modesto CA 95357	$26.00
079-004-005	GILL HARMAIL	3725 WICHITA WAY	Modesto CA 95357-	$26 00
079-004-006	MANLULU NOEL M & MANLULU MARIVIC F	3729 WICHITA WAY	Modesto CA 95357	$26 00
079-004-007	TOWNE JAMES E & TOWNE AMANDA J	3733 WICHITA WAY	Modesto CA 95357	$26 00
079-004-008	VALDES RENE D & PUNSMA	3801 WICHITA WAY	Modesto CA 95357-	$26.00
079-004-009	DE ALBA RIGOBERTO & DE ALBA SANDRA L	3805 WICHITA WAY	Modesto CA 95357	$26.00
079-004-010	DE ALBA RIGOBERTO SR & DEL ALBA SANDRA L	3809 WICHITA WAY	Modesto CA 95357	$26.00
079-004-011	WATTLE DANNY & CAROLANNE	3813 WICHITA WAY	Modesto CA 95357	$26.00
079-004-012	HECKLER LAWRENCE S TR	3817 WICHITA WAY	Modesto CA 95357	$26.00
079-004-013	GARCIA ARMANDO & MARISOL RESENDIZ	3821 WICHITA WAY	Modesto CA 95357	$26.00
079-004-014	CURTRIGHT BARBARA TR	3825 WICHITA WAY	Modesto CA 95357	$26.00
079-004-015	KENNEDY CHAD & SHINOBU	3829 WICHITA WAY	Modesto CA 95354	$26.00
079-004-016	GETREU DANIEL L & GETREU PATRICIA E	3901 WICHITA WAY	Modesto CA 95354-	$26.00
079-004-017	MILLER RAYMOND E & MILLER JERELYN	3905 WICHITA WAY	Modesto CA 95357	$26.00
079-004-018	CUIRIZ EDER JAVIER	3909 WICHITA WAY	Modesto CA 95357	$26.00
079-004-019	ALBERG DAVID A & PAMELA M TRS	3913 WICHITA WAY	Modesto CA 95354	$26.00
079-004-020	BOWMAN CLINTON & TERRI	3917 WICHITA WAY	Modesto CA 95357	$26.00
079-004-021	COX JULIE A	3921 WICHITA WAY	Modesto CA 95355	$26.00
079-004-022	TEJADA SERGIO L	3925 WICHITA WAY	Modesto CA 95357	$26.00
079-004-023	MEZA HECTOR MEDINA	3929 WICHITA WAY	Modesto CA 95357	$26.00
079-004-024	MARTINEZ ARTHUR J & ELISA R	3933 WICHITA WAY	Modesto CA 95357	$26.00
079-004-025	GARDNER GEORGE & GARDNER DAWN	844 LARNED LN	Modesto CA 95357	$26.00
079-004-026	SAMUEL BENJAMIN & JANET Y	840 LARNED LN	Modesto CA 95357	$26.00
079-004-027	RENDEROS MARIA E	836 LARNED LN	Modesto CA 95357	$26.00
079-004-028	SEN INDAR & SEN SURUI M	832 LARNED LN	Modesto CA 95357	$26.00
079-004-029	VIGIL CELSO ET AL	828 LARNED LN	Modesto CA 95357	$26.00
079-004-030	MENDOZA NEREIDA	3925 SHARPSBURG DR	Modesto CA 95357	$26.00
079-004-031	VEGA CESAR & SABRINA	3921 SHARPSBURG DR	Modesto CA 95357	$26.00
079-004-032	MARTIN CHRISTOPHER & MONIQUE	3917 SHARPSBURG DR	Modesto CA 95357	$26.00
079-004-033	GLEN MAVIS J TR	3913 SHARPSBURG DR	Modesto CA 95357	$26.00
079-004-034	CHRISTIANSON ADAM E & CHRISTIANSON YVONNE M	3909 SHARPSBURG DR	Modesto CA 95357	$26.00
079-004-035	CHICKEN RANCH MEWUK INDIANS	3905 SHARPSBURG DR	Modesto CA 95357	$26.00
079-004-036	PHIPPS CORY L & PHIPPS CAROLE J	3901 SHARPSBURG DR	Modesto CA 95357	$26.00
079-004-037	RETFORD HANK W & RETFORD KAREN J	3821 SHARPSBURG DR	Modesto CA 95357	$26.00
079-004-038	SORIA JULIAN ET AL	3817 SHARPSBURG DR	Modesto CA 95357-	$26.00
079-004-039	MUNOZFERRER ISMAEL	3813 SHARPSBURG DR	Modesto CA 95357	$26.00
079-004-040	AU-YEUNG CHI & AU-YEUNG TZE H	3809 SHARPSBURG DR	Modesto CA 95357	$26.00
079-004-041	VASQUEZ RICHARD P	3805 SHARPSBURG DR	Modesto CA 95351	$26.00
079-004-042	SERNA MARLA ANN TR	3801 SHARPSBURG DR	Modesto CA 95357	$26.00
079-004-043	SOUZA RICK L & SOUZA MARVELYN	3721 SHARPSBURG DR	Modesto CA 95357-	$26.00
079-004-044	WOOD SHAWN & WOOD KRISTINA M	3717 SHARPSBURG DR	Modesto CA 95357	$26.00
079-004-045	HATTERSLEY SCOTT LEYTON & SANDRA LEE TRS	3713 SHARPSBURG DR	Modesto CA 95357	$26.00
079-004-046	CHIEN PETER C	3709 SHARPSBURG DR	Modesto CA 95357	$26.00
079-004-047	DIVIRD HEIDI N & JASON R	3705 SHARPSBURG DR	Modesto CA 95354	$26.00
079-004-048	PANG YIM PING & LI FELIX JING HUI	3701 SHARPSBURG DR	Modesto CA 09535	$26.00
079-004-049	EYRING MARION L TR	3712 WICHITA WAY	Modesto CA 95357	$26.00
079-004-050	BENTLEY DOUGLAS & BENTLEY LEEANNE K	3716 WICHITA WAY	Modesto CA 95357	$26.00
079-004-051	LEYVA RENE SR & CLAUDIA D	3720 WICHITA WAY	Modesto CA 95357	$26.00
079-004-052	DUMAS JAMES BRIAN SR & PAMELA LEE TRS	3724 WICHITA WAY	Modesto CA 95357	$26.00
079-004-053	MORENO LUIS F & MOREND ROSA M	3728 WICHITA WAY	Modesto CA 95354	$26.00
079-004-054	GONZALEZ JUAN R	3732 WICHITA WAY	Modesto CA 95357	$26.00
079-004-055	CASTILLO RAFAEL	3800 WICHITA WAY	Modesto CA 95357-	$26.00
079-004-056	SALVATION ARMY	3804 WICHITA WAY	Modesto CA 95357-	$26.00
079-004-057	CUNE DAVID L & DEBRA N TRS	3808 WICHITA WAY	Modesto CA 95357	$26.00
079-004-058	FUGATE BRANDON ET AL TRS	3812 WICHITA WAY	Modesto CA 95357	$26.00
079-004-059	COUCHMAN PAUL E & KATHRYN A	3816 WICHITA WAY	Modesto CA 95357	$26.00
079-004-060	CABEBE MARIA RIZALINA C TR	3820 WICHITA WAY	Modesto CA 95357	$26.00
079-004-061	MAYOL BIRGITT A TR ET AL	3824 WICHITA WAY	Modesto CA 95357	$26.00
079-004-062	HERNANDEZ CESAR E & MARGARITA C	3828 WICHITA WAY	Modesto CA 95357	$26.00
079-004-063	BEAUDETTE GARY & BEAUDETTE DEBORAH	3900 WICHITA WAY	Modesto CA 95357	$26.00
079-004-064	ALVAREZ LOUIS L ET AL	3904 WICHITA WAY	Modesto CA 95357	$26.00
079-004-065	MANCINI JUDITH	3908 WICHITA WAY	Modesto CA 95357-	$26.00
079-004-066	ISRAEL SAMMY S & SHERLY ESGUERRA	3912 WICHITA WAY	Modesto CA 95357	$26.00
079-004-067	ROJAS ROGELIO A	3916 WICHITA WAY	Modesto CA 95354	$26.00
079-004-068	OVIEDO IRMA L	3920 WICHITA WAY	Modesto CA 95357	$26.00
079-004-069	OCKEY LEOTA L TR	3924 WICHITA WAY	Modesto CA 95357	$26.00
079-005-001	SIMPSON STEVEN	732 SPINDALE DR	Modesto CA 95357	$26.00

079-005-002	BALLIET RICHARD L & BALLIET SHERRY	736 SPINDALE DR	Modesto CA 95357	$26 00
079-005-003	BORDNER FATIMA	800 SALINA DR	Modesto CA 95357	$26.00
079-005-004	HELLERUD GARRY A & HELLERUD ARLENE L	804 SALINA DR	Modesto CA 95354-	$26.00
079-005-005	SOUZA DONOVAN & SOUZA NICOLE	813 PARSONS CT	Modesto CA 95354	$26.00
079-005-006	CLEMENTS PANDORA A	809 PARSONS CT	Modesto CA 95357-	$26.00
079-005-007	THOMPSON MELANIE	805 PARSONS CT	Modesto CA 95357	$26.00
079-005-008	LAKE DAVID E & LAKE MARGARET R	800 PARSONS CT	Modesto CA 95357-	$26.00
079-005-009	LEE EDMUND W TR	804 PARSONS CT	Modesto CA 95357	$26 00
079-005-010	GARCIA EDUARDO C & GARCIA ELIZABETH A	808 PARSONS CT	Modesto CA 95351	$26 00
079-005-011	KHAMOO BABA & HILDA TRS	812 PARSONS CT	Modesto CA 95357	$26 00
079-005-012	RANGEL FRANCISCO JAVIER JR	817 LEAVENWORTH WAY	Modesto CA 95357	$26.00
079-005-013	MEDINA V CTOR & IRMA	813 LEAVENWORTH WAY	Modesto CA 95357	$26.00
079-005-014	FAGUNDES ANTONIO & HAIR JACQUELINE K	809 LEAVENWORTH WAY	Modesto CA 95357	$26.00
079-005-015	GARCIA MATIAS & GARCIA MERCEDES	805 LEAVENWORTH WAY	Modesto CA 95357	$26.00
079-005-016	SANDHU MANJINDER SINGH & SUKHJIT KAUR	801 LEAVENWORTH WAY	Modesto CA 95357	$26.00
079-005-017	OWENS LARRY G & MARY Z	800 LEAVENWORTH WAY	Modesto CA 95351	$26 00
079-005-018	TAYLOR BRADLEY JOSEPH	804 LEAVENWORTH WAY	Modesto CA 95357-	$26 00
079-005-019	BISHOFF PHYLLIS	808 LEAVENWORTH WAY	Modesto CA 95357	$26 00
079-005-020	GROSS THOMAS T	812 LEAVENWORTH WAY	Modesto CA 95357	$26 00
079-005-021	EWING JOHN R & MARGARET K TRS	816 LEAVENWORTH WAY	Modesto CA 95357	$26.00
079-005-022	MCDONALD SHARICE	3908 SHARPSBURG DR	Modesto CA 95357	$26.00
079-005-023	DAVISON WAYNE & JO	3912 SHARPSBURG DR	Modesto CA 95357-	$26.00
079-005-024	HAWIL ALFRED	3916 SHARPSBURG DR	Modesto CA 95357	$26.00
079-005-025	DURHAM SANDY M	817 LARNED LN	Modesto CA 95357	$26.00
079-005-026	MCCARTHY JAMES & TAMRA	813 LARNED LN	Modesto CA 95357	$26 00
079-005-027	CHEN GEORGE CHONG JYH & HOLLY YUN YAN	809 LARNED LN	Modesto CA 95357	$26 00
079-005-028	VAN DIEMEN MICHAEL B & VAN DIEMEN LAURI L	805 LARNED LN	Modesto CA 95357	$26 00
079-005-029	LIGHT MARK T	3909 GOODLAND CT	Modesto CA 95357-	$26 00
079-005-030	LUCAS THOMAS M III & LUCAS LISA M	3905 GOODLAND CT	Modesto CA 95357-	$26.00
079-005-031	BARKLEY JOSEPH E TR	3900 GOODLAND CT	Modesto CA 95357	$26.00
079-005-032	BROOKS CHARLES A & SUSAN D TRS	3904 GOODLAND CT	Modesto CA 95357	$26.00
079-005-033	GAMBOA BENITO	3908 GOODLAND CT	Modesto CA 95357	$26.00
079-005-034	MORALES SHARON & LUIS	3912 GOODLAND CT	Modesto CA 95357	$26.00
079-005-035	YOUNGER ROGER & LAURA	3916 GOODLAND CT	Modesto CA 95357	$26.00
079-005-036	COLE TINA M	3920 GOODLAND CT	Modesto CA 95357	$26.00
079-005-037	ALVARADO MARIA D	800 LARNED LN	Modesto CA 95357	$26 00
079-005-038	PALMERIN JOSE DE JESUS	804 LARNED LN	Modesto CA 95357	$26.00
079-005-039	PADILLA DIANA M ET AL	808 LARNED LN	Modesto CA 95357	$26.00
079-005-040	PARKS STEVEN M & BECKY	812 LARNED LN	Modesto CA 95357	$26.00
079-005-041	LEIVA LEONEL ALFREDO & LILI MARLENE	816 LARNED LN	Modesto CA 95357-	$26.00
079-005-042	MORAD EDMOND & MORAD CARMEN	820 LARNED LN	Modesto CA 95357	$26.00
079-005-043	BROWN DANNY ARTHUR & CHRISTINA	824 LARNED LN	Modesto CA 95357	$26 00
079-006-001	LAMBEL LARRY G & CYNTHIA A	737 WADDELL WAY	Modesto CA 95357	$26 00
079-006-002	NASSER MOHAMED	741 WADDELL WAY	Modesto CA 95357	$26 00
079-006-003	HILL PAMELA ET AL	745 WADDELL WAY	Modesto CA 95357	$26 00
079-006-004	CHHIM LIM	749 WADDELL WAY	Modesto CA 95357	$26.00
079-006-005	LIVINGSTON TREVOR	753 WADDELL WAY	Modesto CA 95357	$26.00
079-006-006	SAMOW HALA	757 WADDELL WAY	Modesto CA 95357	$26.00
079-006-007	MICHAEL RAPHAEL ET AL	761 WADDELL WAY	Modesto CA 95357	$26.00
079-006-008	REYES JIM R & REYES ELLEN S	765 WADDELL WAY	Modesto CA 95357	$26.00
079-006-010	JOHNSON GERALD L ET AL	752 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-011	REEVES JERAMIAH & SAUNDRA	748 CODINGTON WAY	Modesto CA 95357	$26 00
079-006-012	BUDA DANIEL & CHRISTINA	744 CODINGTON WAY	Modesto CA 95357	$26 00
079-006-013	GARCIA FRANCISCO & YOLANDA	740 CODINGTON WAY	Modesto CA 95357	$26 00
079-006-014	MC CRARY LLOYD U & MC CRARY MARY J	736 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-015	PARKINS SANDRA BELINDA TR	732 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-016	TELLEZ MAURICE R & MARGARITA F	728 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-017	TELLEZ MAURICE R & MARGARITA F	724 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-018	SANTOS LUZ MARIA	720 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-019	SANTOS LUZ	716 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-020	PADILLA SALVADOR & PADILLA ANTONIA	712 CODINGTON WAY	Modesto CA 95357	$26 00
079-006-021	MAUCH EVA & LOREN	708 CODINGTON WAY	Modesto CA 95357	$26 00
079-006-022	BAINS GURNAM S & BALVINDER K	704 CODINGTON WAY	Modesto CA 95355	$26 00
079-006-023	LOTKO ANN E	700 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-024	PEREZ JUAN MANUEL & SILVIA PULIDO	640 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-025	RAM RAVI PRAKASH & RAM SANJILA PRAKASH	701 CODINGTON WAY	Modesto CA 95357-	$26.00
079-006-026	BANUELOS MARTHA E	705 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-027	ARROYO RAFAEL ARROYO & CHAVEZ GUADALUPE RAMIREZ	709 CODINGTON WAY	Modesto CA 95357	$26.00

079-006-028	CONDER DEBORAH	713 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-029	AGUIRRE ALICIA R	717 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-030	GOMEZ FRANCISCO J & PATRICIA	721 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-031	BAINS GURNAM S & BALVINDER K	725 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-032	FIGUEROA LUIS E & FIGUEROA ISABEL L	729 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-033	CARROLL EDWIN JOSEPH & CONNIE	733 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-034	AMBROSICH STEPHEN F TR	737 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-035	MARKER GEORGE H TR	741 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-036	GALE MARK D II & DEBRA L TRS	745 CODINGTON WAY	Modesto CA 95354	$26.00
079-006-037	SILLEMON ANTHONY	749 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-038	GUZMAN JESUS A	744 CARRBORO LN	Modesto CA 95357	$26.00
079-006-039	LOUCKS DAVID GEORGE & JOSEFA M TRS	740 CARRBORO LN	Modesto CA 95357	$26.00
079-006-040	PATRICK ANTONIO	736 CARRBORO LN	Modesto CA 95357	$26.00
079-006-041	SCHRUMPF JOHN D & MUNSON-SCHRUMPF CLAUDIA	732 CARRBORO LN	Modesto CA 95357	$26.00
079-006-042	WILLIAMS MARLON & NENA	728 CARRBORO LN	Modesto CA 95357-	$26.00
079-006-043	DEBERRY GARY L & ALICE	724 CARRBORO LN	Modesto CA 95357	$26.00
079-006-044	LAMPROE LEONARD C & LAMPROE MARY A	720 CARRBORO LN	Modesto CA 95357	$26.00
079-006-045	GARCIA FELIPE & FLORES BLANCA	716 CARRBORO LN	Modesto CA 95357	$26.00
079-006-046	ODISHO DAVID & ODISHO JULIET	712 CARRBORO LN	Modesto CA 95357	$26.00
079-006-047	WAY DONALD E & TERESA M TRS	708 CARRBORO LN	Modesto CA 95357	$26.00
079-006-048	DAVID VIRGEEN	704 CARRBORO LN	Modesto CA 95357	$26.00
079-006-049	CONN HILARY A & GARY	700 CARRBORO LN	Modesto CA 95357	$26.00
079-007-001	CHOW MINH LU ET AL	729 WADDELL WAY	Modesto CA 95354	$26.00
079-007-002	JORGENSEN FRANK E & MIRIAM M	725 WADDELL WAY	Modesto CA 95357	$26.00
079-007-003	SANTORA ANTHONY & LAUREN	721 WADDELL WAY	Modesto CA 95357	$26.00
079-007-004	CORRAL MH LLC	717 WADDELL WAY	Modesto CA 95357	$26.00
079-007-005	L & D RENTALS LLC	713 WADDELL WAY	Modesto CA 95357	$26.00
079-007-006	GUTIERREZ DIEGO	709 WADDELL WAY	Modesto CA 95357	$26.00
079-007-007	SANCHEZ ENRIQUE	705 WADDELL WAY	Modesto CA 95357	$26.00
079-007-008	PENIRIAN JODI	701 WADDELL WAY	Modesto CA 95357	$26.00
079-007-009	FERNANDEZ RAMIRO & ALMA	669 WADDELL WAY	Modesto CA 95357	$26.00
079-007-010	ZAMORA GUILLERMO	665 WADDELL WAY	Modesto CA 95357	$26.00
079-007-011	STOLLBERG WILLIAM R & HOAI TRS	661 WADDELL WAY	Modesto CA 95354	$26.00
079-007-012	L & D RENTALS LLC	657 WADDELL WAY	Modesto CA 95357	$26.00
079-007-013	KESSLER STACI ET AL	653 WADDELL WAY	Modesto CA 95357	$26.00
079-007-014	BAKER OUTIN MARLENE	649 WADDELL WAY	Modesto CA 95357	$26.00
079-007-015	MARSELLA BARBARA A	645 WADDELL WAY	Modesto CA 95357	$26.00
079-007-016	ROQUE DARWIN	641 WADDELL WAY	Modesto CA 95357	$26.00
079-007-017	ORR MILDRED M ET AL	648 WADDELL WAY	Modesto CA 95357	$26.00
079-007-018	MEYER LISA M	652 WADDELL WAY	Modesto CA 95357	$26.00
079-007-019	MENDEZ HILARIO	656 WADDELL WAY	Modesto CA 95350	$26.00
079-007-020	AMERICAN RESIDENTIAL PROPERTIES OP LP	721 RIEDSVILLE CT	Modesto CA 95357	$26.00
079-007-021	GOOTGELD MARLA	717 RIEDSVILLE CT	Modesto CA 95354	$26.00
079-007-022	ZAVALA JOHN & YVONNE	713 RIEDSVILLE CT	Modesto CA 95357	$26.00
079-007-023	ACOSTA DAVID ET AL	716 RIEDSVILLE CT	Modesto CA 95357	$26.00
079-007-024	SCHULTZ BRENDA J & RONALD	720 RIEDSVILLE CT	Modesto CA 95357	$26.00
079-007-025	SCALA PAOLO & MEDINA MIRIAM	712 WADDELL WAY	Modesto CA 95357	$26.00
079-007-026	JIMENEZ GREGORIO	716 WADDELL WAY	Modesto CA 95357-	$26.00
079-007-027	MOLES EDWARD A & DIAMOND SUSAN H TRS	720 WADDELL WAY	Modesto CA 95357	$26.00
079-007-028	SOTO ANABEL	724 WADDELL WAY	Modesto CA 95357	$26.00
079-007-029	TRIMBLE BRENDA E	728 WADDELL WAY	Modesto CA 95354	$26.00
079-007-030	POZZOULI JOHN L	732 WADDELL WAY	Modesto CA 95357	$26.00
079-007-031	SINGH SURUJ B & SINGH LACHMI BAI	736 WADDELL WAY	Modesto CA 95357	$26.00
079-007-032	DE LA TORRE CONRADO & ROSEMARY TRS	740 WADDELL WAY	Modesto CA 95357	$26.00
079-007-033	MARCIANO ARMANDO D & MARCIANO REMEDIOS R	737 CARRBORO LN	Modesto CA 95357-	$26.00
079-007-034	PLACE GREGORY & SHERI L	733 CARRBORO LN	Modesto CA 95357	$26.00
079-007-035	SALYER JEFF & SARAH	729 CARRBORO LN	Modesto CA 95357	$26.00
079-007-036	P T BRAND PROPERTIES LLC	725 CARRBORO LN	Modesto CA 95357-	$26.00
079-007-037	CEJA BEATRICE	721 CARRBORO LN	Modesto CA 95357	$26.00
079-007-038	NAVARRO RAFAEL	717 CARRBORO LN	Modesto CA 95357	$26.00
079-007-039	HARRISON KAREN S	713 CARRBORO LN	Modesto CA 95357	$26.00
079-007-040	VILLALOVOS YOLANDA & ART R	709 CARRBORO LN	Modesto CA 95357	$26.00
079-007-041	GALLOWAY JACK	700 CHADBURN CT	Modesto CA 95357	$26.00
079-007-042	JACKSON JONATHAN & ADONA	704 CHADBURN CT	Modesto CA 95357	$26.00
079-007-043	DIAS JEREMIAH A ET AL	708 CHADBURN CT	Modesto CA 95357	$26.00
079-007-044	SAMRA GURDIP & PREET	712 CHADBURN CT	Modesto CA 95357	$26.00
079-007-045	ROBLES RICHELLE & YULO JOHN	716 CHADBURN CT	Modesto CA 95357	$26.00
079-007-046	MEZA JACQUELINE M	720 CHADBURN CT	Modesto CA 95354	$26.00

079-007-047	TRUESDAIL SHELBY J	724 CHADBURN CT	Modesto CA 95357	$26.00
079-007-048	BAHI EILEEN	721 CHADBURN CT	Modesto CA 95354	$26.00
079-007-049	IBARRA JUANA	717 CHADBURN CT	Modesto CA 95357	$26.00
079-007-050	YEFREMENKO ALEKSEY & CANDICE	713 CHADBURN CT	Modesto CA 95357	$26.00
079-007-051	BROOKS HARVEY EARL TR	709 CHADBURN CT	Modesto CA 95357	$26.00
079-007-052	ESTRADA-GAMBOA RAMON	705 CHADBURN CT	Modesto CA 95355	$26.00
079-007-053	SILVEIRA FERNANDA	3725 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-007-054	BERTRAM ELLEN TR	3721 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-007-055	PEREZ JOSE P & PEREZ ROSA M	3717 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-007-056	SKOCHKO KATHLEEN A & SKOCHKO RICHARD A	3713 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-007-057	DAVIS JAMES R & DAVIS LETECIA B	3709 CREEDMOOR AVE	Modesto CA 95354	$26 00
079-008-001	BUAYA DAVID S	620 N MC CLURE RD	Modesto CA 95357	$26.00
079-008-002	ALI SYED ARIF & ARIF SHAZIA	616 N MC CLURE RD	Modesto CA 95357	$26.00
079-008-003	CONCHAS SANDRA H	612 N MC CLURE RD	Modesto CA 95356	$26.00
079-008-004	RENO FRED W	608 N MC CLURE RD	Modesto CA 95354	$26.00
079-008-005	CHAND VIJAY & MATI SOHAN	604 N MC CLURE RD	Modesto CA 95354	$26.00
079-008-006	CHAND VIJAY V ET AL	600 N MC CLURE RD	Modesto CA 95357	$26.00
079-008-007	JACKSON MATTHEW & JACKSON SUZANNA	564 N MC CLURE RD	Modesto CA 95357	$26.00
079-008-008	WARD DONALD G & CARLILE-WARD CARRIE LYNN	560 N MC CLURE RD	Modesto CA 95354	$26.00
079-008-009	MOUNDI HARINDER K & GURDIAL SINGH W	556 N MC CLURE RD	Modesto CA 95354	$26.00
079-008-010	BORGES FRANK J	552 N MC CLURE RD	Modesto CA 95357	$26.00
079-008-011	MILLER THOMAS H TR	548 N MC CLURE RD	Modesto CA 95357	$26.00
079-008-012	MOON LERALENE TR	544 N MC CLURE RD	Modesto CA 95357	$26.00
079-008-013	MAHARAJ ARUNA & MAJARAJ SANJAI S	540 N MC CLURE RD	Modesto CA 95357	$26.00
079-008-014	TAGRE ABEL JOSE & TERRIE MARIE TRS	536 N MC CLURE RD	Modesto CA 95357	$26.00
079-008-015	CHAMBERS DEREASSA	501 REDFIELD AVE	Modesto CA 95357	$26.00
079-008-016	SABLOK SATISH KUMAR & SABLOK RENUKA DEVI	505 REDFIELD AVE	Modesto CA 95357	$26.00
079-008-017	PEEK CHARLES & PEEK ADRIENNE	509 REDFIELD AVE	Modesto CA 95357	$26.00
079-008-018	KINCHELOE DONNIE & KAREN	513 REDFIELD AVE	Modesto CA 95357	$26.00
079-008-019	SHARMA UMA L	517 REDFIELD AVE	Modesto CA 95357	$26.00
079-008-020	CARDOSO JOHN P	521 REDFIELD AVE	Modesto CA 95357	$26.00
079-008-021	MARQUEZ VICENTE MARTINEZ & MADRIGAL GRACIELA	525 REDFIELD AVE	Modesto CA 95357	$26.00
079-008-022	ZERMENO RAUL & MARIA LETICIA	529 REDFIELD AVE	Modesto CA 95357	$26.00
079-008-023	ZARAGOZA RICARDO	533 REDFIELD AVE	Modesto CA 95357	$26.00
079-008-024	CHAND SHUI	601 REDFIELD AVE	Modesto CA 95357	$26.00
079-008-025	JEET JERMY S	605 REDFIELD AVE	Modesto CA 95357	$26.00
079-008-026	BETTENCOURT JOHN C TRS ET AL	609 REDFIELD AVE	Modesto CA 95357-	$26 00
079-008-027	KUMAR PRANEEL	613 REDFIELD AVE	Modesto CA 95357	$26 00
079-008-028	ATHWAL NAVJOT	617 REDFIELD AVE	Modesto CA 95357	$26 00
079-008-029	PRAK DEBBIE	3516 DRY CREEK DR	Modesto CA 95357	$26.00
079-008-030	BROWN CAROL C TR	3520 DRY CREEK DR	Modesto CA 95357	$26.00
079-008-031	WRIGHT JACQUELINE L TR	3524 DRY CREEK DR	Modesto CA 95354	$26.00
079-008-032	HARDY RICK L & LYNN P	3528 DRY CREEK DR	Modesto CA 95357	$26.00
079-008-033	DAVIS DAWNA BEAIRD	3532 DRY CREEK DR	Modesto CA 95357	$26.00
079-008-034	BHATTI BALBIR S & JASVIR K	3536 DRY CREEK DR	Modesto CA 95357	$26 00
079-008-035	SINGH KULDIP & KOUR JASBIR	3600 DRY CREEK DR	Modesto CA 95357	$26 00
079-008-036	SARABIA STEVE ANTHONY & MARGARITA CAMPOS DE	3604 DRY CREEK DR	Modesto CA 95357	$26.00
079-008-037	ORTIZ MATIAS & ORTIZ JOSEFINA	3608 DRY CREEK DR	Modesto CA 95357	$26.00
079-008-038	BROWN DALE	3612 DRY CREEK DR	Modesto CA 95357	$26.00
079-008-039	BOGG JANO TR	3616 DRY CREEK DR	Modesto CA 95357	$26.00
079-008-040	ECKLES ROBERT S & ECKLES JULIE L	3620 DRY CREEK DR	Modesto CA 95357-	$26.00
079-008-041	SINGH SHALVIN V	3624 DRY CREEK DR	Modesto CA 95357	$26.00
079-008-042	MALLEY KATHERINE S	3628 DRY CREEK DR	Modesto CA 95357	$26.00
079-008-043	KELLER ALFRED W	3632 DRY CREEK DR	Modesto CA 95357	$26.00
079-008-044	DAVIS LUELLA B & DAVIS WAYNE W	3636 DRY CREEK DR	Modesto CA 95357	$26.00
079-008-045	HERNANDEZ FRANK J & DIANA C	3640 DRY CREEK DR	Modesto CA 95357	$26.00
079-008-046	STAMPS GENE A & GLORIA M	532 WILMONT LN	Modesto CA 95357	$26.00
079-008-047	JIMENEZ GERARDO	536 WILMONT LN	Modesto CA 95357-	$26.00
079-008-048	MATULIS ERIC A	3633 HIGHMORE LN	Modesto CA 95357	$26.00
079-008-049	CHIU JOSEPH C & CHIU HELEN LEE	3629 HIGHMORE LN	Modesto CA 95357	$26.00
079-008-050	FARA AHMED & FARA MUFDHLA	3625 HIGHMORE LN	Modesto CA 95357	$26.00
079-008-051	JAUREGUI HORACIO J & SUSANA	3621 HIGHMORE LN	Modesto CA 95357	$26.00
079-008-052	CISNEROS MARTIN T & CISNEROS MELISSA	3617 HIGHMORE LN	Modesto CA 95357	$26.00
079-008-053	SINGH PREM	3613 HIGHMORE LN	Modesto CA 95357	$26.00
079-008-054	WHITAKER SAUDIA F	3609 HIGHMORE LN	Modesto CA 95357	$26.00
079-008-055	PRASAD JACK J & RESHMA D	3605 HIGHMORE LN	Modesto CA 95357	$26.00
079-008-056	GUTIERREZ JESUS & MARIA DE JESUS	3601 HIGHMORE LN	Modesto CA 95357	$26.00
079-008-057	WELLS JEFFREY R & CARRIE H	3533 HIGHMORE LN	Modesto CA 95357	$26.00

079-008-058	POSLANIEC COBY L	3529 HIGHMORE LN	Modesto CA 95357	$26 00
079-008-059	SADA FRED & JACKIE N	3525 HIGHMORE LN	Modesto CA 95357	$26.00
079-008-060	WHITE JOHN L & WHITE MARILYN K	3521 HIGHMORE LN	Modesto CA 95357	$26.00
079-008-061	BASSI JOE & KIRAN TRS	3517 HIGHMORE LN	Modesto CA 95357	$26.00
079-008-062	KOKOLOGIANNAKIS MARTHA TR	3513 HIGHMORE LN	Modesto CA 95357	$26.00
079-009-003	HENRY JILL ANNETTE & MULLINS MARY FRANCES TRS	3629 ARDIA AVE	Modesto CA 95357	$26.00
079-009-004	POK NAVEEN & VEULVILAVONG AMMONE	3625 ARDIA AVE	Modesto CA 95353	$26 00
079-009-005	WRIGHT ROBERT T SR	3621 ARDIA AVE	Modesto CA 95357	$26 00
079-009-006	DALMAN NINON M	3617 ARDIA AVE	Modesto CA 95357	$26.00
079-009-007	VARGAS ROBERT S & MARTHA V	3613 ARDIA AVE	Modesto CA 95357	$26.00
079-009-008	RUSH ROBERT P SR & PATRICIA L	3609 ARDIA AVE	Modesto CA 95357	$26.00
079-009-009	REYNOLDS EVA NELL TR	3605 ARDIA AVE	Modesto CA 95357	$26.00
079-009-010	WILLIAMS DONALD F & DEBORAH A	3601 ARDIA AVE	Modesto CA 95357	$26.00
079-009-011	NAIRN DENNIS & NAIRN REBECCA	3533 ARDIA AVE	Modesto CA 95357	$26 00
079-009-012	PERKINS ROBERT	3529 ARDIA AVE	Modesto CA 95357	$26 00
079-009-013	JOHAL SUKHWINDER KAUR & JASBIR S SINGH	3525 ARDIA AVE	Modesto CA 95357	$26 00
079-009-014	THANDI H S & S K	3521 ARDIA AVE	Modesto CA 95357	$26.00
079-009-015	RAMOS FERNANDO A	3517 ARDIA AVE	Modesto CA 95357-	$26.00
079-009-016	MARTINEZ TONY R JR	3513 ARDIA AVE	Modesto CA 95357	$26.00
079-009-017	FIGUEROA JASMINE E	3512 BALFOUR LN	Modesto CA 95357	$26.00
079-009-018	GREWAL JASKIRAN	3516 BALFOUR LN	Modesto CA 95357	$26.00
079-009-019	OGDEN ROBERT C & DEBORAH A TRS	3520 BALFOUR LN	Modesto CA 95357-	$26 00
079-009-020	FOUNTAIN TIMOTHY J & FOUNTAIN DEBORAH A	3524 BALFOUR LN	Modesto CA 95357	$26 00
079-009-021	MILLS AUDREY C	3528 BALFOUR LN	Modesto CA 95357	$26.00
079-009-022	COLLS LUIS R TR	3600 BALFOUR LN	Modesto CA 95357	$26.00
079-009-023	MANRIQUEZ UBALDO & DORA	3604 BALFOUR LN	Modesto CA 95357	$26.00
079-009-024	AMEREL CLEVE & ROSA	3608 BALFOUR LN	Modesto CA 95357-	$26.00
079-009-025	JOHNSON SOUNITA ET AL	3612 BALFOUR LN	Modesto CA 95354	$26.00
079-009-026	LEWMAN-KUNKLER BRENDA F TR	3616 BALFOUR LN	Modesto CA 95357	$26.00
079-009-027	LEE DAVID S & HU YANTING	3620 BALFOUR LN	Modesto CA 95357	$26.00
079-009-028	GONZALEZ ALFONSO CHAVEZ & RAMPONI-CHAVEZ JUDY	3624 BALFOUR LN	Modesto CA 95357	$26.00
079-009-029	SANCHEZ HUGO & ZENAIDA	3628 BALFOUR LN	Modesto CA 95357	$26.00
079-009-030	TOMLINSON MARK S & TOMLINSON JENNIFER D	3632 BALFOUR LN	Modesto CA 95357	$26.00
079-009-031	GOVEA PETER C & CAROL M TRS	512 WILMONT LN	Modesto CA 95357	$26.00
079-009-032	SHELTON CHRISTINA D	516 WILMONT LN	Modesto CA 95357	$26.00
079-009-033	FRANCO DANIEL & TANIA	520 WILMONT LN	Modesto CA 95351	$26.00
079-009-034	BARRY MAGED	524 WILMONT LN	Modesto CA 95355	$26 00
079-009-035	BIZZINI KELLY A	528 WILMONT LN	Modesto CA 95357	$26 00
079-009-036	MARTINEZ PEDRO	3628 HIGHMORE LN	Modesto CA 95357	$26 00
079-009-037	RAMIREZ JESUS & LORENA	3624 HIGHMORE LN	Modesto CA 95357	$26.00
079-009-038	CERDA GONZALO	3620 HIGHMORE LN	Modesto CA 95357	$26.00
079-009-039	WILHELM DENNIS & WILHELM JANICE	3616 HIGHMORE LN	Modesto CA 95357-	$26.00
079-009-040	CASTRO MARIA	3612 HIGHMORE LN	Modesto CA 95357	$26.00
079-009-041	VIZCARRA JOSE A	3608 HIGHMORE LN	Modesto CA 95357	$26 00
079-009-042	YAU KING PO & SU AI CENG	3604 HIGHMORE LN	Modesto CA 95357	$26 00
079-009-043	ZAYA SAMIA	3600 HIGHMORE LN	Modesto CA 95354	$26 00
079-009-044	CHIU CHARLES	3528 HIGHMORE LN	Modesto CA 95357	$26 00
079-009-045	FORBES DEENA M ET AL	3524 HIGHMORE LN	Modesto CA 95357	$26.00
079-009-046	LITTMANN PETER & TAMARA	3520 HIGHMORE LN	Modesto CA 95355	$26.00
079-009-047	LEV ANGELA	3516 HIGHMORE LN	Modesto CA 95357	$26.00
079-009-048	SPYKSMA GLENN DAVID & CARLA TRS	3512 HIGHMORE LN	Modesto CA 95357	$26.00
079-009-049	MAHUSAY SATURNINO & MAHUSAY PATRICIA	3513 BALFOUR LN	Modesto CA 95357	$26 00
079-009-050	REYNOSO SOCORRO GUTIERREZ	3517 BALFOUR LN	Modesto CA 95357	$26 00
079-009-051	BILLIKOPF GREGORY E & BILLIKOPF LINDA M	3521 BALFOUR LN	Modesto CA 95357	$26 00
079-009-052	PETERSON GAIL W & KAREN TRS	3525 BALFOUR LN	Modesto CA 95357	$26.00
079-009-053	PRAKASH SUSHEEL & DEVI VINITA	3529 BALFOUR LN	Modesto CA 95357	$26.00
079-009-054	OSHANA DOONA	3533 BALFOUR LN	Modesto CA 95357	$26.00
079-009-055	VERSOLA KENNETH O ET AL TRS	3601 BALFOUR LN	Modesto CA 95357	$26.00
079-009-056	MARTINEZ RICHARD A & MARTINEZ MARTHA S	3605 BALFOUR LN	Modesto CA 95354	$26 00
079-009-057	VALADEZ RUBEN	3609 BALFOUR LN	Modesto CA 95357	$26 00
079-009-058	HEDRICK KENNETH L & HEDRICK MARGIE	3613 BALFOUR LN	Modesto CA 95357	$26 00
079-009-059	WASPE LAWRENCE E MD	3617 BALFOUR LN	Modesto CA 95357	$26 00
079-009-060	RODRIGUEZ MARIO & RODRIGUEZ SONIA	3621 BALFOUR LN	Modesto CA 95357	$26.00
079-009-061	CISNEROS STEVE P & CISNEROS ELVIRA	3625 BALFOUR LN	Modesto CA 95357	$26.00
079-009-062	DAVIS RODGER & STACY	3633 ARDIA AVE	Modesto CA 95357	$26.00
079-010-001	HORLICK LUPE CASTILLO ET AL	609 WADDELL WAY	Modesto CA 95357	$26.00
079-010-002	ORTEGA ANGEL GABRIEL	613 WADDELL WAY	Modesto CA 95357-14	$26.00
079-010-003	CANETE MARIE C	617 WADDELL WAY	Modesto CA 95357	$26 00

079-010-004	LEWIS LA VONA L TR	621 WADDELL WAY	Modesto CA 95357	$26.00
079-010-005	MALDONADO LUIS & MALDONADO ERENDIRA	625 WADDELL WAY	Modesto CA 95357-14	$26.00
079-010-006	BETTENCOURT JOHN C ET AL TRS ET AL	629 WADDELL WAY	Modesto CA 95351	$26.00
079-010-007	AISPURO ROSALVA P	633 WADDELL WAY	Modesto CA 95357	$26.00
079-010-008	THOMAS-STEVENS CHERI N	637 WADDELL WAY	Modesto CA 95357	$26.00
079-010-009	PRASAD BINESARI & SATYA W	3700 CREEDMOOR AVE	Modesto CA 95357-	$26 00
079-010-010	LERINDEGUI JOYCE C ET AL	3704 CREEDMOOR AVE	Modesto CA 95357	$26 00
079-010-011	TRIO DONNA M	3708 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-010-012	PRASAD RAKESH	3712 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-010-013	ANTONIO MARIA ET AL	3716 CREEDMOOR AVE	Modesto CA 95357-	$26.00
079-010-014	STOCKAND MIMI M	3720 CREEDMOOR AVE	Modesto CA 95357-	$26.00
079-010-015	WATSON THOMAS R & SHARON M	3724 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-010-016	GONZALES JOSEPH R	3728 CREEDMOOR AVE	Modesto CA 95357-	$26.00
079-010-017	NELSON RONALD J	3732 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-010-018	RAMIREZ GABRIELA	3736 CREEDMOOR AVE	Modesto CA 95357	$26 00
079-010-019	CHIANG STANLEY & EMILY	3800 CREEDMOOR AVE	Modesto CA 95357-	$26 00
079-010-020	AU-YEUNG CHI & AU-YEUNG TZE HING LAM	3804 CREEDMOOR AVE	Modesto CA 95357-	$26 00
079-010-021	SALDANA BENJAMIN	3808 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-010-022	VELAZQUEZ RAUL & VELAZQUEZ MARIBEL	3812 CREEDMOOR AVE	Modesto CA 95355	$26.00
079-010-023	XIAOKUN ZHI	3816 CREEDMOOR AVE	Modesto CA 95357-	$26.00
079-010-024	STEWART ALLAN HENRY ET AL TRS	3900 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-010-025	JAMES GLORIA R ET AL	3904 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-010-026	RIVERA PAUL C & CARMEN	3908 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-010-027	KUMAR ABINESH	3912 CREEDMOOR AVE	Modesto CA 95357	$26 00
079-010-028	NAMO ALEN	3916 CREEDMOOR AVE	Modesto CA 95357	$26 00
079-010-029	DYRCZ JEFFREY LEE	636 CODINGTON WAY	Modesto CA 95357	$26 00
079-010-030	GALIOTO-FISHER LISA M	632 CODINGTON WAY	Modesto CA 95357	$26.00
079-010-031	SMITH JUSTIN KEITH	628 CODINGTON WAY	Modesto CA 95357	$26.00
079-010-032	LAURANCE MICHAEL E & DEBRA	624 CODINGTON WAY	Modesto CA 95357	$26.00
079-010-033	LONERO CHARLES & LONERO ANNA M	620 CODINGTON WAY	Modesto CA 95357	$26.00
079-010-034	LOVEALL DENNIS J & TANG JANNY LUU	3925 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-010-035	HALE DENNA M	3921 DILLINGHAM AVE	Modesto CA 95357-	$26.00
079-010-036	CHARLES TIMOTHY M & CHARLES LISA A	3917 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-010-037	GALLEGOS EUDIA	3913 DILLINGHAM AVE	Modesto CA 95357-	$26 00
079-010-038	RAMIREZ JUAN J & RAQUEL C OSIO	3909 DILLINGHAM AVE	Modesto CA 95357	$26 00
079-010-039	PRIETO ANTHONY AUGUSTIN	3905 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-010-040	VHAN SUNILA TR	3901 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-010-041	PERA ADRIAN C	3825 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-010-042	BRESHEARS DONALD K	3821 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-010-043	DELGADO MIGUEL	3817 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-010-044	JESUS MANUEL A & MARY L TRS	3813 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-010-045	GUZMAN ALEJANDRA ROBLES	3809 DILLINGHAM AVE	Modesto CA 95357-	$26 00
079-010-046	CUEVAS JOSE C ET AL	3805 DILLINGHAM AVE	Modesto CA 95357	$26 00
079-010-047	ALBARRAN ARUTRO S & ALBARRAN CELIA P	3801 DILLINGHAM AVE	Modesto CA 95354	$26 00
079-010-048	GALLO MARTIN & GALLO BEATRIZ	3725 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-010-049	SANTOS LUZ MARIA	3721 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-010-050	PEREZ JOSE P & ROSA M	3717 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-010-051	KUMAR ASHOK	3713 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-010-052	MADRIGAL ROBERT	3709 DILLINGHAM AVE	Modesto CA 95357-	$26.00
079-010-053	GARDALI CHARLES J TR	3705 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-010-054	JIAO HUIYING TR	3701 DILLINGHAM AVE	Modesto CA 95357	$26 00
079-011-001	MOUNBUA CHANH ET AL	3700 DILLINGHAM AVE	Modesto CA 95354	$26 00
079-011-002	VARGAS EDWARD J & RACHELLE DEE TRS	3704 DILLINGHAM AVE	Modesto CA 95357-	$26 00
079-011-003	LIANG JIN & CEN CHUNYAN	3708 DILLINGHAM AVE	Modesto CA 95357	$26 00
079-011-004	KOOCHOU NINOUS & DOMARINA	3712 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-005	YOUNAN MARIAM	3716 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-006	RODRIGUEZ MARCELINO & RODRIGUEZ ELENA	3720 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-007	CHUANGS INVESTMENT INC	3724 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-008	ALVES JASON L	3800 DILLINGHAM AVE	Modesto CA 95357-	$26.00
079-011-009	WONG SHERRE L TR	3804 DILLINGHAM AVE	Modesto CA 95357	$26 00
079-011-010	SAMO LUAY	3808 DILLINGHAM AVE	Modesto CA 95357	$26 00
079-011-011	KINGSLEY BRANDON K & AMBER N	3812 DILLINGHAM AVE	Modesto CA 95357	$26 00
079-011-012	STILLWELL VINCE & ESCOBAR EVELYN	3816 DILLINGHAM AVE	Modesto CA 95351	$26 00
079-011-013	ROWE DANIEL V & ROWE MICHELLE R	3820 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-014	LOBAO THOMAS A & LOBAO LISA	3824 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-015	MARTINHO THERESA SILVA TR	3900 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-016	CONTRERAS JAVIER	3904 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-017	CABRERA MELINDA S	3908 DILLINGHAM AVE	Modesto CA 95357-	$26.00

079-011-018	VASQUEZ ROSA & PEDRO	3912 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-019	BAXTER RACHEL	3916 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-020	MENDEZ JOSE ALVAREZ & TERESA JESUS	3920 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-021	SAENGSOURY TONY & SAENGSOURY MARY	3924 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-022	MARQUEZ ELIZABETH K & MARQUEZ RICHARD R	616 CODINGTON WAY	Modesto CA 95357-	$26.00
079-011-023	TODD TRISHA & BRIAN EDWARD	612 CODINGTON WAY	Modesto CA 95357	$26.00
079-011-024	REGALADO JUAN ET AL	608 CODINGTON WAY	Modesto CA 95357	$26.00
079-011-025	CEJA MIGUEL Y & BEATRICE	604 CODINGTON WAY	Modesto CA 95357	$26.00
079-011-026	MORALES STACIE A & KENNETH	600 CODINGTON WAY	Modesto CA 95357-	$26.00
079-011-027	LEBON FRANCIS LOUIS	3925 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-028	DE VERA SUSAN ET AL	3921 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-029	RANEY JERRY S & TONIE	3917 ELLENBORO AVE	Modesto CA 95357-	$26.00
079-011-030	MC KAY JAMES A & MC KAY MARY L	3913 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-031	FERNANDEZ ELMA ET AL	3909 ELLENBORO AVE	Modesto CA 95351-	$26.00
079-011-032	BAILEY ELIZABETH M & STEVE R	3905 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-033	MANI GYANESH & SHAKUNTALA	3901 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-034	LOVE JAMES H & LOVE BRENDA W	3825 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-035	LEVCHENKO LAURIE	3821 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-036	KIRKBRIDE CHRISTOPHER CHARLES & LUISA R	3817 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-037	GARRISON JAMES A TR	3813 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-038	GUTIERREZ JOSE E	3809 ELLENBORO AVE	Modesto CA 95357-	$26.00
079-011-039	MARTINEZ DOLORES ET AL	3805 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-040	BANKS TONYA	3801 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-041	ALDAWOOD PETER SHUMON & RIMA	3725 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-042	MORRIS SAMUEL DAVID ET AL	3721 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-043	LOPEZ DIANA MORENO	3717 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-044	KEYGHALDI KARNAVAL & ESTER	3713 ELLENBORO AVE	Modesto CA 95351-	$26.00
079-011-045	COSTA WILMA D & DAVID JR	3709 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-046	WRUCK JAMES A TR	3705 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-047	CHIHIL JOSEPHINE U TR	3701 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-001	HONBERGER ROBERT & HONBERGER LISA	541 WADDELL WAY	Modesto CA 95357	$26.00
079-012-002	BETYAGHOUB VILHAM & BETYAGHOUB LINDA	545 WADDELL WAY	Modesto CA 95357	$26.00
079-012-003	WONG SAI YING & LIXIAN KUANG TRS	549 WADDELL WAY	Modesto CA 95357	$26.00
079-012-004	YU BETTY	553 WADDELL WAY	Modesto CA 95357	$26.00
079-012-005	CHAND ATISH & REENA	557 WADDELL WAY	Modesto CA 95357	$26.00
079-012-006	PEERA ALBERTA	601 WADDELL WAY	Modesto CA 95357	$26.00
079-012-007	SUAREZ-MILLAN THANIA A	3700 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-008	MARENTES YESENIA	3704 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-009	MATOS BRUNO O & MICHELLE N	3708 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-010	KIDD BRIAN & KIDD KIMBERLY	3712 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-011	ESTRADA JOSE & ALICIA	3716 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-012	SERRANO GUADALUPE & MARIA ELENA	3720 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-013	MIRANDA CYNTHIA & MAGANA JOSE LUIS BARRAGAN	3724 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-014	GILL HARMAIL & DARSHAN	3800 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-015	BARRIENTOS JAVIER & ARCADIA	3804 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-016	CORRAL SANDRA	3808 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-017	CHUANG TINA Y	3812 ELLENBORO AVE	Modesto CA 95357-	$26.00
079-012-018	AGAS JANELYN R	3816 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-019	MADEROS KATHLEEN J	3820 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-020	BRITZKE GARY T & BRITZKE PATRICIA L	3824 ELLENBORO AVE	Modesto CA 95357-	$26.00
079-012-021	PENA BERNIE & PENA TREANNA	3900 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-022	BETTENCOURT JOHN C TRS ET AL	3904 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-023	SOLOMON LLOYD R & JEAN M TRS	3908 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-024	THOMAS DOUGLAS E & GLENDA J	3912 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-025	RODRIGUEZ ALFONSO	3916 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-026	BARCELO PATRICIA	3920 ELLENBORO AVE	Modesto CA 95357-	$26.00
079-012-027	MATA JUAN W ETA L	3924 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-028	ROACH ERIC M & ROACH NANETTE C	556 CODINGTON WAY	Modesto CA 95357	$26.00
079-012-029	AUSTIN BEVERLY	552 CODINGTON WAY	Modesto CA 95357	$26.00
079-012-030	VALLADOUD RAMIRO & DE VALLADOUD MA CRUZ COBARRUB	548 CODINGTON WAY	Modesto CA 95350	$26.00
079-012-031	CHAIREZ MICHAEL	544 CODINGTON WAY	Modesto CA 95357	$26.00
079-012-032	29 SAC HOLDINGS 1 LP	540 CODINGTON WAY	Modesto CA 95357	$26.00
079-012-033	MCBROOM RODNEY D TR	3925 GATESVILLE AVE	Modesto CA 95357	$26.00
079-012-034	WILDEMAN GALEN J	3921 GATESVILLE AVE	Modesto CA 95354	$26.00
079-012-035	RATANA KAM & RATANA TIMOTHY	3917 GATESVILLE AVE	Modesto CA 95357	$26.00
079-012-036	SORIA RUBEN & SORIA GLORIA L	3913 GATESVILLE AVE	Modesto CA 95357	$26.00
079-012-037	LEANOS JAVIER TAPIA & TAPIA DANIELA ESTEFANY	3909 GATESVILLE AVE	Modesto CA 95357	$26.00
079-012-038	TORRES VICOTR MANUEL & PANTOJA MARIA	3905 GATESVILLE AVE	Modesto CA 95357	$26.00

079-012-039	PARSONS NANCY M	3901 GATESVILLE AVE	Modesto CA 95357	$26.00
079-012-040	GRAVES LINDA M	3825 GATESVILLE AVE	Modesto CA 95357	$26 00
079-012-041	TUERS TERRY B & TUERS LENORE L	3821 GATESVILLE AVE	Modesto CA 95357	$26 00
079-012-042	KINNE DONNELLY & SUSAN N TRS	3817 GATESVILLE AVE	Modesto CA 95357	$26 00
079-012-043	CAMPIOTTI EDWARD L & CAMPIOTTI DIANA L	3813 GATESVILLE AVE	Modesto CA 95357	$26.00
079-012-044	BUSH CHARLES F & BUSH DONNA L	3809 GATESVILLE AVE	Modesto CA 95357	$26.00
079-012-045	PENA JOSEPH	3805 GATESVILLE AVE	Modesto CA 95354	$26.00
079-012-046	ODISHO CATHERINE ET AL	3801 GATESVILLE AVE	Modesto CA 95357	$26.00
079-012-047	SHEPHERD NORMAN E & LISA N	3725 GATESVILLE AVE	Modesto CA 95357-	$26.00
079-012-048	BARTHOLOMEW RUSSELL RAY	3721 GATESVILLE AVE	Modesto CA 95357	$26.00
079-012-049	RUSSELL GARRICK	3717 GATESVILLE AVE	Modesto CA 95357	$26.00
079-012-050	JENSEN STEVEN H & TONJA R	3713 GATESVILLE AVE	Modesto CA 95357	$26.00
079-012-051	PATEL JAGUBHAI & PATEL GANGABEN	3709 GATESVILLE AVE	Modesto CA 95357	$26.00
079-012-052	NELSON LESTER J & NELSON CRESENCIA	3705 GATESVILLE AVE	Modesto CA 95326	$26.00
079-012-053	MUTOZA CRAIG J	3701 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-001	DAVIS KURT ROBERT	521 WADDELL WAY	Modesto CA 95357	$26.00
079-013-002	VARGAS EDWARD J & RACHELLE DEE TRS	525 WADDELL WAY	Modesto CA 95357	$26.00
079-013-003	ROCHA JOHN DANIEL & ROCHA DIANNE MARIE	529 WADDELL WAY	Modesto CA 95354	$26.00
079-013-004	VANDERHEIDEN ROBIN	533 WADDELL WAY	Modesto CA 95357	$26.00
079-013-005	CORREA ARMANDO JR	537 WADDELL WAY	Modesto CA 95356	$26.00
079-013-006	VALLADOLID YESENIA	3700 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-007	BATEMAN WALTER	3704 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-008	GOUVEIA JOHN E & GOUVEIA TERRE L	3708 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-009	DELEMOS ALBINA	3712 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-010	LE CANH & TIEU MY HA	3716 GATESVILLE AVE	Modesto CA 95357-	$26.00
079-013-011	AYALA DIEGO ADRIAN ET AL	3720 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-012	MORA-MARTINEZ MA R	3724 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-013	MARTINEZ PEDRO & IRMA	3800 GATESVILLE AVE	Modesto CA 95357-	$26.00
079-013-014	LONN ROCHELLE	3804 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-015	HAYNES ERIC L	3808 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-016	PARKINSON MARK & DIANE	3812 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-017	BROWN WILLIAM K & SHAMIRAN A	3816 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-018	OXFORD DAVID C JR & JUDY D	3820 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-019	TAPIA YER YANG ET AL	3824 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-020	PETTIGREW AUSTIN T	3900 GATESVILLE AVE	Modesto CA 95357-	$26.00
079-013-021	ROUNGREUANG BOUNLONG	3904 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-022	ALVARENGA VICTOR	3908 GATESVILLE AVE	Modesto CA 95357	$26 00
079-013-023	GUARDADO ARIEL	3912 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-024	JOLLIFF GARTH & KATHERINE	3916 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-025	BAXTER RACHEL A	3920 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-026	SAMI PRANESH	3924 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-027	RODRIGUEZ REYES & MARIA C	536 CODINGTON WAY	Modesto CA 95357	$26.00
079-013-028	USSERY CAROL D	532 CODINGTON WAY	Modesto CA 95350-	$26.00
079-013-029	ZAVALA CLEMENTE JR & ZAVALA IRMA	528 CODINGTON WAY	Modesto CA 95357-	$26.00
079-013-030	OCHOA SANJUANA	524 CODINGTON WAY	Modesto CA 95357	$26.00
079-013-031	MIRANDA SERGIO	520 CODINGTON WAY	Modesto CA 95357-	$26.00
079-013-032	DIAZ KATHRYN A & GREGORY R	3925 LAURENBURG AVE	Modesto CA 95357-	$26.00
079-013-033	CAMPBELL LISA R	3921 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-034	RODRIGUEZ MANUEL & MARIA E TRS	3917 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-035	GUZMAN JONATHAN	3913 LAURENBURG AVE	Modesto CA 95357-	$26.00
079-013-036	HENDERSON DAVID	3909 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-037	SHAMESALDIN JOHNY K & SHAMESALDIN MUNA M	3905 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-038	JOSEPHSON JOSEPH A & JOSEPHSON STACEY	3901 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-039	RAMIREZ JACOB & ARACELI	3825 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-040	PENN KRYSTLE	3821 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-041	HERNANDEZ SALVADOR M & HERNANDEZ NILDA M	3817 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-042	RODRIGUEZ ELENA	3813 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-043	AQUINO J GABRIEL MENDOZA & MENDOZA NIEVES	3809 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-044	ATHNEIL GEORGE K & ATHNEIL INAAM M	3805 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-045	ALVARADO ALFONSO F	3801 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-046	DUNN JAY ALAN	3725 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-047	WATKINS WALLY T & LAUREN A	3721 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-048	CHAND VIJAY ET AL	3717 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-049	SABINIANO MARLON N ET AL	3713 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-050	CAPUTO LYNDA BINGHAM TR	3709 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-051	SMITH STEVEN J & SMITH AIDA L	3705 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-052	LOPEZ MARIO & LUZ ELVIRA	3701 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-001	GARCIA MIGUEL & GARCIA MARIA	449 WADDELL WAY	Modesto CA 95357	$26.00

079-014-002	CABAGNOT DOLORES R & FLYNN G	501 WADDELL WAY	Modesto CA 95357	$26.00
079-014-003	OSHANA OSHANA & OSHANA MARGRIT	505 WADDELL WAY	Modesto CA 95357	$26.00
079-014-004	WILSON KELLIE MICHELLE & RYAN CHRISTOPHER	509 WADDELL WAY	Modesto CA 95357	$26.00
079-014-005	NOUN SAMNANG	513 WADDELL WAY	Modesto CA 95357	$26.00
079-014-006	SANCHEZ JOSE L & MADRIGAL ALICIA	517 WADDELL WAY	Modesto CA 95357	$26.00
079-014-007	AUSTIN CATHERINE ANN TR	3700 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-008	BECERRA-BARRERA GERMAN & BECERRA LUISA G	3704 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-009	MILTON JEANNIE	3708 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-010	CASTRO GREGORY ALAN & BARBARA LYNN TRS	3712 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-011	DIXON GARY W	3716 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-012	AMES JAMES C & ADELE TRS	3720 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-013	WARNER JO ANNE	3724 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-014	GARCIA THERESA L	3800 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-015	NUNEZ CLAUDIA	3804 LAURENBURG AVE	Modesto CA 95354	$26.00
079-014-016	LORUSSO DION & OLIVERA	3808 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-017	DHIR ASHIKA ET AL	3812 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-018	RIVERA DAYSI M	3816 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-019	HUYNH NGOC DUNG THI ET AL	3820 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-020	CASTANEDA JOSE J & MARGARET	3824 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-021	GUZMAN MIRIAM & FLORES MARTIN	3900 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-022	SEUGA HOWLAND P	3904 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-023	TORRES JOSE DE JESUS & TORRES MARIA DOLORES	3908 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-024	HO KAI-YIN SILAS & WANG LI	3912 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-025	SINHA NAVIN & SINGH PRITI P	3916 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-026	CHRISTIAN RICHARD D & DIANE L TRS	3920 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-027	JENKINS JASON L & CHRISTINE M	3924 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-028	PIERCE FRANKLIN C & JODI L	516 CODINGTON WAY	Modesto CA 95357	$26.00
079-014-029	PRASAD SURESH & PRASAD MUNI L	512 CODINGTON WAY	Modesto CA 95357	$26.00
079-014-030	CASTELLANOS RIGOBERTO	508 CODINGTON WAY	Modesto CA 95357	$26.00
079-014-031	NUON SOPHEAP & OUM SAVANARA	504 CODINGTON WAY	Modesto CA 95357-	$26.00
079-014-032	ROCHA SERAPIO & MARIA	500 CODINGTON WAY	Modesto CA 95357	$26.00
079-014-033	ATWOOD BOBBY D	3925 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-034	BEST JERROLIN E	3921 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-035	GIOVANNONI CASEY L	3917 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-036	MALIK ROBERT	3913 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-037	COX KATHERINE & ADAMS JOSH	3909 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-038	CHAU VINCENT ET AL	3905 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-039	ROSAS SAMUEL	3901 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-040	YOUNG HOLLY M ET AL	3825 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-041	FAMA JOSELITO & FAMA DOROTEA	3821 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-042	CICERO THEODORE JR & CAROL	3817 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-043	CABRERA THOMAS & CABRERA JANET S L	3813 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-044	RIVERA LOUIS S & LOUELLA J TRS	3809 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-045	TOMS GARY JR	3805 WILKESBORO AVE	Modesto CA 95357-	$26.00
079-014-046	ROGERS MEGAN ET AL	3801 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-047	SKARIA JOSEPH & JOSEPHINE	3725 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-048	BAINS SARVSATINDER & BELBINDER K	3721 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-049	BOUCHER GARY C & BOUCHER DENISE K	3717 WILKESBORO AVE	Modesto CA 95357-	$26.00
079-014-050	POWLEY ANAMARIA	3713 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-051	PRASAD GEORGE & PRASAD LALITA	3709 WILKESBORO AVE	Modesto CA 95357-	$26.00
079-014-052	FOSTER JAMES R	3705 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-053	BENJAMIN LINDA & EUGENE	3701 WILKESBORO AVE	Modesto CA 95357	$26.00
079-016-001	COLLINS TOMMY S	440 WADDELL WAY	Modesto CA 95357	$26.00
079-016-002	BIRD BYRON M & ASHLEY A	3704 WILKESBORO AVE	Modesto CA 95357	$26.00
079-016-003	BARNES REECE WAYNE	3708 WILKESBORO AVE	Modesto CA 95357	$26.00
079-016-004	BIERMAN ALLEN	3712 WILKESBORO AVE	Modesto CA 95357	$26.00
079-016-005	PRASAD VIJAY	3716 WILKESBORO AVE	Modesto CA 95357	$26.00
079-016-006	GONZALEZ JOSE	3720 WILKESBORO AVE	Modesto CA 95357	$26.00
079-016-007	YUMANG ELADIO M JR & VIOLETA	3800 WILKESBORO AVE	Modesto CA 95357	$26.00
079-016-008	KOHN RONALD & JUANITA I	3804 WILKESBORO AVE	Modesto CA 95357-	$26.00
079-016-009	CANCINO DANIEL DISU & FEDERICA BERNARTE TRS	3808 WILKESBORO AVE	Modesto CA 95354-	$26.00
079-016-010	ROSALES JOSE L & FRANCO MARIA T	3812 WILKESBORO AVE	Modesto CA 95357-	$26.00
079-016-011	STINHILVER WILLARD & STINHILVER MARLENE	3816 WILKESBORO AVE	Modesto CA 95357	$26.00
079-016-012	MAREK BETTY J ET AL	3820 WILKESBORO AVE	Modesto CA 95357	$26.00
079-016-013	ACIERTO PHILIP	3824 WILKESBORO AVE	Modesto CA 95357	$26.00
079-016-014	LUZUNARIS MIGUEL ORLANDO	3900 WILKESBORO AVE	Modesto CA 95357	$26.00
079-016-015	OU KANG YE & LIANG LIZHEN	3904 WILKESBORO AVE	Modesto CA 95354	$26.00
079-016-016	VILLASENOR RICARDO & ANA L RAMINEZ DE	3908 WILKESBORO AVE	Modesto CA 95357-	$26.00

079-016-017	MANSOUR ALEN M	3912 WILKESBORO AVE	Modesto CA 95357	$26.00
079-016-018	EASTHAM GLENDA S	3916 WILKESBORO AVE	Modesto CA 95357	$26.00
079-016-019	GERSON COREY	3920 WILKESBORO AVE	Modesto CA 95357	$26.00
079-016-020	SOLORIO SAMMY & MARIA L	3924 WILKESBORO AVE	Modesto CA 95357	$26.00
079-016-021	SINGH AACHAL & AJESH	440 CODINGTON WAY	Modesto CA 95357	$26.00
079-016-022	LOPEZ ADRIAN	436 CODINGTON WAY	Modesto CA 95357	$26.00

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MODESTO CITY COUNCIL
RESOLUTION NO. 2016-285

RESOLUTION CONFIRMING THE FISCAL YEAR 2016-17 DIAGRAM AND ASSESSMENT, AND ORDERING THE LEVY AND COLLECTION OF CHARGES WITHIN LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 7-10, CREEKWOOD MEADOWS SUBDIVISION AND YOSEMITE MEADOWS SUBDIVISION UNITS 1 & 2

WHEREAS, on May 10, 2016, the City Council, by Resolution No. 2016-196, declared its intent to levy charges or assessments for the purpose of administering the maintenance of landscaping in the public right-of-way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivisions, and Yosemite Meadows Subdivision Units 1 and 2 under the provisions of California Streets and Highways Code Sections 22500 through 22679, more commonly known as the Landscape and Lighting Act of 1972, and

WHEREAS, the charges against the real property are not levied with regard to property values but rather by allocated cost reports prepared by the Engineer of Work, and

WHEREAS, the City of Modesto has determined and certifies that the charges are either exempt from or in compliance with all the provisions of Proposition 218, which was passed by the voters in November 1996, and

WHEREAS, the City of Modesto has further determined the charges are in compliance with all laws pertaining to the levy of such charges,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby orders the levy and collection of such charges within City of Modesto Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows

Subdivisions Nos. 7-10, Creekwood Meadows Subdivisions, and Yosemite Meadows Subdivision Units 1 and 2 for Fiscal Year 2016-17, and in each subsequent fiscal year in which the charges may validly be levied.

BE IT FURTHER RESOLVED that a certified copy of this resolution and **attached** documentation shall be delivered to the Auditor-Controller of the County of Stanislaus for placement of such charges on the 2016-17 County Tax Roll, and in each subsequent fiscal year in which the charges may validly be levied.

BE IT FURTHER RESOLVED that the diagram of said assessment district and amount of levy thereon is hereby confirmed.

The foregoing resolution was introduced at a special meeting of the City Council of the City of Modesto held on the 5th day of July, 2016, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following votes:

AYES:	Councilmembers:	Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Grewal

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Assessment District Diagram

Landscape Maintenance Assessment District No. 2
(Dry Creek Meadows Subdivisions No. 7 - 10)
(Creekwood Meadows Subdivision)
(Yosemite Meadows Units No. 1 & 2)

250 125 0 250
Feet

Date: 2/13/2015

MODESTO
CALIFORNIA

MODESTO
CALIFORNIA

City of Modesto
LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT No. 2

♦DRY CREEK MEADOWS SUBDIVISIONS Nos. 7 through 10♦

♦CREEKWOOD MEADOWS SUBDIVISION♦

♦YOSEMITE MEADOWS SUBDIVISION UNITS 1 & 2♦

A Landscape Maintenance Assessment District pursuant to the Landscape and Lighting Act of 1972

ENGINEER'S ANNUAL REPORT

FISCAL YEAR
JULY 1, 2016 - JUNE 30, 2017

REGISTERED PROFESSIONAL ENGINEER
VICTORIA MICHELLE DION
NO. C58900
Exp. 6-30-17
CIVIL
STATE OF CALIFORNIA

Prepared By:
Tina Rocha
Community Development Manager

Certified By:
Vickey Dion
City Engineer

Accepted By Motion:
Modesto City Council

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II.	Annual Assessment Review & Summary
III.	Financials – Annual Assessment Revenue & Maintenance Expense Projections
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VI.	Annual Assessment List by Parcel & Property Owner

SECTION I HISTORY

On April 4, 1989, Landscape Maintenance Assessment District No. 2 ("LMAD No. 2") was formed in accordance with the Landscape and Lighting Act of 1972 (California Streets and Highway Code §22500 through §22679) ("the Act") to administer the maintenance of landscaping in the public right-of-way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 7 through 10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivision Units 1 and 2. All costs for LMAD No. 2 are funded by the annual assessments levied on each property within the district. The Act requires several courses of action on the part of City staff and City Council prior to August 10th of each year.

The Act initially requires the City Council to order, prepare, and file an Engineer's Annual Report for the City Council. This report is prepared for the purpose of detailing the plans and specifications for the maintenance of work, the estimates of costs for landscape maintenance performed by the City Contractor, utility service charges, City street tree pruning costs, City staff time to administer the maintenance contract, and additional work to be performed by the City Contractor at the request of the City.

Prompted by negative reserve balances in LMAD No. 2, staff successfully completed a Proposition 218 ballot in June 2000. This ballot added an annual cost of living increase based on the Building Cost Index ("BCI"). As a result of this ballot, the approved "inflator" adjusts each year's assessment. California Government Code §54954.6(a) and (c) requires that a notice be mailed no less than 45 days in advance of the public hearing to all property owners if costs will increase.

Upon City Council's approval of the Engineer's Annual Report, the City Council adopts a resolution declaring its intent to levy and collect assessments within LMAD No. 2 for the following fiscal year and schedules a public hearing. This public hearing and proposed resolution levying the proposed assessments is in accordance with the annual assessment procedures.

Finally, in compliance with the Act, the City Council conducts the public hearing and adopts certain resolutions in accordance with the California Streets and Highways Code §22625 through 22641. The City Clerk is required to give the Modesto Bee notice of the public hearing no less than ten (10) days prior to the scheduled hearing date. All interested persons are afforded the opportunity to be heard during the public hearing. Should there be any protests, whether written or oral, the City Council may choose to continue the hearing to a later date and/or may change any part of the Engineer's Annual Report to address the concerns of the property owner(s). The adopted resolution is then forwarded to the Auditor-Controller of the County of Stanislaus for placement of such charges on the upcoming year's County Tax Roll.

SECTION II ANNUAL ASSESSMENT REVIEW AND SUMMARY

A. PARCEL REVIEW

Total Acreage: 135.20 Acres

Total Assessed Acreage: 134.172 Acres

1. Single-Family Residential: 116.087 acres (590 Parcels)

2. Commercial: 18.085 acres (18 Parcels)

3. Publicly- Owned: 1.028 acres (2 Parcels)
   a) One (1) parcel owned by the City of Modesto (0.03 acres) which is utilized as a traffic island.
   b) One (1) parcel owned by the Empire School District (1.0 acres) which is utilized as its District Offices.

   According to the §22663 of the California Streets and Highways Code, public property owned by any public agency and in use in the performance of a public function shall not be subject to assessment.

B. ANNUAL ASSESSMENTS

Each parcel receives equal benefits from LMAD No. 2. The annual assessment levied is calculated by dividing the total cost estimate by the total number of acres.

1. The single-family residential properties are levied on a flat rate, which is calculated by dividing the total cost estimate by the number of residential acres and subsequently by the total number of residential parcels.

2. Commercial properties are levied based on actual acreage.

The annual assessment is to be adjusted annually according to the BCI for the San Francisco Bay Area (SF BCI), as reported in the Engineer News Record the first week of March. Due to the unavailability of the SF BCI for the first week of March, the second week reporting must be utilized.

The inflationary adjustment is applied when the district has minimal or negative reserves to offset the total cost estimates for the upcoming fiscal year. The increase for fiscal year 2016-2017 is 3.4832931% (The difference between the March 14, 2016 SF BCI, 6628.85, and the March 16, 2015 SF BCI, 6405.72, divided by the March 16, 2015 SF BCI, 6405.72).

The total annual assessment for LMAD No. 2 for Fiscal Year 2016-2017 is $21,041.85. (Fiscal Year 2015-2016 assessment $20,333.57 x 3.4832931%).

C. PROJECTED ANNUAL ASSESSMENT SUMMARY

1. Single-Family Residential Annual Assessment – 590 Parcels

	$21,041.85	Annual Assessment for Fiscal Year 2016-2017
÷	134.172	Total assessed acres
$	156.83	Annual assessment per acre
$	156.83	Annual assessment per Acre
x	116.087	Residential acres
	$ 18,205.63	Total residential annual assessment
	$ 18,205.63	Total residential annual assessment
÷	590	# Parcels
$	30.85	Total residential annual assessment/parcel

* *For levying purposes, the total annual assessment has been rounded to $30.85 per residential parcel for a total annual residential assessment of $18,201.50.*

2. Commercial Annual Assessment – 18 Parcels

APN	Acres	$/Acre	Fiscal Year 2016-2017 Annual Assessment
079-025-005-000	0.495	$156.83	$ 77.63
079-025-011-000	1.37	$156.83	$ 214.86
079-025-015-000	0.01	$156 83	$ 1.57
079-025-017-000	0.63	$156.83	$ 98.80
079-025-018-000	0.53	$156.83	$ 83.12
079-025-019-000	0.66	$156.83	$ 103.51
079-025-020-000	2.62	$156.83	$ 410.89
079-026-005-000	0.59	$156.83	$ 92.53
079-026-006-000	0.21	$156.83	$ 32.93
079-026-007-000	0.19	$156.83	$ 29.80
079-026-008-000	1.54	$156.83	$ 241.52
079-026-009-000	0.25	$156.83	$ 39.21
079-026-010-000	0.28	$156.83	$ 43.91
079-026-011-000	0.3	$156.83	$ 47.05
079-026-012-000	0.29	$156.83	$ 45.48
079-026-013-000	6.27	$156.83	$ 983.32
079-026-014-000	1.36	$156.83	$ 213.29
079-027-097-000	0.49	$156.83	$ 76.85

D. COMPARISON TO PREVIOUS FISCAL YEAR

The proposed 2016-2017 annual assessment for single-family residential parcels has increased from $29.82 to $30.85 per parcel. The proposed 2016-2017 annual assessment for commercial parcels has increased from $151.55 to $156.83 per acre.

SECTION 3 FINANCIALS – ANNUAL ASSESSMENT REVENUE & EXPENSE PROJECTIONS

LMAD No. 2 Fund 6490		Estimated FY 2015-16[1]	Proposed FY 2016-17[2]
Beginning Fund Balance		$ (1,499)	$ 235
Revenue (Cost Center 80020)			
Special Assessments		$ 12,083[3]	$ 21,042[4]
Interest		$ (27)	$
Estimated Special Assessments		$ 8,250[5]	
Total Revenue		$ 20,307	$ 21,042
Expenses (Cost Center 80020)	Account		
Operating Budget			
Postage Expenses	52025	$ (25)	$
Water Utility Expenses	53043	$ (1,146)	$ (3,000)
Repair and Maintenance Services - Landscape	53165	$ (8,415)	$ (15,500)
Professional Services	53300	$ -	$ (1,000)
Services City Forces - Interfund	54500	$ (3,994)	$ (3,286)
ISF - Mail Services - Inside	58010	$ (415)	$ -
Estimated - Water Utility Expenses	*53043*	*$ (382)*	
Estimated - Repair and Maintenance Services	*53165*	*$ (2,805)*	
Estimated - Professional Services	*53300*	*$ -*	
Estimated - Services City Forces	*54500*	*$ (1,391)*	
Total Expenses		$ (18,572)	$ (22,786)
Ending Fund Balance		$ 235	$ (1,509)

[1] The estimated amount shows what has been expended as of 03-28-2016. There will be more expenses through the end of the fiscal year (June); these are shown as *Estimated*.

[2] The estimated expenditures for FY 2016-17 are based on the revenue that is currently able to be generated within LMAD No. 2.

[3] Actual revenue received for first installment of FY 2015-16 tax levy.

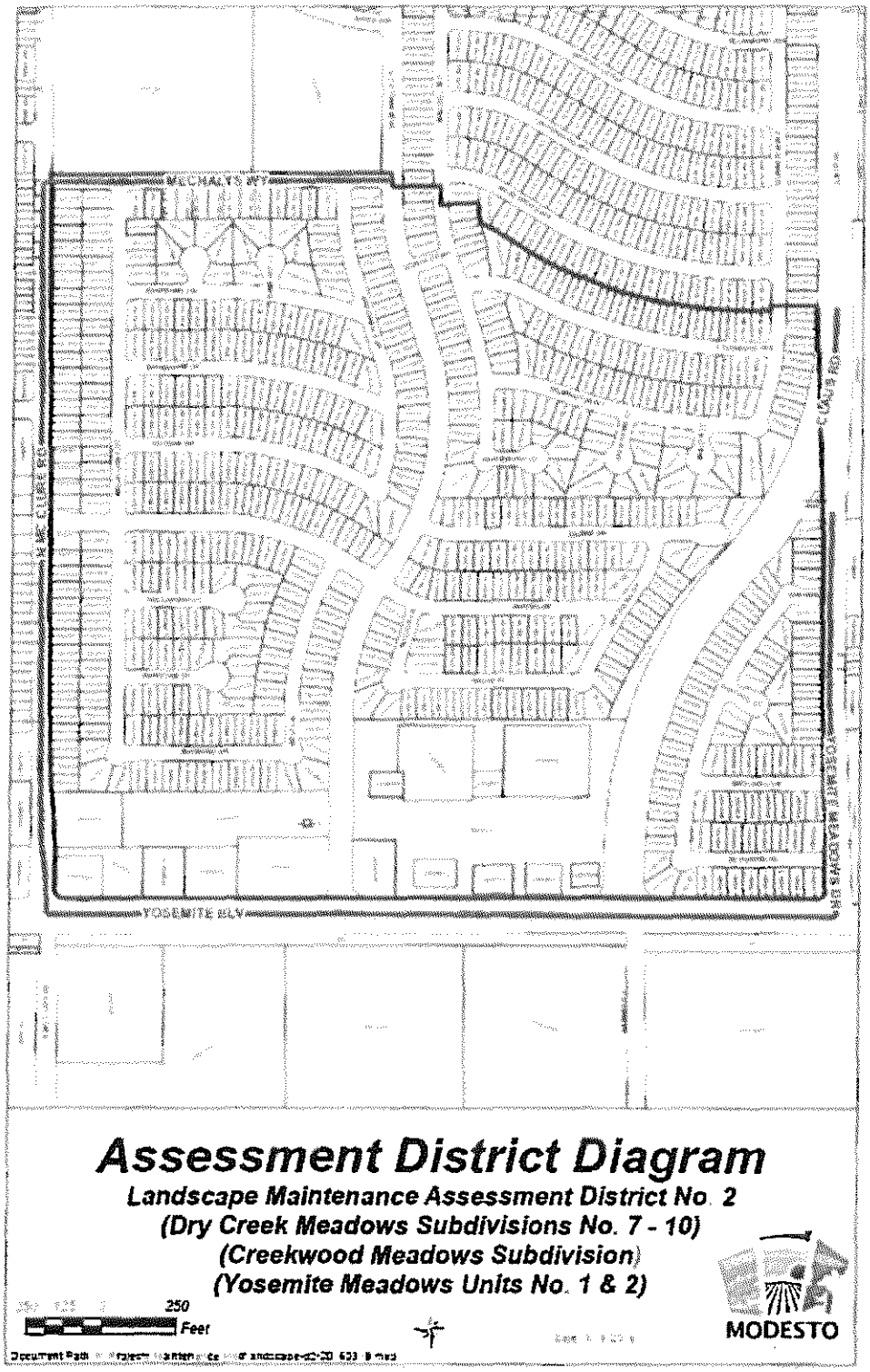
[4] Proposed levy.

[5] Estimated revenues for second installment of FY 2015-16 tax levy.

SECTION IV MAINTENANCE & PLAN SPECIFICATIONS

Plans and specifications are available for review in the Public Works Department, located at 512 Jefferson Street, Modesto, CA. For more information, contact Kelly Gallagher, Parks Operations Manager at (209) 524-2330.

SECTION V ANNUAL ASSESSMENT DISTRICT DIAGRAM



SECTION VI ANNUAL ASSESSMENT LIST BY PARCEL & OWNER

FeeParcel	Owner	Situs Address	City/State/Zip	2016/17
079-028-045	ACEVEDO FAVIO SANDOVAL	241 SENTINEL DR	Modesto CA 95357	$30.85
079-019-010	ACOSTA ANTHONY T & ANDREA	408 WADDELL WAY	Modesto CA 95357	$30.85
079-023-035	ACOSTA GARY SIMON TRS & ACOSTA SYLVIA ANN	221 GELF LN	Modesto CA 95357	$30.85
079-027-009	ADAIR KENNETH L	3805 JULENE DR	Modesto CA 95357	$30.85
079-023-039	AGUAYO ESMERALDA LOPEZ	3529 ANNISTON CT	Modesto CA 95350	$30 85
079-023-020	AGUILAR FELIX	3516 JARENA DR	Modesto CA 95357	$30 85
079-027-035	AGUINIGA LINDA L ET AL	3804 TROON PL	Modesto CA 95357	$30 85
079-016-029	AGUIRRE EDWARD JR & AGUIRRE ANGELICA	3909 LOUISBURG AVE	Modesto CA 95357	$30.85
079-021-046	AHLSTRAND GARY J SR & PAMELA M TRS	3517 DOTHAN DR	Modesto CA 95357	$30.85
079-021-047	AHLSTRAND GARY J SR & PAMELA M TRS	3513 DOTHAN DR	Modesto CA 95357	$30.85
079-028-047	ALBERTO SILVIA	233 SENTINEL DR	Modesto CA 95357	$30.85
079-023-034	ALFARO JOSE JR ET AL	225 GELF LN	Modesto CA 95357	$30.85
079-023-013	ALIABADI REBKA SHARLOU	233 MELBOURNE DR	Modesto CA 95357	$30 85
079-023-016	ALVARADO J JESUS E & GUTIERREZ MARIA ELVIA GUZMAN	245 MELBOURNE DR	Modesto CA 95357	$30 85
079-019-035	ALVIZO LETICIA	3901 WILMINGTON WAY	Modesto CA 95355	$30 85
079-027-091	AMERICAN RESIDENTIAL PROPERTIES OP L P	3725 TROON PL	Modesto CA 95357	$30.85
079-027-057	ANAYA EFRAIN FERNANDEZ & FERNANDEZ ANJELITA	3800 JULENE DR	Modesto CA 95357	$30.85
079-017-006	ANDRADE MARIA N	448 N MC CLURE RD	Modesto CA 95357	$30.85
079-027-028	ANDREINI CHRIS PAUL & VICKY ANN TRS	204 ANASTASIA DR	Modesto CA 95357	$30.85
079-019-040	APPLEBY DOMINIC M & CANDI C	3801 WILMINGTON WAY	Modesto CA 95357	$30.85
079-027-026	AQUINO NESTOR JOSE P & AQUINO LUCILLE J	212 ANASTASIA DR	Modesto CA 95357	$30 85
079-024-005	ARMSTRONG CHESTER A TR	204 N MC CLURE RD	Modesto CA 95357	$30 85
079-017-046	ARMSTRONG JASON R & JENNIFER L	3521 ASHEBORO LN	Modesto CA 95357	$30 85
079-016-037	ARNOLD JASON DEAN	3805 LOUISBURG AVE	Modesto CA 95357	$30 85
079-022-006	ARROYO MARGARITA	305 MELBOURNE DR	Modesto CA 95357	$30.85
079-022-004	ARTEAGA RAUL A ET AL	304 N MC CLURE RD	Modesto CA 95357	$30.85
079-028-050	ATKINS DEBRA MICHELLE	221 SENTINEL DR	Modesto CA 95357	$30.85
079-018-019	ATTA DAVID Z	3544 ASHEBORO LN	Modesto CA 95357	$30.85
079-018-005	AU-YEUNG PIK KWAN	408 N MC CLURE RD	Modesto CA 95357	$30 85
079-018-004	AU-YEUNG WAI & AU-YEUNG AMELA	412 N MC CLURE RD	Modesto CA 95354	$30 85
079-027-016	AWARD PROPERTIES	3905 JULENE DR	Modesto CA 95357	$30 85
079-028-004	AWARD PROPERTIES LLC	117 SENTINEL DR	Modesto CA 95357	$30 85
079-018-013	AZIZI ROBERT	3520 ASHEBORO LN	Modesto CA 95357	$30.85
079-027-087	BAILEY GUY E & BAILEY DONNA M	212 RECTOR LN	Modesto CA 95357	$30.85
079-027-096	BAKUS LAUREN N	3817 TROON PL	Modesto CA 95357	$30.85
079-023-031	BANUELOS MARTHA A	237 GELF LN	Modesto CA 95357	$30.85
079-024-013	BARBOSA MARCELO BERMILLO & MONICLAIR ROAQUIN	3508 BAYBORO DR	Modesto CA 95357	$30.85
079-018-007	BARDONNER STEVEN E	405 MELBOURNE DR	Modesto CA 95357	$30.85
079-028-003	BARRAGAN BENJAMIN M & BARRAGAN IMELDA R	121 SENTINEL DR	Modesto CA 95357	$30.85
079-028-036	BARRAGAN JESSE & BARRAGAN OLIVIA T	3909 WESTFALL LN	Modesto CA 95357	$30.85
079-025-017	BEARDEN FAMILY LIMITED PARTNERSHIP	3513 YOSEMITE BLVD	Modesto CA 95357	$98.80
079-025-018	BEARDEN FAMILY LIMITED PARTNERSHIP	0 YOSEMITE BLVD	Modesto CA 95357	$83.12
079-021-016	BECERRA JACINTO & BECERRA MARIA	3532 EFFINGHAM LN	Modesto CA 95357	$30.85
079-023-023	BEDOY JAVIER & JUDITH M	3528 JARENA DR	Modesto CA 95357	$30.85
079-019-001	BEDOY JUDITH M & JAVIER	425 WADDELL WAY	Modesto CA 95357	$30.85
079-024-036	BEE TAO CHING & SUE CHEN	3601 BAYBORO DR	Modesto CA 95357-	$30 85
079-021-038	BEE TAO-CHING & BEE SUE CHEN	3609 DOTHAN DR	Modesto CA 95357	$30 85
079-024-034	BELASKI FRANKLIN LANE & MICHELLE KRYSTAL	3609 BAYBORO DR	Modesto CA 95357-	$30.85
079-027-002	BERGSTROM ROBERT E & LINDA R TRS	3705 JULENE DR	Modesto CA	$30.85
079-017-016	BERLIN GARY R JR & CHRISTIE	432 MELBOURNE DR	Modesto CA 95357	$30.85
079-022-040	BERTOLOTTI GUSTAVO	3525 JARENA DR	Modesto CA 95357	$30.85
079-020-009	BETTENCORT JOHN C TRS ET AL	3708 VANCEBORO CT	Modesto CA 95354	$30.85
079-017-032	BLAIR JOHNNY B ET AL	441 ANSONVILLE LN	Modesto CA 95357	$30.85
079-027-060	BLANAS FRANK G	3812 JULENE DR	Modesto CA 95357	$30 85
079-023-056	BORK VIRGINIA L & BORK RICHARD D	3525 HALLSBORO CT	Modesto CA 95357	$30 85
079-028-066	BOSMA KRISTI K & BOSMA STEVEN R	309 YOSEMITE MEADOWS	Modesto CA 95357	$30.85
079-023-073	BOTELLO ALMA C	3533 HALLSBORO CT	Modesto 95357 CA	$30.85
079-021-018	BOUATHONG BOUNPHENG & KHAMKEO	3600 EFFINGHAM LN	Modesto CA 95357	$30.85
079-028-022	BOULTON BILL G	3917 EL PORTAL PL	Modesto CA 95357	$30.85
079-022-037	BOUNPHENG VIENG	3537 JARENA DR	Modesto CA 95357	$30.85
079-020-016	BRAVO GONZALO & MARIA	3700 WILMINGTON WAY	Modesto CA 95357-	$30.85
079-027-032	BRIAR TRAVIS	3816 TROON PL	Modesto CA 95357	$30 85
079-018-038	BRITT SCOTT ALAN	3609 EFFINGHAM LN	Modesto CA 95357-	$30 85
079-024-024	BROOKS TODD	3620 BAYBORO DR	Modesto CA 95357	$30 85
079-017-038	BROWN ELIZABETH	429 SUNBURY CT	Modesto CA 95357	$30.85
079-027-094	BROWN JOSHUA ET AL	3809 TROON PL	Modesto CA 95357	$30.85

FeeParcel	Owner	Situs Address	City/State/Zip	2016/17
079-028-065	BROWN TANYA M	313 YOSEMITE MEADOWS	Modesto CA 95357	$30.85
079-027-077	BRUHN JULEE	213 ANASTASIA DR	Modesto CA 95354	$30.85
079-023-071	BRYANT KIMBERLY D	3541 HALLSBORO CT	Modesto CA 95357	$30.85
079-023-055	BUCK NICOLE R	3529 HALLSBORO CT	Modesto CA 95357	$30.85
079-027-078	BUER TYLER A	3812 JARENA DR	Modesto CA 95357	$30.85
079-027-019	BURCIU VASILE & TABITA	3908 JULENE DR	Modesto CA 95355	$30.85
079-028-016	BURCIU VASILE & TABITA	3928 EL PORTAL PL	Modesto CA 95357	$30.85
079-027-083	BURKE JOHN D & BURKE AMY E	3720 JARENA DR	Modesto CA 95354	$30.85
079-028-042	BUSTAMANTE GONZALO & BUSTAMANTE LUZ	253 SENTINEL DR	Modesto CA 95355	$30.85
079-022-029	CABELLO FRANCISCO A & CABELLO KAREN MICHELLE	3629 JARENA DR	Modesto CA 95354	$30.85
079-028-020	CABRAL TED M & ANA M	3925 EL PORTAL PL	Modesto CA 95357	$30.85
079-023-059	CAGUIAT RICALYN T	3513 HALLSBORO CT	Modesto CA 95357-	$30.85
079-024-043	CALDERON GREGORIO RUIZ & RUIZ MARIA E	3516 ANNISTON CT	Modesto CA 95357-	$30.85
079-017-021	CAMARENA CLAUDIA DIAZ ET AL	3528 MECHALYS WAY	Modesto CA 95357	$30.85
079-022-031	CAMARENA JESUS D & ESTHER	3621 JARENA DR	Modesto CA 95357	$30.85
079-017-013	CAMARENA JESUS JR & CAMARENA ESTHER	420 MELBOURNE DR	Modesto CA 95357	$30.85
079-023-004	CAMARENA JOSE R & CAMARENA ISABEL C	236 N MC CLURE RD	Modesto CA 95357	$30.85
079-018-042	CAMPBELL KIMBERLY	3533 EFFINGHAM LN	Modesto CA 95357	$30.85
079-016-039	CAMPIOTTI EDWARD L & CAMPIOTTI DIANA L	3721 LOUISBURG AVE	Modesto CA 95357	$30.85
079-028-027	CAMPOS MARTIN	3908 WESTFALL LN	Modesto CA 95357	$30.85
079-022-021	CANELA FRANCISCO J	3620 DOTHAN DR	Modesto CA 95357	$30.85
079-028-031	CAPISTRAN JUAN & BARRAGAN ELISA	3924 WESTFALL LN	Modesto CA 95357	$30.85
079-021-044	CAPPS FRANKLIN J & SUSANN J TRS	3525 DOTHAN DR	Modesto CA 95357	$30.85
079-027-082	CARDOZA RICHARD ALAN	3724 JARENA DR	Modesto CA 95357	$30.85
079-022-019	CARLSON JOHN HENRY & GAYLEN TRS	3612 DOTHAN DR	Modesto CA 95357-	$30.85
079-022-016	CARMONA JOSE F III & FELITA	3600 DOTHAN DR	Modesto CA 95357	$30.85
079-019-009	CARRASCO GONZALO C & CARRASCO TERESA V	404 WADDELL WAY	Modesto CA 95357	$30.85
079-017-047	CARREIRO BRUCE R & CARREIRO EDYTHE	424 ANSONVILLE LN	Modesto CA 95357	$30.85
079-020-037	CASTELLANOS RIGOBERTO & MARIA	404 CODINGTON WAY	Modesto CA 95357	$30.85
079-019-013	CASTELLO RICHARD M	3712 LOUISBURG AVE	Modesto CA 95357	$30.85
079-027-014	CASTILLO ANGELICA	3825 JULENE DR	Modesto CA 95357	$30.85
079-018-046	CASTILLO ISMAEL ET AL	3517 EFFINGHAM LN	Modesto CA 95357	$30.85
079-021-019	CASTRO JESUS R & CASTRO ESTHER M	3604 EFFINGHAM LN	Modesto CA 95357	$30.85
079-024-026	CAZAREZ ENRIQUE JR ET AL	200 GELF LN	Modesto CA 95354	$30.85
079-017-015	CHAN CORINA	428 MELBOURNE DR	Modesto CA 95357-	$30.85
079-020-021	CHAN NORMAN NOM & YEH SHERRY HSIN-JU TRS	329 HIGH POINT CT	Modesto CA 95357-	$30.85
079-027-070	CHAND ATISH & CHAND REENA	3725 JARENA DR	Modesto CA 95357	$30.85
079-027-052	CHAND ATISH & REENA D	3708 JULENE DR	Modesto CA 95357	$30.85
079-020-020	CHAND PREM & CHAND BINDRA MATI	3716 WILMINGTON WAY	Modesto CA 95357	$30.85
079-027-074	CHAND RAJ RATTAN	3709 JARENA DR	Modesto CA 95354	$30.85
079-022-018	CHAND ROVINESH	3608 DOTHAN DR	Modesto CA 95357	$30.85
079-016-044	CHAND VIJAY ET AL	424 WADDELL WAY	Modesto CA 95357	$30.85
079-016-036	CHAND VINAL	3809 LOUISBURG AVE	Modesto CA 95357	$30.85
079-027-072	CHANDRA KAVITA RAGINI	3717 JARENA DR	Modesto CA 95357	$30.85
079-027-055	CHANHMISAY KEVIN S & TIFFANIE	3720 JULENE DR	Modesto CA 95357	$30.85
079-016-041	CHEN RAY CHONG	3713 LOUISBURG AVE	Modesto CA 95357-	$30.85
079-018-026	CHILDRESS JANET	420 ANSONVILLE LN	Modesto CA 95357	$30.85
079-028-062	CIBRIAN EFRAIN ET AL	3904 SENTINEL CT	Modesto CA 95357	$30.85
079-028-068	CISNEROS HEBER & CISNEROS ROSALINA	301 YOSEMITE MEADOWS	Modesto CA 95357	$30.85
079-023-049	COCHRAN PAT	3532 HALLSBORO CT	Modesto CA 95357	$30.85
079-019-005	COFFEY STEVE R & COFFEY ANNE LEE	409 WADDELL WAY	Modesto CA 95357-	$30.85
079-024-020	COLWELL DONALD SR & COLWELL JO ANN	3604 BAYBORO DR	Modesto CA 95357	$30.85
079-018-029	COODEY BILLY D ET AL TRS	408 ANSONVILLE LN	Modesto CA 95357	$30.85
079-017-037	COOK ERIC A & JULIE A	428 SUNBURY CT	Modesto CA	$30.85
079-024-046	CORREA FRANCISCO J & MURILLO BLANCA J	3528 ANNISTON CT	Modesto CA 95357	$30.85
079-028-056	CORREIA ADRIANA M	228 SENTINEL DR	Modesto CA 95357	$30.85
079-020-036	CORTEZ JOSE DE JESUS & HIDALGO ESMERALDA	400 CODINGTON WAY	Modesto CA 95357	$30.85
079-023-007	CORTEZ LUIS A	224 N MC CLURE RD	Modesto CA 95357	$30.85
079-028-055	COSTA JOE & COSTA MARY	216 SENTINEL DR	Modesto CA 95357	$30.85
079-021-011	COTTRELL STEPHEN M	3512 EFFINGHAM LN	Modesto CA 95357	$30.85
079-021-034	COULIBALY LLC	3625 DOTHAN DR	Modesto CA 95357	$30.85
079-022-013	COVARRUBIAS EDLYN ET AL	3528 DOTHAN DR	Modesto CA 95357	$30.85
079-022-008	CRANE CHARLIE	313 MELBOURNE DR	Modesto CA 95357	$30.85
079-017-008	CRAWFORD EDWARD A & CRAWFORD SUSAN E	437 MELBOURNE DR	Modesto CA 95357-	$30.85
079-024-019	CREE DEBORAH J	3600 BAYBORO DR	Modesto CA 95357	$30.85
079-027-097	CREEKWOOD MEADOWS INVESTORS	CREEKWOOD DR	Modesto CA 92658	$76.85
079-026-008	CREEKWOOD PLAZA LLC	YOSEMITE BLVD	Modesto CA 95357-	$241.52
079-026-009	CREEKWOOD PLAZA LLC	YOSEMITE BLVD	Modesto CA 95357-	$39.21

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079-026-010	CREEKWOOD PLAZA LLC	YOSEMITE BLVD	Modesto CA 95357-	$43.91
079-026-011	CREEKWOOD PLAZA LLC	3801 YOSEMITE BLVD #7	Modesto CA 95357-	$47.05
079-026-012	CREEKWOOD PLAZA LLC	YOSEMITE BLVD	Modesto CA 95357-	$45 48
079-026-013	CREEKWOOD PLAZA LLC	3801 YOSEMITE BLVD	Modesto CA 95357-	$983 32
079-027-030	CRESPIN SAMUEL E	3824 TROON PL	Modesto CA 95357	$30.85
079-023-010	CRISP JEFF C & CRISP DORTHY	221 MELBOURNE DR	Modesto CA 95357	$30.85
079-017-018	CSMA FT LLC	3516 MECHALYS WAY	Modesto CA 95357	$30 85
079-023-026	CSMA FT LLC	3604 JARENA DR	Modesto CA 95357	$30.85
079-024-009	CUIRIZ NADIA	213 MELBOURNE DR	Modesto CA 95357	$30.85
079-018-017	CUMMINGS ANNIE	3536 ASHEBORO LN	Modesto CA 95357-	$30.85
079-023-009	CUTLER DAVID J & JUDITH A TRS	216 N MC CLURE RD	Modesto CA	$30.85
079-024-023	CW BROWER INC	3616 BAYBORO DR	Modesto CA 95357-	$30.85
079-025-015	CYPRESS EQUITIES GROUP III LP	0 CREEKWOOD DR	Modesto CA 95354	$1 57
079-025-020	CYPRESS EQUITIES GROUP III LP	117 CREEKWOOD DR	Modesto CA 95354	$410 89
079-024-021	DAOUD OLGA P	3608 BAYBORO DR	Modesto CA 95357	$30.85
079-027-015	DARPINIAN JANE L TR	3901 JULENE DR	Modesto CA 95357	$30.85
079-028-058	DAVIS BARBARA A	240 SENTINEL DR	Modesto CA 95357	$30.85
079-021-024	DAVIS BASIL	3624 EFFINGHAM LN	Modesto CA 95357	$30.85
079-023-029	DE GUZMAN PEPITO V & RAQUEZA S TRS	245 GELF LN	Modesto CA 95357-	$30.85
079-021-006	DE HART ERIC A & CHANTENE M	317 MELBOURNE DR	Modesto CA 95357	$30.85
079-027-090	DE JESUS MARIO C & DE JESUS ARLENE M	3721 TROON PL	Modesto CA 95357	$30.85
079-027-036	DE LEON GUSTAVO MUNOZ	3800 TROON PL	Modesto CA 95357	$30.85
079-017-011	DE LEON MELANIE R	425 MELBOURNE DR	Modesto CA 95357	$30.85
079-018-011	DEHKORDI ROYA K & NIAKAN SIROOS	3512 ASHEBORO LN	Modesto CA 95357	$30.85
079-018-040	DEHKORDI ROYA K & NIAKAN SIROOS	3601 EFFINGHAM LN	Modesto CA 95357	$30.85
079-028-013	DEL VALLE MARIA R	3916 EL PORTAL PL	Modesto CA 95357	$30.85
079-021-033	DENDULK CHRISTOPHER B & JENIECE N	3629 DOTHAN DR	Modesto CA 95357	$30.85
079-017-030	DESERTBAY PARTNERS LLC	449 ANSONVILLE LN	Modesto CA 95354	$30.85
079-027-065	DHESI PARVINDER & KIRANJIT	3817 JARENA DR	Modesto CA	$30.85
079-019-026	DHIR SUNIL	3912 LOUISBURG AVE	Modesto CA 95357	$30.85
079-017-010	DI GINO DOROTHY S	429 MELBOURNE DR	Modesto CA 95357	$30.85
079-017-007	DILLON DEBRA L	441 MELBOURNE DR	Modesto CA 95357	$30.85
079-025-019	DJU LLC	3601 YOSEMITE BLVD	Modesto CA 95357	$103.51
079-027-056	DOUGLAS MARY G	3724 JULENE DR	Modesto CA 95357	$30.85
079-027-086	DOYLE CATHY M	220 RECTOR LN	Modesto CA 95357	$30.85
079-028-015	DURAN ROBERT JR & MELANIE JT	3924 EL PORTAL PL	Modesto CA 95357	$30.85
079-021-009	EBERT MONICA	329 MELBOURNE DR	Modesto CA 95357	$30.85
079-018-041	EDENS JOHN L & CARYN E	3537 EFFINGHAM LN	Modesto CA 95357	$30 85
079-020-019	EGBIKUADJE JOHN N & EGBIKUADJE LUCKY E	3712 WILMINGTON WAY	Modesto CA 95357	$30 85
079-019-019	ENGLEMAN ALEXANDER C ET AL TRS	3812 LOUISBURG AVE	Modesto CA 95357	$30.85
079-023-075	ENOS EDWARD & JUDY	3537 HALLSBORO CT	Modesto 95350 CA	$30.85
079-023-024	ENOS JEREMY	3532 JARENA DR	Modesto CA 95357	$30.85
079-019-046	ENRIQUEZ JOHANNA	3709 WILMINGTON WAY	Modesto CA 95357	$30.85
079-020-033	ESCAMILLA AUGUSTIN JR & ESCAMILLA LISA A	324 MACON CT	Modesto CA 95357-	$30.85
079-027-001	ESPINOZA EVERADO & MARIA LUZ	3701 JULENE DR	Modesto CA 95357	$30 85
079-023-019	ESPINOZA MIGUEL	3512 JARENA DR	Modesto CA 95357	$30 85
079-023-006	ESPITIA ANGEL VALDEZ ET AL	228 N MC CLURE RD	Modesto CA 95354	$30 85
079-024-018	ESTRADA FRANCISCO & ESTRADA JULIA	3528 BAYBORO DR	Modesto CA 95357	$30.85
079-016-024	ESTRADA JOSE & ALFARO ALICIA ESTRADA	428 CODINGTON WAY	Modesto CA 95357	$30.85
079-023-036	ESTRADA RICHARD THOMAS & SBRANTI-ESTRADA JOANNE N	217 GELF LN	Modesto CA 95357-	$30.85
079-023-043	FAGUNDES ANTONIO L & HAIR JACQUELINE K	3513 ANNISTON CT	Modesto CA 95357	$30.85
079-028-006	FARNON AARON D & FARNON LINDA M	109 SENTINEL DR	Modesto CA 95357	$30.85
079-024-004	FAULKNER JAMES & SHARON D	200 N MC CLURE RD	Modesto CA 95357	$30.85
079-018-047	FAVILA HORTENCIA Y	3513 EFFINGHAM LN	Modesto CA 95357	$30 85
079-023-015	FEDERAL NATIONAL MORGAGE ASSOCIATION	241 MELBOURNE DR	Modesto CA 95357-	$30.85
079-019-047	FICHTENHOLZ ZINOVY TR ET AL	3705 WILMINGTON WAY	Modesto CA 95357	$30.85
079-024-030	FLORES CESAR J & MAYRA	213 GELF LN	Modesto CA 95357	$30.85
079-022-039	FLORES DANIEL C & DONNA N	3529 JARENA DR	Modesto CA 95357	$30.85
079-021-022	FOUNTAIN DEBORAH A TR	3616 EFFINGHAM LN	Modesto CA 95357	$30.85
079-016-028	FREDDIE MICHAEL J & FREDDIE SCARLETT M	3913 LOUISBURG AVE	Modesto CA 95357	$30.85
079-028-046	FRIAS VERONICA	237 SENTINEL DR	Modesto CA 95357	$30.85
079-017-033	FRICK WADE L	437 ANSONVILLE LN	Modesto CA 95357-	$30.85
079-027-067	FRIEDE SUKANTLA	3809 JARENA DR	Modesto CA 95357	$30.85
079-027-049	FULAN ADAM G	221 RECTOR LN	Modesto CA 95357	$30.85
079-024-012	GALAS VINCE N	201 MELBOURNE DR	Modesto CA 95357-	$30.85
079-024-040	GALLARDO LYDIA	3517 BAYBORO DR	Modesto CA 95357	$30.85
079-027-006	GALLO JOE & ROSALIA	3721 JULENE DR	Modesto CA 95357	$30.85
079-019-006	GALLO JOSE & GALLO ROSALIA	405 WADDELL WAY	Modesto CA 95357	$30.85

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079-027-075	GALLO SANTOS & FELIPA A	3705 JARENA DR	Modesto CA 95357	$30.85
079-023-027	GALLO SANTOS & GALLO FELIPA	3608 JARENA DR	Modesto CA 95357-	$30.85
079-027-058	GALLO SANTOS & GALLO FELIPA A	3804 JULENE DR	Modesto CA 95357	$30.85
079-019-031	GALVAN DIEGO	412 CODINGTON WAY	Modesto CA 95357	$30.85
079-019-018	GALVAN SALVADOR R	3808 LOUISBURG AVE	Modesto CA 95357-	$30.85
079-022-001	GAMBLE ADAM F & AMBER	316 N MC CLURE RD	Modesto CA 95357	$30.85
079-024-003	GARCIA DWAYNE & KRISTI	136 N MC CLURE RD	Modesto CA 95357	$30.85
079-020-022	GARCIA JOSE H & MARTHA J	325 HIGH POINT CT	Modesto CA 95357	$30.85
079-027-092	GARCIA JUAN & CARMEN A	3801 TROON PL	Modesto CA 95357	$30.85
079-027-043	GARRISON JAMES R & STACY L	3700 TROON PL	Modesto CA 95357	$30.85
079-027-003	GILBERT LYNETTE & LANCE	3709 JULENE DR	Modesto CA 95357	$30.85
079-027-033	GIRALDES VINCENT ROBERT & ANGELA	3812 TROON PL	Modesto CA 95357	$30.85
079-020-032	GIRARD THOMAS F & GIRARD CATRINA	320 MACON CT	Modesto CA 95357	$30.85
079-017-039	GIRON MICHAEL ANTHONY	425 SUNBURY CT	Modesto CA 95357	$30.85
079-027-012	GIRTON BROOKS C	3817 JULENE DR	Modesto CA 95357	$30.85
079-018-020	GOMEZ ALICIA TR	3600 ASHEBORO LN	Modesto CA 95357-	$30.85
079-021-027	GOMEZ ALICIA TR	336 ANSONVILLE LN	Modesto CA 95357	$30.85
079-027-042	GOMEZ PATRICIA & FRANCISCO JAVIER	3704 TROON PL	Modesto CA 95357	$30.85
079-016-042	GONCHAR RONALD S	3709 LOUISBURG AVE	Modesto CA 95357	$30.85
079-024-027	GONSALVES MATTHEW M	204 GELF LN	Modesto CA 95357-	$30.85
079-020-001	GONZALES GABRIEL D & GONZALES SHARON	341 WADDELL WAY	Modesto CA 95357	$30.85
079-021-012	GONZALES JOHN V & JEANETTE D	3516 EFFINGHAM LN	Modesto CA 95357	$30.85
079-024-015	GONZALEZ ANDRES & ESPERANZA	3516 BAYBORO DR	Modesto CA 95357	$30.85
079-022-036	GONZALEZ GUADALUPE & GONZALEZ ESPERANZA	3601 JARENA DR	Modesto CA 95357	$30.85
079-018-033	GOODWIN BEVERLY	3629 EFFINGHAM LN	Modesto CA 95357	$30.85
079-024-011	GRANT ERIC A & GRANT KAMERA L	205 MELBOURNE DR	Modesto CA 95357	$30.85
079-024-017	GRANT JEFF	3524 BAYBORO DR	Modesto CA 95357-	$30.85
079-023-011	GRANT RYAN M & ANNE P	225 MELBOURNE DR	Modesto CA 95357	$30.85
079-022-042	GRAY SHERRIE W	3517 JARENA DR	Modesto CA 95357	$30.85
079-021-004	GREEN JIM	324 N MC CLURE RD	Modesto CA 95357	$30.85
079-027-004	GREWAL MANMEET & JASKIRAN	3713 JULENE DR	Modesto CA 95357	$30.85
079-019-037	GRIFFITH JACK E & GRIFFITH MELINDA D	3813 WILMINGTON WAY	Modesto CA 95357	$30.85
079-019-017	GRUENHAGEN ASHLEY N ET AL	3804 LOUISBURG AVE	Modesto CA 95357	$30.85
079-027-068	GUERRERO ANTHONY & GUERRERO DEBORAH	3805 JARENA DR	Modesto CA 95357	$30.85
079-024-025	GUERRERO VICENTE ALVARADO	3624 BAYBORO DR	Modesto CA 95357	$30.85
079-027-017	GUPTILL CAROLYN S	3909 JULENE DR	Modesto CA 95357	$30 85
079-017-051	GUTIERREZ MIKE G ET AL	440 ANSONVILLE LN	Modesto CA 95357	$30.85
079-018-014	HAJI EDMON K & TOUMA HELEN	3524 ASHEBORO LN	Modesto CA 95357	$30.85
079-023-028	HALL SHARON	3612 JARENA DR	Modesto CA 95357	$30.85
079-027-071	HAMILTON DAWN J	3721 JARENA DR	Modesto CA 95357	$30.85
079-017-040	HAMILTON JASON	3541 ASHEBORO LN	Modesto CA 95357	$30 85
079-017-041	HAMILTON STEVEN D & HAMILTON BRIGITTE	3533 ASHEBORO LN	Modesto CA 95357	$30 85
079-027-066	HAMMONDS THEDFORD J	3813 JARENA DR	Modesto CA 95357	$30 85
079-028-059	HANNINK DOUG & KATHY TRS	244 SENTINEL DR	Modesto CA 95350	$30 85
079-028-073	HARDIN MIKE A	229 YOSEMITE MEADOWS	Modesto CA 95357	$30.85
079-017-012	HARDMAN SHAWN & HOWELLS SHELLEY	421 MELBOURNE DR	Modesto CA 95357	$30.85
079-021-040	HARLESS KEVIN	3601 DOTHAN DR	Modesto CA 95357	$30.85
079-021-029	HARRIS SHAUN N	328 ANSONVILLE LN	Modesto CA 95357	$30.85
079-027-063	HASKEL ANNA	3825 JARENA DR	Modesto CA 95357	$30.85
079-028-005	HAWKINS TROY R	113 SENTINEL DR	Modesto CA 95357	$30 85
079-022-024	HERNANDEZ ARMANDO & ANALIA	3632 DOTHAN DR	Modesto CA 95357	$30 85
079-023-014	HERNANDEZ JORGE MURILLO & MURILLO ANA P	237 MELBOURNE DR	Modesto CA 95357-	$30 85
079-028-030	HERNANDEZ JOSE J & CASTRO GAVY	3920 WESTFALL LN	Modesto CA 95350	$30 85
079-021-020	HERNANDEZ ROBERTO & CARMEN C	3608 EFFINGHAM LN	Modesto CA 95357	$30.85
079-028-071	HERNANDEZ SALVADOR & BELTRAN MARIA T	237 YOSEMITE MEADOWS	Modesto CA 95357	$30.85
079-027-011	HIATT RALPH W TR	3813 JULENE DR	Modesto CA 95357	$30.85
079-019-016	HIDALGO CESAR & JENNIFER	3800 LOUISBURG AVE	Modesto CA 95357-	$30.85
079-028-051	HINISH LONNIE O & PAMELA K TRS	217 SENTINEL DR	Modesto CA 95357	$30 85
079-017-023	HOLDER SHERRI L & CLARK R	3600 MECHALYS WAY	Modesto CA 95357	$30 85
079-027-047	HOLLAND DARRELL	213 RECTOR LN	Modesto CA 95357	$30 85
079-028-052	HOOK JEFFREY ALLEN & HOOK KIMBERLY ANN	213 SENTINEL DR	Modesto CA 95357	$30 85
079-020-018	HORSTMAN DAVID	3708 WILMINGTON WAY	Modesto CA 95357	$30 85
079-028-033	HOUSE BONITA E TR	3921 WESTFALL LN	Modesto CA 95357	$30.85
079-028-035	HUEY JIMMY WING TR ET AL	3913 WESTFALL LN	Modesto CA	$30.85
079-028-014	HUIHUI JOSEPH FREDERICK	3920 EL PORTAL PL	Modesto CA 95357	$30.85
079-020-010	HULA DAVID W & REBECCA J	3712 VANCEBORO CT	Modesto CA 95357	$30.85
079-020-035	IBARRA LOUIE JR & IBARRA KRISTY	3908 WILMINGTON WAY	Modesto CA 95357	$30.85
079-017-029	JACKSON DAVE P & JACKSON MARIA	3624 MECHALYS WAY	Modesto CA 95357	$30.85

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079-016-031	JACKSON TOMMIE JR & CHARLOTTE TRS	3901 LOUISBURG AVE	Modesto CA 95357-	$30.85
079-018-009	JACOB DIGOL B & ALGANTINA M	413 MELBOURNE DR	Modesto CA 95357	$30.85
079-021-021	JALLOH MAMADU	3612 EFFINGHAM LN	Modesto CA 95357	$30.85
079-022-022	JAUREGUI GRISELDA	3624 DOTHAN DR	Modesto CA 95357	$30.85
079-022-012	JAUREGUI PEDRO A & GUADALUPE V TRS	3524 DOTHAN DR	Modesto CA 95357	$30.85
079-024-045	JK VALLEY PROPERTIES LLC	3524 ANNISTON CT	Modesto CA 95357	$30 85
079-020-027	JOHNSON ERMA	324 HIGH POINT CT	Modesto CA 95357	$30 85
079-016-046	JOHNSON GHARETT W ET AL	432 WADDELL WAY	Modesto CA 95357	$30 85
079-020-008	JOHNSON JAYNE MARIE & LEONARD TEED	3704 VANCEBORO CT	Modesto CA 95357-	$30.85
079-023-057	JOHNSON JEFFREY T & JOHNSON SUZANNE T	3521 HALLSBORO CT	Modesto CA 95354	$30.85
079-028-012	JOHNSON JOHN R & HUNTER KELLY N	3912 EL PORTAL PL	Modesto CA 95357	$30.85
079-028-041	JOHNSON LENDALL	257 SENTINEL DR	Modesto CA 95357	$30.85
079-027-093	JONES JANE K	3805 TROON PL	Modesto CA 95354	$30.85
079-024-016	JORGENSEN FRANK E & MIRIAM M TRS	3520 BAYBORO DR	Modesto CA 95357	$30 85
079-016-043	JOST DAVID L & LYNDA J	3705 LOUISBURG AVE	Modesto CA 95357	$30 85
079-017-014	JUAREZ GERARDO RAMIREZ ET AL	424 MELBOURNE DR	Modesto CA 95354	$30 85
079-027-020	KANNO JANET	3900 JULENE DR	Modesto CA 95357-	$30 85
079-024-029	KARELIN ZENA M	212 GELF LN	Modesto CA 95357	$30.85
079-019-039	KARRAS CHRISTINA CATHLEEN	3805 WILMINGTON WAY	Modesto CA 95354-	$30.85
079-018-027	KEM SOKHOM & VANTHA TRS	416 ANSONVILLE LN	Modesto CA 95357	$30.85
079-021-005	KEM VANTHA & SOKHOM TRS	320 N MC CLURE RD	Modesto CA 95357	$30.85
079-017-024	KEYS SANDY M	3604 MECHALYS WAY	Modesto CA 95357	$30.85
079-023-002	KHAN SHAH N	244 N MC CLURE RD	Modesto CA 95357	$30 85
079-017-004	KHOSHABA TERESA I TR	440 N MC CLURE RD	Modesto CA 95357	$30 85
079-023-061	KIBBY ROAD LLC	236 GELF LN	Modesto CA 95357	$30 85
079-023-008	KIM EDDIE	220 N MC CLURE RD	Modesto CA 95357	$30.85
079-020-014	KIM EDDIE & KI HYUN	3709 VANCEBORO CT	Modesto CA 95357	$30.85
079-019-021	KIMBROUGH BRUCE & JOANNE M TRS	3820 LOUISBURG AVE	Modesto CA 95357	$30.85
079-027-085	KISARA SRINIVAS	3712 JARENA DR	Modesto CA 95357	$30.85
079-024-041	KIST DAVID L & PADILLA YVETTE M	3513 BAYBORO DR	Modesto CA 95357	$30.85
079-027-084	KNAUS SVETLANA	3716 JARENA DR	Modesto CA 95357	$30 85
079-023-068	KNOEPFLE RACHEL RENEE	3537 ANNISTON CT	Modesto CA 95357	$30 85
079-024-050	KNOEPFLE RONALD L & KNOEPFLE LORRAINE M	3536 ANNISTON CT	Modesto CA 95357	$30.85
079-027-076	KOMMAVONG BOUNKONG & PHILAVONG ALING	3701 JARENA DR	Modesto CA 95357	$30.85
079-022-017	KUMAR AMAR	3604 DOTHAN DR	Modesto CA 95357	$30.85
079-022-035	KUMAR AMAR	3605 JARENA DR	Modesto CA 95357	$30.85
079-024-044	KUMAR RAKESH R & PRASAD DOREE N V	3520 ANNISTON CT	Modesto CA 95351	$30.85
079-018-018	LA CROSS NANCY R	3540 ASHEBORO LN	Modesto CA 95357	$30.85
079-019-030	LA PLACA SONDRA ET AL	416 CODINGTON WAY	Modesto CA 95357	$30 85
079-028-072	LAGAN JASON	233 YOSEMITE MEADOWS	Modesto CA 95357	$30 85
079-023-065	LAL NEALE K	220 GELF LN	Modesto CA 95357	$30.85
079-019-015	LAMBERT STEVEN T & RENATA W	3720 LOUISBURG AVE	Modesto CA 95357	$30.85
079-017-003	LANDAVERDE JUAN A & YANY M	436 N MC CLURE RD	Modesto CA 95357	$30.85
079-021-017	LEE VICTOR & YUNG HSIEN	3536 EFFINGHAM LN	Modesto CA 95357	$30.85
079-019-043	LEFEVRE PETER A TR	3721 WILMINGTON WAY	Modesto CA 95357	$30.85
079-020-013	LEFEVRE PETER A TR	3713 VANCEBORO CT	Modesto CA 95357	$30.85
079-019-038	LEMUS MOISES & SANCHEZ CELIA	3809 WILMINGTON WAY	Modesto CA 95357	$30 85
079-026-006	LEONG JICK C TRS & LEONG ALICE NG	YOSEMITE BLVD #A	Modesto CA 09535-	$32 93
079-026-007	LEONG JICK C TRS & LEONG ALICE NG	YOSEMITE BLVD #B	Modesto CA 09535-	$29.80
079-023-017	LEW KERN YUEN	249 MELBOURNE DR	Modesto CA 95357	$30.85
079-021-008	LIANG JIN & CEN CHUNYAN	325 MELBOURNE DR	Modesto CA 95357	$30.85
079-021-037	LIM SOKHEANG	3613 DOTHAN DR	Modesto CA 95357	$30.85
079-027-029	LINDSAY STANLEY & MICHELE	200 ANASTASIA DR	Modesto CA 95357	$30.85
079-023-046	LOBATO JOSE B ET AL	3520 HALLSBORO CT	Modesto CA 95357	$30.85
079-022-009	LOBAUGH DUANE	3512 DOTHAN DR	Modesto CA 95357	$30 85
079-016-034	LOPEZ ARNULFO & ANA M	3817 LOUISBURG AVE	Modesto CA 95357-	$30 85
079-022-026	LOPEZ DAVID & LOPEZ IRMA	316 ANSONVILLE LN	Modesto CA 95357	$30 85
079-027-095	LOPEZ ISAIAS & HIDIEJO	3813 TROON PL	Modesto CA 95357	$30.85
079-018-008	LOPEZ IVAN A	409 MELBOURNE DR	Modesto CA 95357	$30.85
079-022-032	LOPEZ JOSE & CLAUDIA	3617 JARENA DR	Modesto CA 95357	$30.85
079-027-081	LOPEZ LISANDRO ET AL	3800 JARENA DR	Modesto CA 95357	$30.85
079-019-011	LOPEZ MARGARITA	412 WADDELL WAY	Modesto CA 95367	$30.85
079-021-036	LOPEZ-ATAYDE ERIC & BLANCA Y	3617 DOTHAN DR	Modesto CA 95357	$30.85
079-019-024	LOUCKS DAVID GEORGE & JOSEFA M TRS	3904 LOUISBURG AVE	Modesto CA 95357	$30 85
079-022-015	LOURENCO ASHLI	3536 DOTHAN DR	Modesto CA 95357	$30.85
079-028-018	LUNDELL MELVIN D ET AL TRS	3933 EL PORTAL PL	Modesto CA 95357	$30.85
079-024-001	LYEK LYSIRI & MIN DAISY	128 N MC CLURE RD	Modesto CA 95354	$30.85
079-018-024	MADAYAG CATANA TR	3616 ASHEBORO LN	Modesto CA 95357	$30.85

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079-027-010	MAKASYUK GUADALUPE	3809 JULENE DR	Modesto CA 95357	$30 85
079-018-039	MALIK MOHAMMAD ZAHOOR & NUSRAT NASIM TRS	3605 EFFINGHAM LN	Modesto CA 95357	$30 85
079-020-034	MALLILLIN TERESITA M	328 MACON CT	Modesto CA 95357	$30 85
079-021-039	MANGAL SHIU PRASAD ET AL	3605 DOTHAN DR	Modesto CA 95357	$30 85
079-022-020	MANZO TERESA & ENRIQUE	3616 DOTHAN DR	Modesto CA 95357	$30.85
079-020-025	MARKS STEVEN R	316 HIGH POINT CT	Modesto CA 95357	$30.85
079-022-045	MARKS WESLEY	3633 JARENA DR	Modesto CA 95357	$30.85
079-022-046	MARKS WESLEY	0 JARENA DR	Modesto CA 95357	$30.85
079-024-028	MARRIOTT ANNE K	208 GELF LN	Modesto CA 95357	$30 85
079-018-036	MARSHALL LAURA A & TREVOR	3617 EFFINGHAM LN	Modesto CA 95357	$30 85
079-028-023	MARTIN JEFFREY	3913 EL PORTAL PL	Modesto CA 95357	$30 85
079-022-005	MARTIN RONALD L & MARTIN FAITH A	301 MELBOURNE DR	Modesto CA 95357	$30.85
079-023-048	MARTINE MARTIN D & EMERINA P	3528 HALLSBORO CT	Modesto CA 95357	$30.85
079-023-040	MARTINEZ DAVID & MORENO MARISSA	3525 ANNISTON CT	Modesto CA 95357	$30.85
079-016-023	MARTINEZ MARIA R LEON	432 CODINGTON WAY	Modesto CA 95354	$30.85
079-016-049	MARTINEZ SHIRLEY F	441 WADDELL WAY	Modesto CA 95357	$30.85
079-020-030	MATHMANY BOUNETEU ET AL	325 MACON CT	Modesto CA 95357	$30 85
079-026-005	MC DONALDS CORP	3801 YOSEMITE BLVD	Modesto CA 95357	$92 53
079-018-032	MC MILLAN J HELIA TR	409 ANSONVILLE LN	Modesto CA 95354	$30 85
079-021-014	MCGILL RICKEY	3524 EFFINGHAM LN	Modesto CA 95355	$30 85
079-027-088	MCKINNEY-HOMEN SHAINA S	208 RECTOR LN	Modesto CA 95319	$30.85
079-028-001	MCNALLY STEVE	205 SENTINEL DR	Modesto CA 95357	$30.85
079-022-002	MEDEIROS DOROTHY JEANNINE TR	312 N MC CLURE RD	Modesto CA 95355	$30.85
079-027-021	MEDINA ALYCE	232 ANASTASIA DR	Modesto CA 95357	$30.85
079-016-038	MEDRANO JESUS E AYON	3801 LOUISBURG AVE	Modesto CA 95357	$30 85
079-021-001	MELIUS AARON M	404 N MC CLURE RD	Modesto CA 95354	$30 85
079-017-001	MEN CHHADAVY TR	428 N MC CLURE RD	Modesto CA 95357	$30 85
079-028-079	MENDOZA LIBERATO ET AL	3929 WESTFALL LN	Modesto CA 95357	$30 85
079-027-089	MESSER KEVIN & KAREN	3717 TROON PL	Modesto CA 95357	$30.85
079-028-008	MICHAEL LAVINIA	101 SENTINEL DR	Modesto CA 95357	$30.85
079-019-022	MICO RICARDO G & MARIA REGINA L	3824 LOUISBURG AVE	Modesto CA 95357	$30.85
079-019-042	MIJARES CIDRO & CORNELIA	3725 WILMINGTON WAY	Modesto CA 95357	$30.85
079-021-031	MILLER JOSEPH R ET AL	320 ANSONVILLE LN	Modesto CA 95357	$30 85
079-027-054	MIRANDA CARMEN ET AL	3716 JULENE DR	Modesto CA 95357	$30 85
079-017-048	MIRANDA OSCAR	428 ANSONVILLE LN	Modesto CA 95357	$30 85
079-017-005	MONACO DONALD F & GLORIA E TRS	444 N MC CLURE RD	Modesto CA 95357	$30.85
079-020-007	MONSON STEPHEN	3700 VANCEBORO CT	Modesto CA 95357	$30.85
079-023-062	MORA DELMA & MIGUEL	232 GELF LN	Modesto CA 95357	$30.85
079-019-012	MORALES RODOLFO ET AL	416 WADDELL WAY	Modesto CA 95357	$30.85
079-021-003	MORALES VANESSA & BENJAMIN R	328 N MC CLURE RD	Modesto CA 95357	$30.85
079-020-015	MORI HOWARD & MORI KELLI B	3705 VANCEBORO CT	Modesto CA 95357-	$30 85
079-020-003	MORONES MICHAEL O	333 WADDELL WAY	Modesto CA 95357	$30 85
079-021-035	MORRELL ERNEST DAVIS & MORRELL KATHERINE YVONNE	3621 DOTHAN DR	Modesto CA 95358-	$30 85
079-024-032	MOU CHRISTINA	3617 BAYBORO DR	Modesto CA 95357	$30.85
079-027-048	MUIR LARRY R & LESLIE A	217 RECTOR LN	Modesto CA	$30.85
079-018-022	MURCH PAUL WILLIAM & JENNIFER LYNN	3608 ASHEBORO LN	Modesto CA 95357	$30.85
079-021-043	MUSE MARTIN D & OWENS OLIVIA	3529 DOTHAN DR	Modesto CA 95350	$30.85
079-027-044	NAIR RAJESH & UMA	201 RECTOR LN	Modesto CA 95357	$30 85
079-017-026	NAMMACHANTHY KERK ET AL	3612 MECHALYS WAY	Modesto CA 95357	$30 85
079-023-030	NARAYAN UMESH ET AL	241 GELF LN	Modesto CA 95357	$30 85
079-027-046	NARSI ANTHONY J	209 RECTOR LN	Modesto CA 95351	$30 85
079-027-073	NAVA MARGARITA ET AL	3713 JARENA DR	Modesto CA 95357	$30.85
079-028-007	NAVA YOLANDA GALLO	105 SENTINEL DR	Modesto CA 95357	$30.85
079-019-033	NAVARRO FERNANDO T & ANGELINA FLORES	3909 WILMINGTON WAY	Modesto CA 95357-	$30.85
079-028-081	NAVARRO JOSE R	3937 EL PORTAL PL	Modesto CA 95357	$30.85
079-019-027	NAVARRO NAPOLEON & NAVARRO MARIA CHERYL	3916 LOUISBURG AVE	Modesto CA 95357	$30 85
079-023-033	NEWMAN SUSAN ET AL	229 GELF LN	Modesto CA 95357	$30 85
079-024-031	NGEN STEVEN KORB & MELONEY SALEM LEN	209 GELF LN	Modesto CA 95357	$30 85
079-017-050	NGUYEN KHANH NGOC	436 ANSONVILLE LN	Modesto CA 95357	$30 85
079-018-035	NICHOLS KATHRYN M	3621 EFFINGHAM LN	Modesto CA 95357	$30.85
079-027-023	NIELSEN MARK C	224 ANASTASIA DR	Modesto CA 95357	$30.85
079-022-025	NOLL KARL P & NOLL GYDA J	312 ANSONVILLE LN	Modesto CA 95357	$30.85
079-028-061	NORTON STANLEY W & NORTON LAURIE K	3908 SENTINEL CT	Modesto CA 95357	$30.85
079-027-059	O BRIEN JON L	3808 JULENE DR	Modesto CA 95357	$30 85
079-016-033	OBERLANDER MARK ET AL	3821 LOUISBURG AVE	Modesto CA 95357	$30 85
079-028-037	OCHOA PAULO & MENDOZA MARIA DE JESUS	3901 WESTFALL LN	Modesto CA 95357	$30 85
079-022-023	OLAGE IRENE A TR	3628 DOTHAN DR	Modesto CA 95357	$30 85
079-023-058	OLENCHALK MOLLY	3517 HALLSBORO CT	Modesto CA 95357-	$30.85

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079-021-042	OLIVAREZ ARNOLD & OLIVAREZ DARLENE	3533 DOTHAN DR	Modesto CA 95357	$30 85
079-027-034	OROZCO EDUARDO & LOPEZ CELIA LIZETH HURTADO	3808 TROON PL	Modesto CA 95357	$30 85
079-017-027	OROZCO LEOBARDO & OROZCO YESSENIA	3616 MECHALYS WAY	Modesto CA 95350	$30 85
079-027-008	ORTIZ ALEJANDRA	3801 JULENE DR	Modesto CA 95357	$30 85
079-020-017	ORTIZ LUCILA MORALES	3704 WILMINGTON WAY	Modesto CA 95357	$30.85
079-019-034	OSHANA ASNAT	3905 WILMINGTON WAY	Modesto CA 95357-	$30.85
079-020-004	OVERWEG DAVID A & CATHIE M TRS	329 WADDELL WAY	Modesto CA 95357	$30.85
079-028-075	PADILLA RODRIGO	221 YOSEMITE MEADOWS	Modesto CA 95357	$30.85
079-022-011	PAL PARBIN & ROSHNI	3520 DOTHAN DR	Modesto CA 95357	$30.85
079-024-037	PAL REENA D	3529 BAYBORO DR	Modesto CA 95357	$30 85
079-017-054	PAL SALILA TR	452 ANSONVILLE LN	Modesto CA 95357	$30 85
079-017-036	PALLAN LUCAS	424 SUNBURY CT	Modesto CA 95357	$30 85
079-026-014	PALLIOS ENTERPRISES	3801 YOSEMITE BLVD	Modesto CA 95357	$213 29
079-018-001	PALMERIN LUCIO C & LIDIA	424 N MC CLURE RD	Modesto CA 95354	$30.85
079-018-031	PANG SUN KIM & LIEV MENG HU TRS	400 ANSONVILLE LN	Modesto CA 95357	$30.85
079-021-045	PARRA CARLA	3521 DOTHAN DR	Modesto CA 95357	$30.85
079-018-044	PEREZ ABEL CUEVAS & CANO KLEDY	3525 EFFINGHAM LN	Modesto CA 95357	$30.85
079-018-002	PEREZ FERNANDO H & VILLARRUEL MARIA ALEJANDRA	420 N MC CLURE RD	Modesto CA 95357	$30.85
079-028-078	PEREZ VALENTINE M ET AL	209 YOSEMITE MEADOWS	Modesto CA 95357	$30.85
079-019-004	PEREZ WILLIAM MEZQUITA TR	413 WADDELL WAY	Modesto CA 95357	$30 85
079-017-028	PHAM HOANG KIM	3620 MECHALYS WAY	Modesto CA 95357	$30 85
079-019-036	PHANOUVONG ALEXANDER	3817 WILMINGTON WAY	Modesto CA 95357	$30 85
079-018-030	PIERCE CHARLES L & PIERCE VALERIE A	404 ANSONVILLE LN	Modesto CA 95357	$30.85
079-018-045	PLACINTAR MARINELA	3521 EFFINGHAM LN	Modesto CA 95357	$30.85
079-018-025	PLAUGHER PRESTON SCOTT ET AL	3620 ASHEBORO LN	Modesto CA 95357	$30.85
079-028-011	PONS-LANGLOT ALFRED	3908 EL PORTAL PL	Modesto CA 95357	$30.85
079-023-041	PONTE JOSEPH JOAQUIN JR & PONTE VIRGINIA RUTH	3521 ANNISTON CT	Modesto CA 95357-	$30.85
079-016-035	POOLE ROLAND J & POOLE CHERYL S	3813 LOUISBURG AVE	Modesto CA 95357	$30.85
079-016-030	POPLIN VALERIE L	3905 LOUISBURG AVE	Modesto CA 95357	$30.85
079-023-047	PRASAD CHANDRA SEN & DAYA WATI TRS	3524 HALLSBORO CT	Modesto CA 95357	$30 85
079-019-014	PRASAD HAROLD ROTESH ET AL	3716 LOUISBURG AVE	Modesto CA 95357	$30 85
079-021-015	PRASAD JAG & LITIA	3528 EFFINGHAM LN	Modesto CA 95357	$30.85
079-020-002	PRASAD KAMLEEH & PRAVIN LATA	337 WADDELL WAY	Modesto CA 95357	$30.85
079-028-034	PRASAD RESHMI D	3917 WESTFALL LN	Modesto CA 95357-	$30.85
079-027-080	PRESINAL ERIX ALBERTO & NORMA EDITH	3804 JARENA DR	Modesto CA 95357	$30.85
079-028-019	PRITCHARD INVESTMENTS LLC	3929 EL PORTAL PL	Modesto CA 95357	$30.85
079-016-050	PULIDO OLGA A	437 WADDELL WAY	Modesto CA 95357	$30.85
079-022-030	QUACH CAM ET AL	3625 JARENA DR	Modesto CA 95354	$30 85
079-022-007	RADLOFF HAROLD TRS & RADLOFF M KATHLEEN	309 MELBOURNE DR	Modesto CA 95357	$30 85
079-020-031	RAMIREZ MOISES & ROSINA	321 MACON CT	Modesto CA 95355	$30 85
079-019-023	RAMIREZ STANLEY D ET AL	3900 LOUISBURG AVE	Modesto CA 95354	$30.85
079-020-026	RAMOS AARON M JR	320 HIGH POINT CT	Modesto CA 95357	$30.85
079-021-028	RATTANANAI KAYTHAWEEP	332 ANSONVILLE LN	Modesto CA 95357-	$30.85
079-027-064	RAYGOZA JOSE JR	3821 JARENA DR	Modesto CA 95357-	$30.85
079-028-024	REED NANCY R & JOHNNY E	3909 EL PORTAL PL	Modesto CA 95357	$30.85
079-027-061	REINEKE SANDRA K	3816 JULENE DR	Modesto CA 95357	$30.85
079-019-003	REISDORFF HELEN	417 WADDELL WAY	Modesto CA 95354-	$30 85
079-018-021	REO CAPITAL INVESTMENTS & ASSET MANAGEMENT	3604 ASHEBORO LN	Modesto CA 95357	$30 85
079-028-054	ROBERTSON BRETT A ET AL	212 SENTINEL DR	Modesto CA 95357	$30 85
079-028-010	ROCHA JOSE	3904 EL PORTAL PL	Modesto CA 95357	$30.85
079-017-044	ROCHA JUAN C & SAN JUANA	429 BEUFORT CT	Modesto CA 95357	$30.85
079-019-041	RODRIGUES SILVINO J ET AL	3729 WILMINGTON WAY	Modesto CA 95357-	$30.85
079-028-067	RODRIGUEZ ALFRED	305 YOSEMITE MEADOWS	Modesto CA 95357	$30.85
079-023-022	RODRIGUEZ MAURILIO MONTANEZ	3524 JARENA DR	Modesto CA 95357	$30.85
079-023-067	RODRIGUEZ MELCHOR M ET AL	3533 ANNISTON CT	Modesto CA 95357	$30.85
079-028-025	RODRIGUEZ MICHAEL JAMES	3900 WESTFALL LN	Modesto CA 95357	$30 85
079-023-069	RODRIGUEZ MIGUEL A & EDITH E	3536 HALLSBORO CT	Modesto CA 95357	$30 85
079-020-006	RODRIGUEZ RUBEN G & RODRIGUEZ ROSEMARY	321 WADDELL WAY	Modesto CA 95357	$30 85
079-028-049	RODRIGUEZ SATURNINO ARIAS	225 SENTINEL DR	Modesto CA 95357	$30.85
079-020-028	ROJAS LUCAS G & LISA	328 HIGH POINT CT	Modesto CA 95357	$30.85
079-018-037	ROLICHECK BELINDA	3613 EFFINGHAM LN	Modesto CA 95357	$30.85
079-018-028	ROMASANTA CHRISTINE M ET AL	412 ANSONVILLE LN	Modesto CA 95357	$30.85
079-027-062	ROSE EUGENE L & TAMARA L	3820 JULENE DR	Modesto CA 95357	$30.85
079-021-013	ROYSDON JASON J & ANGELA D	3520 EFFINGHAM LN	Modesto CA 95357	$30.85
079-028-057	RUDDICKS LAWRENCE V & DIEDRE M	236 SENTINEL DR	Modesto CA 95357	$30.85
079-017-052	RUIZ MIGUEL A	444 ANSONVILLE LN	Modesto CA 95357	$30 85
079-020-011	RUIZ NEMORIO & LIDUVINA	3716 VANCEBORO CT	Modesto CA 95357	$30 85
079-028-060	RUIZ NICHOLE	3905 SENTINEL CT	Modesto CA 95357	$30.85

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079-019-044	RUTSCHOW JOAN A TR	3717 WILMINGTON WAY	Modesto CA 95357-	$30.85
079-021-032	RVH CAPITAL LLC	3633 DOTHAN DR	Modesto CA 95357	$30.85
079-023-064	SAALWAECHTER JENNIFER PATRICIA ET AL	224 GELF LN	Modesto CA 95357	$30.85
079-027-050	SABINIANO MARION N	3700 JULENE DR	Modesto CA 95357	$30.85
079-016-048	SALEH JOSHUA	445 WADDELL WAY	Modesto CA 95357	$30.85
079-024-042	SAMUEL MICHAEL & NIRONA	3512 ANNISTON CT	Modesto CA 95357	$30.85
079-018-006	SAN RESMEY M ET AL	401 MELBOURNE DR	Modesto CA 95357-	$30.85
079-027-041	SANCHEZ NOEMI	3708 TROON PL	Modesto CA 95357	$30.85
079-017-002	SANCHEZ YOVANIA M OCHOA	432 N MC CLURE RD	Modesto CA 95357	$30.85
079-022-043	SANCHEZ ZENAIDA	3513 JARENA DR	Modesto CA 95357	$30.85
079-022-033	SANDOVAL IRMA	3613 JARENA DR	Modesto CA 00953	$30.85
079-028-074	SANGHA DILBAG SINGH ET AL	225 YOSEMITE MEADOWS	Modesto CA 95357	$30.85
079-027-031	SANTANA LISA MARIE	3820 TROON PL	Modesto CA 95357	$30.85
079-023-003	SANTOS FLORENTINO C & MARIA A	240 N MC CLURE RD	Modesto CA 95357	$30.85
079-027-025	SARDAR CAPITAL LLC	216 ANASTASIA DR	Modesto CA 95357	$30.85
079-016-026	SARHAD WILSON	3921 LOUISBURG AVE	Modesto CA 95357	$30.85
079-016-047	SARMIENTO JORGE ET AL	436 WADDELL WAY	Modesto CA 95357	$30.85
079-027-027	SCANLAN MARY A ET AL	208 ANASTASIA DR	Modesto CA 95354	$30.85
079-027-045	SCHEID MICHAEL D & SCHEID MARILYN J	205 RECTOR LN	Modesto CA 95357	$30.85
079-020-024	SCOTT JOSHUA THOMAS	317 HIGH POINT CT	Modesto CA 95357	$30.85
079-023-060	SELLERS CLYDE W & SHERRY L	240 GELF LN	Modesto CA 95357-	$30.85
079-017-043	SEMONE JEREMY D & KIMBERLY	428 BEUFORT CT	Modesto CA 95357	$30.85
079-019-025	SENGSOURITH PENG & INTHAVONG CHANPHENG	3908 LOUISBURG AVE	Modesto CA 95357	$30.85
079-020-005	SEY AGNES A	325 WADDELL WAY	Modesto CA 95357	$30.85
079-027-069	SHAMOON BANIPAL ET AL	3801 JARENA DR	Modesto CA 95357	$30.85
079-017-022	SHERGILL SUKHVIR S & GURBAX K	3532 MECHALYS WAY	Modesto CA 95357	$30.85
079-028-009	SHOOK TIMOTHY	3900 EL PORTAL PL	Modesto CA 95357	$30.85
079-024-006	SIDHU BALDEV S & MANMOHAN K TRS	208 N MC CLURE RD	Modesto CA	$30.85
079-027-038	SIDHU BALDEV S & MANMOHAN K TRS	3720 TROON PL	Modesto CA 95357	$30.85
079-027-079	SIERRA JOSE M & RIOS LUSILA	3808 JARENA DR	Modesto CA 95357	$30.85
079-023-005	SIGHTS KURT H	232 N MC CLURE RD	Modesto CA 95357	$30.85
079-023-032	SILVA RICHARD A TR	233 GELF LN	Modesto CA 95357-	$30.85
079-022-014	SILVERIA TIMOTHY M	3532 DOTHAN DR	Modesto CA 95357	$30.85
079-023-070	SIMMALY NICK & KEOSOUKANANH AM	3540 HALLSBORO CT	Modesto CA 95357	$30.85
079-017-049	SINGH BALIHAR	432 ANSONVILLE LN	Modesto CA 95354	$30.85
079-019-008	SINGH GURLAL	400 WADDELL WAY	Modesto CA 95357	$30 85
079-021-002	SINGH KRISHAN	400 N MC CLURE RD	Modesto CA 95357	$30 85
079-022-003	SINGH KRISHAN & KAUR RANJIT	308 N MC CLURE RD	Modesto CA 95354	$30 85
079-023-001	SKEEN LYNDSAY	248 N MC CLURE RD	Modesto CA 95357	$30.85
079-017-045	SMITH JOAN MADELINE TR	425 BEUFORT CT	Modesto CA 95357-	$30.85
079-018-015	SMITH MILLER VELTRENA	3528 ASHEBORO LN	Modesto CA 95357	$30.85
079-016-045	SMITH OLIVER	428 WADDELL WAY	Modesto CA 95357	$30.85
079-017-019	SOLORZA JUAN M LOPEZ & LOPEZ BRENDA C TRS	3520 MECHALYS WAY	Modesto CA 95357	$30.85
079-023-012	SON DARA	229 MELBOURNE DR	Modesto CA 95357	$30 85
079-028-077	SOTO GILBERTO & SOTO MARIA	213 YOSEMITE MEADOWS	Modesto CA 95357	$30 85
079-024-007	SOUKHAMTHATH ALAN	212 N MC CLURE RD	Modesto CA 95357	$30 85
079-028-028	SOUPHAVONG BOUATHONG	3912 WESTFALL LN	Modesto CA 95357	$30 85
079-019-002	SOUZA ROBERT D & SAMANTHA D	421 WADDELL WAY	Modesto CA 95357	$30.85
079-018-034	STECKMAN CHRIS D & STECKMAN SHARON A	3625 EFFINGHAM LN	Modesto CA 95357	$30.85
079-018-012	STEVENS JAKE L & STEVENS GAIL M	3516 ASHEBORO LN	Modesto CA 95357-	$30.85
079-016-051	SUAREZ FRANCISCO J ET AL	433 WADDELL WAY	Modesto CA 95357	$30.85
079-018-010	SUAREZ-MILLAN THANIA A	417 MELBOURNE DR	Modesto CA 95354	$30.85
079-028-080	SUMTER JASON ET AL	3928 WESTFALL LN	Modesto CA 95357	$30 85
079-016-025	SWARTZ SHERYL R	424 CODINGTON WAY	Modesto CA 95354	$30 85
079-021-007	TACKETT MICHAEL DEON & GWENDOLYN SUE TRS	321 MELBOURNE DR	Modesto CA 95357	$30 85
079-016-027	TAN LIVIA O	3917 LOUISBURG AVE	Modesto CA 95357-	$30.85
079-028-026	TANNER TOMMIE G & TANNER GARCIE L	3904 WESTFALL LN	Modesto CA 95357	$30.85
079-028-044	TAYLOR JIMMY R & SHEILA W TRS	245 SENTINEL DR	Modesto CA 95357	$30.85
079-018-016	TAYLOR RICHARD N & JILL B	3532 ASHEBORO LN	Modesto CA 95357-	$30.85
079-028-002	TEIXEIRA TERRY J	201 SENTINEL DR	Modesto CA 95357	$30.85
079-019-032	TERESI GUIDO P TR	408 CODINGTON WAY	Modesto CA 95354	$30.85
079-020-029	TERESI GUIDO PETER TR	329 MACON CT	Modesto CA 95357	$30 85
079-027-013	TERRA MATTHEW ET AL	3821 JULENE DR	Modesto CA 95358	$30 85
079-020-012	THORNTON LAWRENCE R & JUDITH A	3717 VANCEBORO CT	Modesto CA 95357	$30 85
079-027-024	TINOCO REBECCA K	220 ANASTASIA DR	Modesto CA 95357	$30.85
079-023-045	TOMA SHAUN	3516 HALLSBORO CT	Modesto CA 95357	$30.85
079-028-070	TOMA TITANIA Y	241 YOSEMITE MEADOWS	Modesto CA 95357	$30.85
079-021-025	TONTY TERRY L & ROSENTHAL MARK A	3628 EFFINGHAM LN	Modesto CA 95357	$30.85

FeeParcel	Owner	Situs Address	City/State/Zip	2016/17
079-022-010	TORRES ALFREDO & RAQUEL	3516 DOTHAN DR	Modesto CA 95357	$30 85
079-018-043	TORRES GINGER L	3529 EFFINGHAM LN	Modesto CA 95357	$30 85
079-017-042	TOUMA EMMANUEL & TOUMA SHOSHAN	424 BEUFORT CT	Modesto CA 95357-	$30.85
079-021-030	TOWNLEY PERRY & BRENDA	324 ANSONVILLE LN	Modesto CA 95357	$30.85
079-023-042	TOWNSEND DONALD K & JOYCE A TRS	3517 ANNISTON CT	Modesto CA 95354	$30.85
079-023-044	TOWNSEND DONALD K & JOYCE A TRS	3512 HALLSBORO CT	Modesto CA 95357	$30.85
079-019-029	TRAWICK VERNON R & CLAUDETTE	420 CODINGTON WAY	Modesto CA 95357	$30.85
079-027-051	TRISTAN ROGER ET AL	3704 JULENE DR	Modesto CA 95357	$30 85
079-019-045	URIBE IRENE	3713 WILMINGTON WAY	Modesto CA 95357	$30 85
079-027-022	URY TRACY L	228 ANASTASIA DR	Modesto CA 95357	$30 85
079-017-017	VALDEZ ARTHUR DAVID TRS & VALDEZ ANGELINE	3512 MECHALYS WAY	Modesto CA 95357	$30 85
079-024-038	VALDEZ ARTHUR DAVID TRS & VALDEZ ANGELINE	3525 BAYBORO DR	Modesto CA 95357	$30.85
079-027-037	VALDEZ ARTHUR DAVID TRS & VALDEZ ANGELINE	3724 TROON PL	Modesto CA	$30.85
079-017-053	VALENCIA MARIA	448 ANSONVILLE LN	Modesto CA 95357	$30.85
079-016-040	VAN DEELEN DARCY J	3717 LOUISBURG AVE	Modesto CA 95357	$30.85
079-020-023	VAN TREASE ROBERT & VAN TREASE PATRICIA K	321 HIGH POINT CT	Modesto CA 95357	$30.85
079-023-066	VANDER HEIDE RALPH PETER JR & KATHRYN NABZESKA	216 GELF LN	Modesto CA 95357	$30.85
079-024-010	VANN SOCHENDA	209 MELBOURNE DR	Modesto CA 95357	$30 85
079-027-039	VEGA JUAN MANUEL & MARIA A	3716 TROON PL	Modesto CA 95357-	$30 85
079-027-007	VHAN SUJEEV	3725 JULENE DR	Modesto CA 95353	$30 85
079-023-025	VICTORIA ROBERTO	3600 JARENA DR	Modesto CA 95357	$30.85
079-028-043	VICTORINO CHRISTOPHER J & KRISTI M	249 SENTINEL DR	Modesto CA 95357	$30.85
079-028-021	VIERRA JAMES	3921 EL PORTAL PL	Modesto CA 95357	$30.85
079-016-032	VILLALOBOS ANGEL SERGIO ET AL	3825 LOUISBURG AVE	Modesto CA 95357	$30.85
079-027-005	VILLALPANDO HERIBERTO & ROSA	3717 JULENE DR	Modesto CA 95357	$30.85
079-022-034	VILLARREAL JOE & VIRGIE	3609 JARENA DR	Modesto CA 95357	$30.85
079-028-040	VILLEGAS MARIE TR	3936 EL PORTAL PL	Modesto CA 95357	$30.85
079-024-049	VITELA RIGOBERTO MORA	3532 ANNISTON CT	Modesto CA 95357-	$30 85
079-023-063	VYBORNEY VERNON E & VYBORNEY VIRGINIA C	228 GELF LN	Modesto CA 95357	$30 85
079-027-053	WALDMAN MIKE & MARTHA	3712 JULENE DR	Modesto CA 95357	$30.85
079-019-028	WALKER KINDRA K & MC COY BRUCE	3920 LOUISBURG AVE	Modesto CA 95357	$30.85
079-022-041	WANG CHAO SHENG & WANG CHIEN LAN	3521 JARENA DR	Modesto CA 95357	$30.85
079-024-033	WEAVER BETTY J TRS ET AL	3613 BAYBORO DR	Modesto CA 95357	$30.85
079-024-035	WEAVER KRISTEN ELIZABETH TR	3605 BAYBORO DR	Modesto CA 95357-	$30.85
079-023-021	WEDEL JERRY L & LINDA L	3520 JARENA DR	Modesto CA 95357	$30.85
079-024-022	WEISS JULIE GRANT	3612 BAYBORO DR	Modesto CA 95357	$30.85
079-018-023	WENGER DEBORAH J & WENGER DAVID C	3612 ASHEBORO LN	Modesto CA 95357	$30 85
079-025-005	WHITE ALAN WAYNE SR & EVELYN KAY TRS	3501 YOSEMITE BLVD	Modesto CA 95357	$77.63
079-028-076	WIKA GARY L & WIKA PEGGY A	217 YOSEMITE MEADOWS	Modesto CA 00953-	$30.85
079-017-035	WILLIAMS JEFFREY & LAURA L	420 SUNBURY CT	Modesto CA 95357	$30.85
079-021-026	WILLIAMS RENEE E	3632 EFFINGHAM LN	Modesto CA 95357	$30.85
079-021-041	WILLIAMS ROGER K & LOUISE G TRS	3537 DOTHAN DR	Modesto CA 95357	$30.85
079-017-031	WILMINGTON SAVINGS FUND SOCIETY TR	445 ANSONVILLE LN	Modesto CA 95357	$30.85
079-027-040	WILMINGTON SAVINGS FUND SOCIETY FSB	3712 TROON PL	Modesto CA 95357	$30.85
079-018-003	WONG FAT SHING & WONG LINDA T	416 N MC CLURE RD	Modesto CA 95354	$30.85
079-028-017	WONG MAY TR	3932 EL PORTAL PL	Modesto CA 95357	$30 85
079-028-029	WU WAN BEN	3916 WESTFALL LN	Modesto CA 95357	$30.85
079-017-020	XAVIER BURT & XAVIER CATHY	3524 MECHALYS WAY	Modesto CA 95357	$30.85
079-024-002	YAN CAN LIANG & WU JIN LING	132 N MC CLURE RD	Modesto CA 95354	$30.85
079-017-034	YANG TENG	3613 ASHEBORO LN	Modesto CA 95357	$30.85
079-019-007	YAU KING PO & SU AI CENG	401 WADDELL WAY	Modesto CA 95357	$30.85
079-021-010	YAU KING PO ET AL	333 MELBOURNE DR	Modesto CA 95357	$30.85
079-025-011	YOSEMITE AND CREEKWOOD INC	3621 YOSEMITE BLVD	Modesto CA 95357-	$214 86
079-027-018	YOUNAN ALBERT M ET AL	3913 JULENE DR	Modesto CA 95354	$30.85
079-017-025	YOUNAN GILBERT & YOUNAN IMAN	3608 MECHALYS WAY	Modesto CA 95357	$30.85
079-021-023	YOUNG MALVIN JAMES JR & LINDA	3620 EFFINGHAM LN	Modesto CA 95357	$30.85
079-017-009	YOUNG MICHAEL E & YOUNG DOROTHULA M	433 MELBOURNE DR	Modesto CA 95357	$30.85
079-028-032	YOUNGER ROGER	3925 WESTFALL LN	Modesto CA 95357	$30.85
079-028-048	YOUNGER RONALD & YOUNGER LYDIA	229 SENTINEL DR	Modesto CA 95355-	$30.85
079-024-008	YOUSSEF KHOSHABA & ODISHO THURAYA	217 MELBOURNE DR	Modesto CA 95357-	$30.85
079-022-038	YU DENISE E ET AL	3533 JARENA DR	Modesto CA 95357	$30.85
079-023-018	YU LENA XIAO QING	253 MELBOURNE DR	Modesto CA 95357	$30.85
079-028-053	ZAMORA ANTONIO S & ZAMORA MARIA A	209 SENTINEL DR	Modesto CA 95357	$30.85
079-024-014	ZAMORA VICTOR & ZAMORA VERONICA	3512 BAYBORO DR	Modesto CA 95357	$30.85
079-019-020	ZARAGOSA ZACK MARTIN & ZARAGOSA ELIZABETH ANN	3816 LOUISBURG AVE	Modesto CA 95357-	$30.85
079-024-039	ZEIGER MIREYA MICHEL	3521 BAYBORO DR	Modesto CA 95357	$30.85

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MODESTO CITY COUNCIL
RESOLUTION NO. 2016-286

Print

RESOLUTION CONFIRMING THE FISCAL YEAR 2016-17 DIAGRAM AND ASSESSMENT, AND ORDERING THE LEVY AND COLLECTION OF CHARGES WITHIN THE SHACKELFORD LANDSCAPE AND LIGHTING DISTRICT

WHEREAS, the City of Modesto has by Resolution No. 2016-197, adopted on May 10, 2016, declared its intent to levy charges or assessments for the purpose of administering the maintenance of seventy-seven 200-watt high pressure sodium street lights in the Shackelford Landscape and Lighting District under the provisions of California Streets and Highways Code Sections 22500 through 22679, more commonly known as the Landscape and Lighting Act of 1972, and

WHEREAS, the charges against the real property are not levied with regard to property values but rather by allocated cost reports prepared by the Engineer of Work, and

WHEREAS, the City of Modesto has determined and certifies that the charges are either exempt from or in compliance with all the provisions of Proposition 218, which was passed by the voters in November 1996. The City of Modesto has further determined the charges are in compliance with all laws pertaining to the levy of such charges,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it orders the levy and collection of such charges within City of Modesto Shackelford Landscape and Lighting District for Fiscal Year 2016-17, and in each subsequent fiscal year in which the charges may validly be levied; that a certified copy of this resolution and **attached** documentation shall be delivered to the Auditor-Controller

of the County of Stanislaus for placement of such charges on the 2016-17 County Tax Roll, and in each subsequent fiscal year in which the charges may validly be levied.

BE IT FURTHER RESOLVED that the diagram of said assessment district and amount of levy thereon is hereby confirmed.

The foregoing resolution was introduced at a special meeting of the City Council of the City of Modesto held on the 5th day of July, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following votes:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Assessment District Diagram

Shackelford Landscape and Lighting District

250 125 0 250

Feet

Date: 2/13/2015

MODESTO
CALIFORNIA

MODESTO
CALIFORNIA

City of Modesto
SHACKELFORD LANDSCAPE AND LIGHTING DISTRICT

A Landscape and Lighting District pursuant to the Landscape and Lighting Act of 1972

ENGINEER'S ANNUAL REPORT

FISCAL YEAR
JULY 1, 2016 - JUNE 30, 2017

Prepared By:
Tina Rocha
Community Development Manager

Certified By:
Vickey Dion
City Engineer

Accepted By Motion:
Modesto City Council

TABLE OF CONTENTS

SECTION	TITLE
I.	History
II.	Annual Assessment Review & Summary
III.	Financials – Annual Assessment Revenue & Maintenance Expense Projections
IV.	Maintenance & Plan Specifications
V.	Annual Assessment District Diagram
VI.	Annual Assessment List by Parcel & Property Owner

SECTION I HISTORY

On June 29, 1999, the Shackelford Landscape and Lighting District ("Shackelford LLD") was formed in accordance with the Landscape and Lighting Act of 1972 (California Streets and Highway Code §22500 through §22679) ("the Act") to install and maintain streetlights to deter crime, promote traffic safety, and aid law enforcement officers. All costs for the Shackelford LLD are funded by the annual assessments levied on each property within the district. The Act requires several courses of action on the part of City staff and City Council prior to August 10th of each year.

The Act initially requires the City Council to order, prepare, and file an Engineer's Annual Report for the City Council. This report is prepared for the purpose of detailing the plans and specifications for the maintenance, operation, and servicing of the District, including, but not limited to the materials, equipment, labor, and administrative expenses. The following services maintain facilities and improvements provided by the District as a special benefit to the parcel owners within the District; the cost of the services is paid entirely by the assessments levied by the District:

- Payment to local utility company for monthly power costs of energizing street lights in the District
- Payment to local utility company for maintenance of street lights in the District that the utility company owns (usually those lights that are mounted on wooden poles)
- Maintenance provided by the City of Modesto for street lights in the District that are owned by the City of Modesto (usually those lights that are mounted on steel poles)

Upon City Council's approval of the Engineer's Annual Report, the City Council adopts a resolution declaring its intent to levy and collect assessments within the Shackelford LLD for the following fiscal year and schedules a public hearing. This public hearing and proposed resolution levying the proposed assessments is in accordance with the annual assessment procedures.

Finally, in compliance with the Act, the City Council conducts the public hearing and adopts certain resolutions in accordance with the California Streets and Highways Code §22625 through 22641. The City Clerk is required to give the Modesto Bee notice of the public hearing no less than ten (10) days prior to the scheduled hearing date. All interested persons are afforded the opportunity to be heard during the public hearing. Should there be any protests, whether written or oral, the City Council may choose to continue the hearing to a later date and/or may change any part of the Engineer's Annual Report to address the concerns of the property owner(s). The adopted resolution is then forwarded to the Auditor-Controller of the County of Stanislaus for placement of such charges on the upcoming year's County Tax Roll.

SECTION II ANNUAL ASSESSMENT REVIEW AND SUMMARY

A. PARCEL REVIEW

There are 494 residential parcels within the Shackelford LLD, unless otherwise determined.

B. ANNUAL ASSESSMENTS

Each parcel receives equal benefits from the Shackelford LLD. The annual assessment levied is calculated by dividing the total cost estimate by the total number of parcels within the Shackelford LLD.

The total annual assessment for the Shackelford LLD for Fiscal Year 2016-2017 is $17,832.42. This is based on the amount needed for Fiscal Year 2016-17 based on projected expenses and fund balance.

C. PROJECTED ANNUAL ASSESSMENT SUMMARY

Residential Annual Assessment – 494 Parcels

	$17,832.42	Annual Assessment for Fiscal Year 2016-2017
÷	494	# of Parcels
$	36.10	Annual assessment per parcel

D. COMPARISON TO PREVIOUS FISCAL YEAR

The proposed 2016-2017 annual assessment for residential parcels has decreased from $58.79 to $36.10 per parcel.

SECTION 3 FINANCIALS – ANNUAL ASSESSMENT REVENUE & EXPENSE PROJECTIONS

Shackelford LLD Fund 6470		Estimated FY 2015-16[1]	Proposed FY 2016-17
Beginning Fund Balance		$ 17,861	$ 21,656
Revenues (Cost Center 80015)	**Account**		
Special Assessments	47051	$ 19,913 [2]	$ 17,832 [3]
Interest Revenue on Bank Account	48010	$ (23)	$ -
Estimated - Special Assessments		*$ 9,129* [4]	
Total Revenues		**$ 29,019**	**$ 17,832**
Expenses (Cost Center 80015)	**Account**		
Operating Budget			
Postage Expenses	52025	$ (25)	$ (100)
Electricity Utility Expenses	53040	$ (14,117)	$ (23,500)
Services City Forces - Interfund	54500	$ (2,683)	$ (3,142)
Estimated - Postage Expenses	*52025*	*$ -*	
Estimated - Electricity Utility Expenses	*53040*	*$ (7,058.39)*	
Estimated - Services City Forces - Interfund	*54500*	*$ (1,341.36)*	
Total Expenses		**$ (25,224)**	**$ (26,742)**
Ending Fund Balance		**$ 21,656**	**$ 12,746** [5]

[1] The estimated amount shows what has been expended as of 03-31-2016. There will be more expenses through the end of the fiscal year (June); these are shown as *Estimated*.

[2] Actual revenue received for first installment of FY 2015-16 tax levy.

[3] Proposed levy.

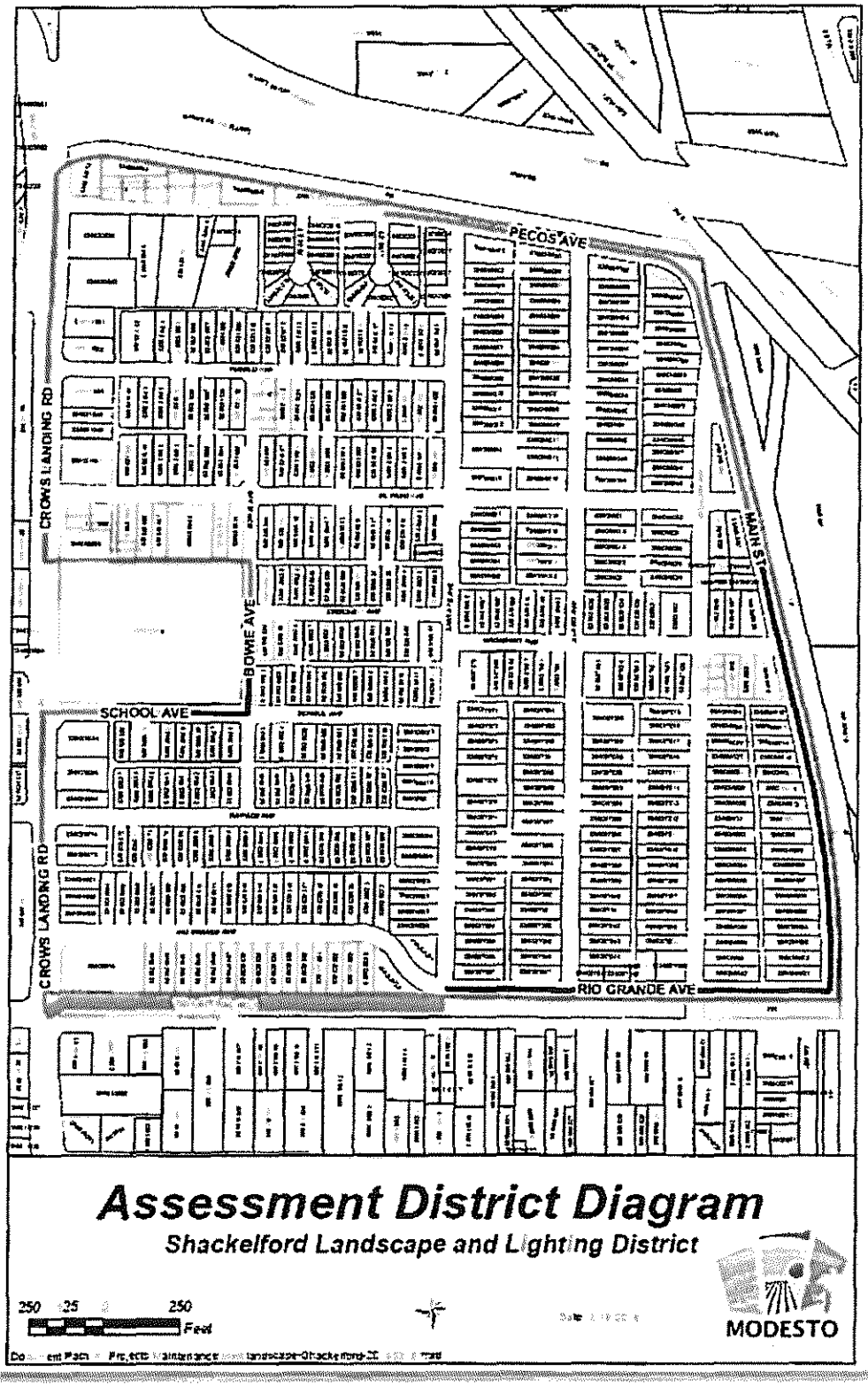
[4] Estimated revenues for second installment of FY 2015-16 tax levy.

[5] Reserve funding equals 47.663% of Annual Operating Cost *(50% is maximum allowable)*

SECTION IV MAINTENANCE & PLAN SPECIFICATIONS

Plans and specifications are available for review in the Public Works Department, located at 512 Jefferson Street, Modesto, CA. For more information, contact Kelly Gallagher, Parks Operations Manager at (209) 524-2330.

SECTION V ANNUAL ASSESSMENT DISTRICT DIAGRAM



SECTION VI ANNUAL ASSESSMENT LIST BY PARCEL & OWNER

FeeParcel	Owner	Situs	City State Zip	
038-028-001	SERRANO ANTONIO H & SERRANO MARIA G	1328 CROWS LANDING RD	Modesto CA 95351	$36 10
038-028-002	STILLE JERRY	CROWS LANDING RD	Modesto CA 95358	$36.10
038-028-003	STILLE JERRY	1328 CROWS LANDING RD	Modesto CA 95351	$36 10
038-028-004	STILLE JERRY	115 RIO GRANDE AVE	Modesto CA 95351-	$36.10
038-028-005	GARCIA VALENTIN	119 RIO GRANDE AVE	Modesto CA 95351	$36 10
038-028-006	CARDENAS JOSE J	123 RIO GRANDE AVE	Modesto CA 95351	$36 10
038-028-007	RAMIREZ MARIA ELENA	127 RIO GRANDE AVE	Modesto CA 95351-	$36 10
038-028-008	GARIBAY AUDELIA ET AL	131 RIO GRANDE AVE	Modesto CA 95351	$36 10
038-028-009	ANDREWS LUKE J & CAROLYN M	201 RIO GRANDE AVE	Modesto CA 95351	$36 10
038-028-010	OLGUIN RACHEL O TR	205 RIO GRANDE AVE	Modesto CA 95351	$36 10
038-028-011	YEPEZ EFREN & YEPEZ GUADALUPE OCHOA	209 RIO GRANDE AVE	Modesto CA 95351	$36.10
038-028-012	MENDOZA EDGAR	213 RIO GRANDE AVE	Modesto CA 95351-	$36.10
038-028-013	AL SUMERI FAHMI	217 RIO GRANDE AVE	Modesto CA 95351-	$36.10
038-028-014	HERRERA MARIA	221 RIO GRANDE AVE	Modesto CA 95351	$36 10
038-028-015	AMESCUA JOSE	225 RIO GRANDE AVE	Modesto CA 95351	$36 10
038-028-016	GARCIA JOEL ACEVES	229 RIO GRANDE AVE	Modesto CA 95351	$36 10
038-028-017	GUTIERREZ JESUS PALOMINOS	301 RIO GRANDE AVE	Modesto CA 95351-	$36.10
038-028-018	GARZA JOSE R & GARZA ROSA E	305 RIO GRANDE AVE	Modesto CA 95351	$36.10
038-028-019	ACOSTA ELENA	309 RIO GRANDE AVE	Modesto CA 95351	$36.10
038-028-020	DIAZ RODRIGO	313 RIO GRANDE AVE	Modesto CA 95351-	$36.10
038-028-021	CASTILLO-FLORES JOSE ET AL	317 RIO GRANDE AVE	Modesto CA 95351	$36.10
038-028-022	SAHOTA HARVINDER SINGH	321 RIO GRANDE AVE	Modesto CA 95351	$36.10
038-028-023	SOSA EFREN M & ANDREA A	1315 SANTA FE AVE	Modesto CA 95351	$36.10
038-028-024	HO CHINJUI & FAN MINGJEAN TRS	1319 SANTA FE AVE	Modesto CA 95357	$36.10
038-028-025	PLASCENCIA ARACELI	1323 SANTA FE AVE	Modesto CA 95351	$36.10
038-028-026	FLORES RAUL CASTILLO & CASTILLO BRAULIA A	1327 SANTA FE AVE	Modesto CA 95351	$36.10
038-028-027	NATH LEKHRAM	343 RIO GRANDE AVE	Modesto CA 95351	$36.10
038-028-028	VARGAS MARIA HERNANDEZ DE ET AL	320 RIO GRANDE AVE	Modesto CA 95354	$36.10
038-028-029	BEAS MARIANO & MARIA C	318 RIO GRANDE AVE	Modesto CA 95358	$36.10
038-028-031	ARROYO ISMAEL GARIBY ET AL	306 RIO GRANDE AVE	Modesto CA 95351-	$36.10
038-028-032	AVILA OCTAVIO S	302 RIO GRANDE AVE	Modesto CA 09535	$36.10
038-028-033	MARES CARLOS	230 RIO GRANDE AVE	Modesto CA 95351	$36.10
038-028-034	SANCHEZ JESUS	226 RIO GRANDE AVE	Modesto CA 95351	$36.10
038-028-035	SPERONI STACEY	222 RIO GRANDE AVE	Modesto CA 95351	$36.10
038-028-036	AVILES CYNTHIA	218 RIO GRANDE AVE	Modesto CA 95351	$36.10
038-028-037	GARIBAY ET AL ISMAEL	214 RIO GRANDE AVE	Modesto CA 95351-	$36.10
038-028-038	TRUJILLO SALOME L & ET UX	210 RIO GRANDE AVE	Modesto CA 95351	$36.10
038-028-039	AL-SUMERI FAHMI	206 RIO GRANDE AVE	Modesto CA 95351	$36.10
038-028-040	SANDOVAL CARMEN ET AL	204 RIO GRANDE AVE	Modesto CA 95351	$36.10
038-028-042	CARUSO SHOPPING CENTER INC	128 RIO GRANDE AVE	Modesto CA 95351	$36.10
038-028-048	KNIGHT ELLEN FAITH TR	202 RIO GRANDE AVE	Modesto CA 95351	$36.10
038-028-051	CARUSO SHOPPING CENTER INC	1418 CROWS LANDING RD	Modesto CA 95351	$36.10
038-028-052	CARDENAS JOSE JESUS	310 RIO GRANDE AVE	Modesto CA 95351	$36.10
038-028-053	CARDENAS JOSE JESUS	316 RIO GRANDE AVE	Modesto CA 95351	$36.10
038-029-001	DUARTE FELIPE B	221 SCHOOL AVE	Modesto CA 95354	$36.10
038-029-002	CARRILLO JOSE A	225 SCHOOL AVE	Modesto CA 95351	$36.10
038-029-003	GRAGG EUGENE LAROY	229 SCHOOL AVE	Modesto CA 95351	$36.10
038-029-004	HENDRIX SHIRLEY	301 SCHOOL AVE	Modesto CA 95351	$36.10
038-029-005	RODRIQUEZ MARY P	305 SCHOOL AVE	Modesto CA 95351	$36.10
038-029-006	MEZA ISIDRO	309 SCHOOL AVE	Modesto CA 95351	$36.10
038-029-007	BURROWS DELORES I	313 SCHOOL AVE	Modesto CA 95351	$36.10
038-029-008	ALBERTO LUCAS & MODESTA	317 SCHOOL AVE	Modesto CA 95351-	$36.10
038-029-009	ALBERTO LUCAS & ALBERTO MODESTA	321 SCHOOL AVE	Modesto CA 95351-	$36.10
038-029-010	SWARTS JACK ODELL TR	325 SCHOOL AVE	Modesto CA 95351	$36.10

FeeParcel	Owner	Situs	City State Zip	
038-029-011	ANGELES REMIGIO & SANCHEZ DELFINA	329 SCHOOL AVE	Modesto CA 95351	$36.10
038-029-012	JIMENEZ JOSE L & JIMENEZ ESPERANZA G	333 SCHOOL AVE	Modesto CA 95351-	$36.10
038-029-013	LARA JOSE A & LARA BERTHA A	326 SCHOOL AVE	Modesto CA 95351	$36.10
038-029-014	FIERRO ANTHONY A	1233 SANTA FE AVE	Modesto CA 95351	$36.10
038-029-015	GAYLE NOVI L	1237 SANTA FE AVE	Modesto CA 95351-	$36.10
038-029-016	PENA ARTURO & PENA ARCELIA	1241 SANTA FE AVE	Modesto CA 95351-	$36.10
038-029-017	JIMENEZ-FUENTES ROGELIO & JIMENEZ SELENE	1245 SANTA FE AVE	Modesto CA 95358-	$36.10
038-029-018	MODESTO CITY OF	SCHOOL AVE	Modesto CA 95351-	$36.10
038-029-019	VILLA ROGELIO ET AL	318 SCHOOL AVE	Modesto CA 95351	$36.10
038-029-020	LLAMAS HILDA MARIA	314 SCHOOL AVE	Modesto CA 95351	$36.10
038-029-021	MEZA ISIDRO	310 SCHOOL AVE	Modesto CA 95351-	$36.10
038-029-022	HOOVER ROBERT S JR TR ET AL	306 SCHOOL AVE	Modesto CA 95351	$36.10
038-029-023	AGUAYO ISMAEL	302 SCHOOL AVE	Modesto CA 95351	$36.10
038-029-024	ORTEGA RODOLFO & LETICIA	226 SCHOOL AVE	Modesto CA 95351	$36.10
038-029-025	GUDINO FRANCISCO & GUDINO GUADALUPE	222 SCHOOL AVE	Modesto CA 95351	$36.10
038-029-026	MODESTO CITY SCHOOL DIST	SCHOOL & BOWIE AVE	Modesto CA	$36.10
038-029-027	VANKIRK VENOY & ET UX	SCHOOL AVE	Modesto CA 95351-	$36.10
038-029-028	VANKIRK VENOY V TRS & VANKIRK MARJORIE H	206 SCHOOL AVE	Modesto CA 95351	$36.10
038-029-029	VANKIRK VENOY V TRS & VANKIRK MARJORIE H	202 SCHOOL AVE	Modesto CA 95351-	$36.10
038-029-030	VANKIRK BLONDELL TR	128 SCHOOL AVE	Modesto CA 95351	$36.10
038-029-033	AGUILERA CONNIE HEIRS OF	116 SCHOOL AVE	Modesto CA 95351	$36.10
038-029-034	VIRK DAVINDER S & SARBJIT TRS	1230 CROWS LANDING RD	Modesto CA 95351	$36.10
038-029-035	GARCIA JOSE & SOFIA TRS	1238 CROWS LANDING RD	Modesto CA 95351	$36.10
038-029-036	SERRANO VICTOR & GUADALUPE	1246 CROWS LANDING RD	Modesto CA 95351	$36.10
038-029-037	MARTIN WILLIAM R TRS & MARTIN JUDITH L	117 BAROZZI AVE	Modesto CA 95351	$36.10
038-029-038	MARTIN WILLIAM R TRS & MARTIN JUDITH	BAROZZI AVE	Modesto CA	$36.10
038-029-039	GARIBAY MARIA DE JESUS	125 BAROZZI AVE	Modesto CA 95351	$36.10
038-029-040	GARCIA ROBERTO P ET AL	129 BAROZZI AVE	Modesto CA 95351	$36.10
038-029-041	ARNETT SANDRA JEAN ET AL	201 BAROZZI AVE	Modesto CA 95361	$36.10
038-029-042	TORRES SIXTO A & GALVAN OFELIA FLORES	205 BAROZZI AVE	Modesto CA 95351	$36.10
038-029-043	HERNANDEZ ASCENCION & LUCIA	209 BAROZZI AVE	Modesto CA 95351	$36.10
038-029-044	CASTILLO ALMA	213 BAROZZI AVE	Modesto CA 95351	$36.10
038-029-045	MADRIGAL UBALDO ADAM	221 BAROZZI AVE	Modesto CA 95351	$36.10
038-029-046	DIAZ RODRIGO	225 BAROZZI AVE	Modesto CA 95351	$36.10
038-029-047	BARAJAS JOSE & BARAJAS MARIA	229 BAROZZI AVE	Modesto CA 95351	$36.10
038-029-048	JIMENEZ ANTONIO F & JIMENEZ TERESA F	301 BAROZZI AVE	Modesto CA 95351	$36.10
038-029-049	PULIDO JOSE G ET AL	305 BAROZZI AVE	Modesto CA 95351	$36.10
038-029-050	ACEVES ANGEL & ELVA TRS	309 BAROZZI AVE	Modesto CA 95351	$36.10
038-029-051	LOPEZ NESTOR	313 BAROZZI AVE	Modesto CA 95351	$36.10
038-029-052	CASTILLO MARIA	317 BAROZZI AVE	Modesto CA 95351-	$36.10
038-029-053	GARIBAY ISMAEL	321 BAROZZI AVE	Modesto CA 95351-	$36.10
038-029-054	MARTINEZ ANTONIO & MARTINEZ GEORGINA M	1305 SANTA FE AVE	Modesto CA 95351	$36.10
038-029-055	CALDERON LUIS & VIRGINIA CACHU	1309 SANTA FE AVE	Modesto CA 95354	$36.10
038-029-056	PEREZ LETICIA M	322 BAROZZI AVE	Modesto CA 95351	$36.10
038-029-057	MARTINEZ SALVADOR & MARTHA	318 BAROZZI AVE	Modesto CA 95351	$36.10
038-029-058	BRISENO JOSE & CAMACHO MIREYA SOSA	314 BAROZZI AVE	Modesto CA 95351	$36.10
038-029-059	GALVAN LUIS & MARIA ANGELICA	310 BAROZZI AVE	Modesto CA 95350	$36.10
038-029-060	CALDERON MANUEL ET AL	306 BAROZZI AVE	Modesto CA 95351	$36.10
038-029-061	GOODRICH PATRICIA A	302 BAROZZI AVE	Modesto CA 95351	$36.10
038-029-062	LOPEZ NICOLAS	230 BAROZZI AVE	Modesto CA 95351-	$36.10
038-029-063	GARCIA FELIPE O & GARCIA CHRISTINA	226 BAROZZI AVE	Modesto CA 95351	$36.10
038-029-064	GARCIA MARIO A & GARCIA MARY G	222 BAROZZI AVE	Modesto CA 95351	$36.10
038-029-065	JIMENEZ PETRA	218 BAROZZI AVE	Modesto CA 95351	$36.10
038-029-066	SOTO RAUL	214 BAROZZI AVE	Modesto CA 95351	$36.10
038-029-067	MORENO MARTIN DE SANTIAGO & MARISOL	210 BAROZZI AVE	Modesto CA 95351	$36.10
038-029-068	JAUREGUI JESUS	206 BAROZZI AVE	Modesto CA 95351	$36.10
038-029-069	ALVARADO SALVADOR & ALVARADO MARIA E	202 BAROZZI AVE	Modesto CA 95351	$36.10
038-029-070	NELSON MARY E ET AL	128 BAROZZI AVE	Modesto CA 95351	$36.10

FeeParcel	Owner	Situs	City State Zip	
038-029-071	MARTIN JUDITH L TR	BAROZZI AVE	Modesto CA	$36.10
038-029-072	BONILLA MARTIN ADALBERTO	120 BAROZZI AVE	Modesto CA	$36.10
038-029-073	ESPINDOLA ROSARIO T	116 BAROZZI AVE	Modesto CA 95351	$36.10
038-029-074	FELIX RAFAELA	1304 CROWS LANDING RD	Modesto CA 95350-	$36.10
038-029-075	FELIX RAFAELA	1312 CROWS LANDING RD	Modesto CA 95351	$36.10
038-029-076	TAYLOR BENNIE W JR ET AL	120 SCHOOL AVE	Modesto CA 95351	$36.10
038-030-001	EL DORADO MARKET INC	1104 CROWS LANDING RD	Modesto CA 95358	$36.10
038-030-002	CH SET FREE CHRISTIAN FELLOWSH	110 EL PASO AVE	Modesto CA 95351	$36.10
038-030-003	EL DORADO MARKET INC	1108 CROWS LANDING RD	Modesto CA 95351	$36.10
038-030-004	MODESTO CITY SCHOOLS	EL PASO AVE	Modesto CA 95351-	$36.10
038-030-005	MODESTO CITY SCHOOLS	116 EL PASO AVE	Modesto CA 95351-	$36.10
038-030-006	MODESTO CITY SCHOOLS	120 EL PASO AVE	Modesto CA 95351	$36.10
038-030-007	CH GOD OF	124 EL PASO AVE	Modesto CA 95351-	$36.10
038-030-010	BECERRA REFUGIO & ARMAS BENIGNA	208 EL PASO AVE	Modesto CA 95358-	$36.10
038-030-011	BECERRA REFUGIO E & ARMAS BENIGMA	212 EL PASO AVE	Modesto CA 95351	$36.10
038-030-013	GALVAN ROBERTO	228 EL PASO AVE	Modesto CA 95351	$36.10
038-030-015	RIOS HENRY V & RIOS LYDIA F	304 EL PASO AVE	Modesto CA 95351-	$36.10
038-030-016	CARDENAS VIDAL & CARDENAS SOCORRO	308 EL PASO AVE	Modesto CA 95351	$36.10
038-030-017	MUNOZ CRISOFORO R	312 EL PASO AVE	Modesto CA 95351	$36.10
038-030-018	GARCIA FRANCISCO J	316 EL PASO AVE	Modesto CA 95350-	$36.10
038-030-019	KETNER ET AL VERA W	320 EL PASO AVE	Modesto CA 95351	$36.10
038-030-021	CAMARGO LAURA A ET AL	1113 SANTA FE AVE	Modesto CA 95351-	$36.10
038-030-022	SALDANA JUAN O & ET UX	329 CROCKETT AVE	Modesto CA 95351	$36.10
038-030-023	SHERMAN DAVID H TR	325 CROCKETT AVE	Modesto CA 95351	$36.10
038-030-024	MORENO CARLOS & EVANGELINA TRS	321 CROCKETT AVE	Modesto CA 95351	$36.10
038-030-025	MURILLO ARMANDO & ARELLANO CONSUELO	317 CROCKETT AVE	Modesto CA 95351	$36.10
038-030-026	LUNA JOSE GUADALUPE JR	313 CROCKETT AVE	Modesto CA 95351	$36.10
038-030-027	MURILLO SUSANA	309 CROCKETT AVE	Modesto CA 95351	$36.10
038-030-028	GOMEZ REFUGIO	305 CROCKETT AVE	Modesto CA 95351-	$36.10
038-030-029	VENEGAS-ZENDEJAS EVANGELINA	301 CROCKETT AVE	Modesto CA 95351	$36.10
038-030-030	MURILLO SUSANA	233 CROCKETT AVE	Modesto CA 95351-	$36.10
038-030-031	MECCA DIANE MARIA TR	229 CROCKETT AVE	Modesto CA 95351	$36.10
038-030-032	CARRERA ZOILO & IRMA	225 CROCKETT AVE	Modesto CA 95351	$36.10
038-030-033	TAH 2015-1 BORROWER LLC	1120 BOWIE AVE	Modesto CA 95351	$36.10
038-030-034	ARAGON AGUSTIN & MEDINA MARTINA	220 CROCKETT AVE	Modesto CA 95351	$36.10
038-030-035	NAVARRO FRANCISCO & NAVARRO ROSA O	224 CROCKETT AVE	Modesto CA 95351	$36.10
038-030-036	LUNA JESUS	228 CROCKETT AVE	Modesto CA 95351	$36.10
038-030-037	LUNA FRANCISCO ET AL	232 CROCKETT AVE	Modesto CA 95351	$36.10
038-030-038	LUNA JUAN I & ET UX	300 CROCKETT AVE	Modesto CA 95351	$36.10
038-030-039	KINGSTON PATTI CAINE ET AL	304 CROCKETT AVE	Modesto CA 95351	$36.10
038-030-040	LUNA CARLOS	308 CROCKETT AVE	Modesto CA 95351	$36.10
038-030-041	LUNA CARLOS & LUNA LETICIA	312 CROCKETT AVE	Modesto CA 95351-	$36.10
038-030-042	GONZALEZ MANUEL	316 CROCKETT AVE	Modesto CA 95351	$36.10
038-030-043	MEDINA HERIBERTO	320 CROCKETT AVE	Modesto CA 95351	$36.10
038-030-044	MENDOZA ERIKA NUNEZ	1211 SANTA FE AVE	Modesto CA 95351-	$36.10
038-030-046	GARZA JOSE ROBERTO & GARZA ROSA E	232 EL PASO AVE	Modesto CA 95351	$36.10
038-030-047	LINARES FELIPE P & LINARES MARTHA A	300 EL PASO AVE	Modesto CA 95351	$36.10
038-030-048	CH GOD OF	200 EL PASO AVE	Modesto CA 95351	$36.10
038-030-049	ROMERO ROSALVA L	220 EL PASO AVE	Modesto CA 95351	$36.10
038-030-050	PARSONS JOSEPH J TR	224 EL PASO AVE	Modesto CA 95351-	$36.10
038-030-051	REYES JOSE G	326 EL PASO AVE	Modesto CA 95351	$36.10
038-030-052	MELGOZA CRISTOBAL & ANITA	328 EL PASO AVE	Modesto CA 95351	$36.10
038-031-001	RAMIREZ FERNANDO	930 CROWS LANDING RD	Modesto CA 95351	$36.10
038-031-002	RAMIREZ FERNANDO	938 CROWS LANDING RD	Modesto CA 95351-	$36.10
038-031-003	AGUILERA SALVADOR	117 PUEBLO AVE	Modesto CA 95351	$36.10
038-031-004	MENDEZ LOURDES	125 PUEBLO AVE	Modesto CA 95351-	$36.10
038-031-005	FONG CARLOS ALBERTO URENA	129 PUEBLO AVE	Modesto CA 95351	$36.10
038-031-006	VALLE XAVIER	201 PUEBLO AVE	Modesto CA 95351	$36.10

FeeParcel	Owner	Situs	City State Zip	
038-031-007	PADILLA FRANCISCO C & PADILLA MARIA E	205 PUEBLO AVE	Modesto CA 95351	$36.10
038-031-008	RODRIGUEZ RUBEN GARZA & ROSEMARY	209 PUEBLO AVE	Modesto CA 95351	$36.10
038-031-009	GARCIA IRMA	213 PUEBLO AVE	Modesto CA 95351	$36.10
038-031-010	CHAVEZ JOEL C	217 PUEBLO AVE	Modesto CA 95351	$36.10
038-031-012	GOOLSBY WAYNE R	229 PUEBLO AVE	Modesto CA 95351	$36.10
038-031-013	INIGUEZ JORGE S	233 PUEBLO AVE	Modesto CA 95351	$36.10
038-031-014	GALVAN MARIA ANGELICA	303 PUEBLO AVE	Modesto CA 95351	$36.10
038-031-015	FRANCO JOSE A & FRANCO HORTENCIA P	305 PUEBLO	Modesto CA 95351	$36.10
038-031-016	SALGADO REFUGIO ET AL	309 PUEBLO AVE	Modesto CA 95351	$36.10
038-031-017	LEW JOE	313 PUEBLO AVE	Modesto CA 95351	$36.10
038-031-018	MERIWETHER SANDY Y	317 PUEBLO AVE	Modesto CA 95351	$36.10
038-031-019	GUZMAN JULIAN M & MOTA-GUZMAN DELIA	321 PUEBLO AVE	Modesto CA 95351	$36.10
038-031-020	ESPINOZA LAZARO ET AL	325 PUEBLO AVE	Modesto CA 95351-	$36.10
038-031-021	TORRES MARGARITO M	921 SANTA FE AVE	Modesto CA 95351	$36.10
038-031-022	MADRIGAL GUILLERMO ET AL	1007 SANTA FE AVE	Modesto CA 95351	$36.10
038-031-023	GILMORE DANIEL	324 PUEBLO AVE	Modesto CA 95351	$36.10
038-031-024	MENDOZA ENRIQUE T & MENDOZA IRMA A	320 PUEBLO AVE	Modesto CA 95355	$36.10
038-031-025	CARDENAS JESUS ET AL	316 PUEBLO AVE	Modesto CA 95351	$36.10
038-031-026	FUNK MARIA	312 PUEBLO AVE	Modesto CA 95351	$36.10
038-031-027	ROBBINS JAMES P & ROBBINS PATRICIA C	308 PUEBLO AVE	Modesto CA 95351-	$36.10
038-031-028	CASTRO RAYMOND & CASTRO MARTHA E	304 PUEBLO AVE	Modesto CA 95351	$36.10
038-031-029	GALVIN JOSE L	300 PUEBLO AVE	Modesto CA 95351	$36.10
038-031-030	SIGALA STEVE & TERESA	232 PUEBLO AVE	Modesto CA 95351	$36.10
038-031-031	PENDLEY CLAY	228 PUEBLO AVE	Modesto CA 95351	$36.10
038-031-032	ESCOBEDO MICHIKO	224 PUEBLO AVE	Modesto CA 95351-	$36.10
038-031-033	ABSHER GLOBAL INVESTMENTS INC	220 PUEBLO AVE	Modesto CA 95351	$36.10
038-031-034	ABSHER GLOBAL INVESTMENTS INC	220 PUEBLO AVE	Modesto CA 95351	$36.10
038-031-035	CABRERA AGUSTIN	212 PUEBLO AVE	Modesto CA 95351-	$36.10
038-031-036	SIGALA STEVE & TERESA	208 PUEBLO AVE	Modesto CA 95351	$36.10
038-031-037	MADRIGAL RAFAELA	204 PUEBLO AVE	Modesto CA 95351-	$36.10
038-031-038	OCHOA JOSE LUIS	200 PUEBLO AVE	Modesto CA 95351	$36 10
038-031-039	LARA CONSUELO M	128 PUEBLO AVE	Modesto CA 95351-	$36 10
038-031-040	AL-SUMERI FAHIMI	124 PUEBLO AVE	Modesto CA 95351-	$36.10
038-031-041	DEA BILLY & FRANCES Y	120 PUEBLO AVE	Modesto CA 95351	$36.10
038-031-042	WOODMAN BEN A & WODMAN TANIA L	116 PUEBLO AVE	Modesto CA 95351-	$36.10
038-031-045	GUAJARDO HECTOR	1010 CROWS LANDING RD	Modesto CA 95351	$36 10
038-031-046	GUAJARDO HECTOR	1014 CROWS LANDING RD	Modesto CA 95358	$36 10
038-031-047	PORRAS SIXTO	1024 CROWS LANDING RD	Modesto CA 95351-	$36.10
038-031-048	LOZANO SANDRA LUZ SUAREZ	117 EL PASO AVE	Modesto CA 95358	$36.10
038-031-049	FLORES MIGUEL ANGEL	121 EL PASO AVE	Modesto CA 95351	$36.10
038-031-050	REYNOSO JORGE	125 EL PASO AVE	Modesto CA 95351	$36.10
038-031-051	CENTENO MARIA	129 EL PASO AVE	Modesto CA 95351-	$36.10
038-031-052	ORTEGA GILBERTO H & ORTEGA FRANCISCA	201 EL PASO AVE	Modesto CA 95351-	$36.10
038-031-053	ORTEGA GILBERTO H & ORTEGA FRANCISCA Z	205 EL PASO AVE	Modesto CA 95351	$36.10
038-031-054	BETTENCOURT LULA JENE	209 EL PASO AVE	Modesto CA 95351	$36.10
038-031-055	MENDEZ LOURDES	213 EL PASO AVE	Modesto CA 95351	$36.10
038-031-056	YEFREMENKO ALEKSANDR	221 EL PASO AVE	Modesto CA 95351-	$36.10
038-031-057	LOTT ROBERT LYNDELL & BETTY ROSEMARY	225 EL PASO AVE	Modesto CA 95351-	$36.10
038-031-058	FLORES ADRIANA	229 EL PASO AVE	Modesto CA 95351	$36.10
038-031-059	FLORES ADRIANA	233 EL PASO AVE	Modesto CA 95351	$36.10
038-031-060	GARZA JUAN P ET AL	301 EL PASO AVE	Modesto CA 95351	$36.10
038-031-061	GARZA JOAQUIN J JR & GARZA GRACIELA	305 EL PASO AVE	Modesto CA 95351	$36.10
038-031-062	GARZA JOSE ROBERTO & GARZA ROSA E	309 EL PASO AVE	Modesto CA 95351	$36.10
038-031-063	MENDEZ LOURDES	313 EL PASO AVE	Modesto CA 95351	$36.10
038-031-064	GARZA JOSE ROBERTO & ROSA E	317 EL PASO AVE	Modesto CA 95351-	$36.10
038-031-065	GARZA JOSE R & GARZA ROSA E	321 EL PASO AVE	Modesto CA 95351	$36.10
038-031-066	GOMEZ JUSTINO	325 EL PASO AVE	Modesto CA 95351-	$36.10
038-031-067	GOMEZ JUSTINO & GOMEZ MARTINA	1019 SANTA FE AVE	Modesto CA 95351-	$36.10

FeeParcel	Owner	Situs	City State Zip	
038-031-068	JIB DICKENS INVESTMENTS LLC	1002 CROWS LANDING RD	Modesto CA 95351	$36.10
038-031-069	JOHNSON DAVID J & JOHNSON LAVELDA C	221 PUEBLO AVE	Modesto CA 95351	$36 10
038-031-070	CASTILLO RUBEN & CASTILLO M MAGDALENA	225 PUEBLO AVE	Modesto CA 95351	$36.10
038-032-002	MENDOZA ROBERTO & LIVIER	924 CROWS LANDING RD	Modesto CA 95351	$36.10
038-032-003	GORDO BRUCE ANTHONY	132 PECOS AVE	Modesto CA 95351	$36.10
038-032-004	GARCIA FERNANDO	208 PECOS AVE	Modesto CA 95351	$36.10
038-032-006	CORTEZ EDDIE T	101 RITA CT	Modesto CA 95351	$36.10
038-032-007	CORTEZ EDDIE T	105 RITA CT	Modesto CA 95351	$36.10
038-032-008	ZENDEJAS VALENTIN LUNA	109 RITA CT	Modesto CA 95351	$36 10
038-032-009	INIGUEZ BERNABE ET AL	113 RITA CT	Modesto CA 95351	$36.10
038-032-010	INIGUEZ ISMAEL & INIGUEZ MARIA G	117 RITA CT	Modesto CA 95351	$36 10
038-032-011	ASCENCIO MARTIN G ET AL	122 RITA CT	Modesto CA 95351	$36.10
038-032-012	WHITE GARY L & WHITE MARY	118 RITA CT	Modesto CA 95351	$36.10
038-032-013	BRIONES GUADALUPE	114 RITA CT	Modesto CA 95351	$36.10
038-032-014	YOUNG RUTH	110 RITA CT	Modesto CA 95351	$36.10
038-032-015	CERVANTES JUANA LAURA ROSAS	106 RITA CT	Modesto CA 95351	$36.10
038-032-016	INIGUEZ BERNABE ET AL	102 RITA CT	Modesto CA 95351	$36.10
038-032-018	ZAVALA-PATINO DALILA	109 LITA CT	Modesto CA 95351	$36.10
038-032-019	TANAKA TAD TADASHI TRS & TANAKA EVA WONG	113 LITA CT	Modesto CA 95351	$36.10
038-032-020	GUERRERO JESSICA GARCIA ET AL	117 LITA CT	Modesto CA 95351	$36.10
038-032-021	FLORES PEDRO & ET UX	122 LITA CT	Modesto CA 95351	$36.10
038-032-022	MALDONADO MARIO	118 LITA CT	Modesto CA 95351	$36.10
038-032-023	FERNANDEZ JESUS M	114 LITA CT	Modesto CA 95351	$36.10
038-032-024	TANAKA TAD TADASHI TRS & TANAKA EVA WONG	110 LITA CT	Modesto CA 95351	$36.10
038-032-027	SAMRAN SOHAN	913 SANTA FE AVE	Modesto CA 95351	$36.10
038-032-028	RIDER TARA LOUISE	917 SANTA FE AVE	Modesto CA 95351	$36.10
038-032-031	WONG ERNEST H & KLOCKO ANNE L TRS	106 LITA CT	Modesto CA 95351	$36.10
038-032-032	SAMRA GURMIT	105 LITA CT	Modesto CA 95351	$36.10
038-032-033	PENALOZA FRANCISCO M	220 PECOS AVE	Modesto CA 95351	$36.10
038-032-034	SOLORIO DANIEL SR & SOLORIO SHERRY A	214 PECOS AVE	Modesto CA 95351	$36 10
038-032-036	GARCIA MARIANO & GARCIA ELVA	328 PECOS AVE	Modesto CA 95351	$36 10
038-032-037	VALENCIA HUMBERTA M	909 SANTA FE AVE	Modesto CA 95351	$36 10
038-032-039	MENDOZA ROBERTO & LIVIER	900 CROWS LANDING RD	Modesto CA 95358	$36 10
038-032-040	STANISLAUS COUNTY OF	PECOS AVE	Modesto CA 95358	$36 10
038-033-003	MENDOZA ROBERTO & LIVIER	105 PECOS AVE	Modesto CA 95351	$36.10
038-033-004	MENDOZA ROBERTO & LIVIER	121 PECOS AVE	Modesto CA 95351	$36.10
038-033-005	SUMPTER HENRY C III	127 PECOS AVE	Modesto CA 95351	$36 10
038-033-006	NAVARRO RAMON H & JUSTINE	201 PECOS AVE	Modesto CA 95351	$36 10
038-033-007	TUCKER KRISTY	209 PECOS AVE	Modesto CA 95351	$36 10
038-033-008	CORTEZ ED	215 PECOS AVE	Modesto CA 95351	$36 10
038-033-009	GILMORE DANIEL A	225 PECOS AVE	Modesto CA 95351	$36.10
038-033-011	MENDOZA ROBERTO & LIVIER	109 PECOS RD	Modesto CA	$36.10
038-033-012	MENDOZA ROBERTO & LIVIER	854 CROWS LANDING RD	Modesto CA 95351	$36.10
038-035-002	RIVERA CONSUELO B	912 SANTA FE AVE	Modesto CA 95351	$36.10
038-035-003	DUONG SUNSHINE & WEBB NICHOLAS E	918 SANTA FE AVE	Modesto CA 95351	$36 10
038-035-004	LOPEZ MARTIN & PATRICIA	920 SANTA FE AVE	Modesto CA 95351	$36 10
038-035-005	NINO ALBERT AGUIRRE	924 SANTA FE AVE	Modesto CA 95354	$36.10
038-035-006	KAUR PARMINDER	928 SANTA FE AVE	Modesto CA 95351	$36.10
038-035-007	DIAZ RAYMOND	932 SANTA FE AVE	Modesto CA 95351	$36.10
038-035-008	BRINKMAN LOUAIN TR	936 SANTA FE AVE	Modesto CA 95351	$36 10
038-035-009	DEL VALLE ROCIO	1002 SANTA FE AVE	Modesto CA 95351	$36 10
038-035-010	PATINO LIZEBETH	1006 SANTA FE AVE	Modesto CA 95351	$36.10
038-035-011	EVNIN KERRY MD & LAURA	1010 SANTA FE AVE	Modesto CA 95351	$36.10
038-035-012	KEM SOKHOM & VANTHA TRS	1014 SANTA FE AVE	Modesto CA 95351	$36 10
038-035-015	CASTILLO ANGELA ESTER	1028 SANTA FE AVE	Modesto CA 95351	$36 10
038-035-016	SANCHEZ ARMANDO RAMIREZ	1029 ALAMO AVE	Modesto CA 95351	$36 10
038-035-017	OM LOUIS DAVID & TRUONG LE THU	1023 ALAMO AVE	Modesto CA 95351	$36.10
038-035-018	HERNANDEZ MARIA G ET AL	1019 ALAMO AVE	Modesto CA 95351	$36.10

FeeParcel	Owner	Situs	City State Zip	
038-035-019	MURILLO GUILLERMINA	1015 ALAMO AVE	Modesto CA 95351	$36.10
038-035-020	MANZO ANTONIO	1011 ALAMO AVE	Modesto CA 95351	$36.10
038-035-021	TOVAR MANUEL & ROSIE	1007 ALAMO AVE	Modesto CA 95351	$36.10
038-035-022	HERNANDEZ MANUEL & HERNANDEZ MARIA	1001 ALAMO AVE	Modesto CA 95351	$36 10
038-035-023	DIAZ RODRIGO	937 ALAMO AVE	Modesto CA 95351	$36 10
038-035-024	GIL RICARDO	933 ALAMO AVE	Modesto CA 95351	$36 10
038-035-025	SHARMA RAJIV & MRIDULA	929 ALAMO AVE	Modesto CA 95351	$36.10
038-035-026	ESCALANTE OSCAR	925 ALAMO AVE	Modesto CA 95351	$36.10
038-035-027	DE LA TORRE MIGUEL ET AL	921 ALAMO AVE	Modesto CA 95351	$36.10
038-035-028	PADILLA JAIME & ROSE FONSECA DE	917 ALAMO AVE	Modesto CA 95351	$36.10
038-035-029	VELASQUEZ ERIK NEVAREZ	913 ALAMO AVE	Modesto CA 95351	$36.10
038-035-030	HERNANDEZ ANTONIO & GUADALUPE	412 PECOS AVE	Modesto CA 95351	$36.10
038-035-032	ANGLIN JAMES JR & ET UX	916 ALAMO AVE	Modesto CA 95351	$36.10
038-035-033	ANGLIN JAMES R & ANGLIN ALETA M	920 ALAMO AVE	Modesto CA 95351	$36.10
038-035-034	ANGLIN JAMES JR & ET UX	924 ALAMO AVE	Modesto CA 95351	$36.10
038-035-035	R RENTALS LLC	928 ALAMO AVE	Modesto CA 95351	$36.10
038-035-036	GARCIA RAMON & ET UX	932 ALAMO AVE	Modesto CA 95351	$36.10
038-035-037	PIMENTAL JOSE AGUILAR & ENEDELIA A	936 ALAMO AVE	Modesto CA 95351	$36.10
038-035-038	MACEDO CARLOS	1002 ALAMO AVE	Modesto CA 95351	$36.10
038-035-039	OLVERA EMETERIO & ET UX	1006 ALAMO AVE	Modesto CA 95351	$36.10
038-035-040	KAUR MANJIT	1010 ALAMO AVE	Modesto CA 95351	$36.10
038-035-041	CHAVEZ MANUEL G & ET UX	1014 ALAMO AVE	Modesto CA 95351	$36.10
038-035-042	BARRAGAN JOHN J & LETICIA R	1018 ALAMO AVE	Modesto CA 95351	$36.10
038-035-043	GOMEZ LETICIA ET AL	1024 ALAMO AVE	Modesto CA 95351	$36.10
038-035-044	SANTANA ELSA	505 EL PASO AVE	Modesto CA 95351	$36.10
038-035-045	VASQUEZ ALFREDO & ET UX	1029 BOULDER AVE	Modesto CA 95351	$36.10
038-035-046	SANCHEZ FRANCISCO & HUERTA MARIA ISABEL	1025 BOULDER AVE	Modesto CA 95351	$36.10
038-035-047	KEM SOKHOM & VANTHA TRS	1021 BOULDER AVE	Modesto CA 95351	$36.10
038-035-048	CALDERSON PEDRO OMAR R JR	1019 BOULDER AVE	Modesto CA 95351	$36.10
038-035-049	TORRES JOSE	1017 BOULDER AVE	Modesto CA 95351	$36.10
038-035-050	RAMIREZ AGUSTIN JR	1007 BOULDER AVE	Modesto CA 95351	$36.10
038-035-051	NAVARRETE JAVIER	1005 BOULDER AVE	Modesto CA 95351-	$36.10
038-035-052	SALDANA HILARIO	1001 BOULDER AVE	Modesto CA 95351	$36.10
038-035-053	GARZA JOSE ROBERTO & ROSA ELGNA	935 BOULDER AVE	Modesto CA 95351	$36.10
038-035-054	GARZA JOAQUIN JR	931 MAIN ST	Modesto CA 95351-	$36.10
038-035-055	JONES RICHARD J	927 MAIN ST	Modesto CA 95351	$36.10
038-035-056	SANCHEZ ANTONIO R & SANCHEZ MARIA	923 MAIN ST	Modesto CA 95351	$36.10
038-035-057	PERKINS STEVEN A & ELSSY E	919 MAIN ST	Modesto CA 95351	$36.10
038-035-058	ALEMAN MARIA HEIRS OF ET AL	1026 BOULDER AVE	Modesto CA 95351	$36.10
038-035-059	DAVIS MIKE & SHERYL	530 PECOS	Modesto CA 95351	$36.10
038-035-062	GALVAN ALICIA	912 ALAMO AVE	Modesto CA 95351	$36.10
038-035-063	BELTRAN AMPARO	908 SANTA FE	Modesto CA 95351	$36.10
038-035-064	MONTES CARLOS A & MONTES GUADALUPE C	1018 SANTA FE AVE	Modesto CA 95351	$36.10
038-036-001	GOMEZ JUSTINO & GOMEZ MARTINA	1104 SANTA FE AVE	Modesto CA	$36.10
038-036-002	MULLINS GUY E JR	1106 SANTA FE AVE	Modesto CA 95351	$36.10
038-036-003	MACIEL BENJAMIN & MARISELA JIMINEZ	1110 SANTA FE AVE	Modesto CA 95358	$36.10
038-036-004	GOMEZ JUSTINO & GOMEZ MARTINA	1114 SANTA FE AVE	Modesto CA 95351-	$36.10
038-036-005	GOMEZ JUSTINO & GOMEZ MARTINA	1118 SANTA FE AVE	Modesto CA 85351-	$36.10
038-036-006	ALEMAN ARMANDO ET AL	1124 SANTA FE AVE	Modesto CA 95351	$36.10
038-036-007	ARREGUIN PABLO & ARREGUIN ESTHER	405 BROADWAY AVE	Modesto CA 95351	$36.10
038-036-008	MOTA-NAVARRO IGNACIO & GUTIERREZ DE MOTA TERESITA	409 BROADWAY AVE	Modesto CA 95351-	$36.10
038-036-009	GILL HARJINDER	413 BROADWAY AVE	Modesto CA 95351	$36.10
038-036-010	PLASCENCIA ARACELI	417 BROADWAY AVE	Modesto CA 95351	$36.10
038-036-012	RAMIREZ MARIA DEL REFUGIO GARZA DE	1117 ALAMO AVE	Modesto CA 95351	$36.10
038-036-013	SAMRAN SOHAN	1113 ALAMO AVE	Modesto CA 95358	$36.10
038-036-014	GUTIERREZ ALEJANDRO LEON ET AL TRS	1109 ALAMO AVE	Modesto CA 95351-	$36.10
038-036-015	GOMEZ JUSTINO	1105 ALAMO AVE	Modesto CA 95358	$36.10
038-036-016	MULLINS GUY EUGENE JR	1101 ALAMO AVE	Modesto CA 95351	$36.10

FeeParcel	Owner	Situs	City State Zip	
038-036-017	GARCIA RICARDO	1102 ALAMO AVE	Modesto CA 95351	$36 10
038-036-018	ALVARA GONZALO & MARISELA	1106 ALAMO AVE	Modesto CA 95351	$36 10
038-036-019	LOPEZ FRANCISCO M & LOPEZ DELIA T	1110 ALAMO AVE	Modesto CA 95351	$36 10
038-036-020	ARROYO RAFAEL & ALMA PATRICIA	1114 ALAMO AVE	Modesto CA 95351	$36 10
038-036-021	TELLECHEA RUBEN & DAHLIA	1118 ALAMO AVE	Modesto CA 95351	$36.10
038-036-022	GOMEZ ESTELA A	501 BROADWAY AVE	Modesto CA 95351	$36.10
038-036-023	HIGH ROBERT A TR	505 BROADWAY AVE	Modesto CA 95351-	$36 10
038-036-024	GARCIA JUAN M & BLAKE ALMA D	507 BROADWAY AVE	Modesto CA 95351	$36 10
038-036-025	PADILLA ANGEL GAIL ET AL	509 BROADWAY AVE	Modesto CA 95358	$36 10
038-036-026	MENDOZA AGUSTIN	517 BROADWAY AVE	Modesto CA 95351	$36.10
038-036-027	SHAIBI YEHIA AHMED QASSEM & KASSIM FATIMA TRS	1125 BOULDER	Modesto CA 95351	$36.10
038-036-028	WALLACE DANNY L & WALLACE ESTHER G	1119 BOULDER AVE	Modesto CA 95351	$36.10
038-036-029	HOGUE MIKAEL LEE	1113 BOULDER AVE	Modesto CA 95351	$36.10
038-036-030	AMADOR OLIVER RAY	1109 BOULDER AVE	Modesto CA 95351	$36.10
038-036-031	ORTEGA MARIA	1105 BOULDER AVE	Modesto CA 95351	$36.10
038-036-032	CHRISTIANSEN JON FREDERICK	1101 BOULDER AVE	Modesto CA 95351-	$36.10
038-036-033	SHAIBI YEHIA AHMED QASSEM & KASSIM FATIMA TRS	602 EL PASO AVE	Modesto CA 95351-	$36.10
038-036-034	GROKHOLSKY YURY	1114 BOULDER AVE	Modesto CA 95351	$36.10
038-036-035	ZABALZA RUBEN JR	1118 BOULDER AVE	Modesto CA 95351	$36.10
038-036-036	SOLANO MIGUEL ANGEL LOPEZ	601 BROADWAY AVE	Modesto CA 95351-	$36.10
038-036-037	CRISANTOS FERNANDA ALVAREZ	605 BROADWAY AVE	Modesto CA 95350	$36.10
038-036-038	SHAIBI YEHIA AHMED QASSEM & KASSIM FATIMA TRS	613 BROADWAY AVE	Modesto CA 95351-	$36.10
038-036-039	AZEVEDO DANIEL ROBERT ET AL	1117 MAIN ST	Modesto CA 95351	$36.10
038-036-040	WILSON CLIFFORD & WILSON LILA P	1113 MAIN ST	Modesto CA 95351	$36.10
038-036-041	OLVERA DAVID R	606 EL PASO AVE	Modesto CA 95351	$36.10
038-036-042	AGUILAR ENDELIA ET AL	425 BROADWAY AVE	Modesto CA 95351-	$36.10
038-036-043	LEDEZMA LOURDES	421 BROADWAY AVE	Modesto CA 95351	$36.10
038-037-001	EL BUEN SAMARITANO ASEMBLEAS DE DIOS	521 RIO GRANDE AVE	Modesto CA 95351-	$36.10
038-037-004	VASQUEZ JOSE A	1329 BOULDER AVE	Modesto CA	$36.10
038-037-005	VASQUEZ JOSEF	1325 BOULDER AVE	Modesto CA 95351	$36.10
038-037-006	LOPEZ ENRIQUETA P & ANTONIO	1321 BOULDER AVE	Modesto CA 95351	$36.10
038-037-007	RIVERA LILIA R	1317 BOULDER AVE	Modesto CA 95351	$36.10
038-037-008	AVILA MIGUEL A	1313 BOULDER AVE	Modesto CA 95351	$36.10
038-037-009	GUTIERREZ GUADALUPE	1309 BOULDER AVE	Modesto CA 95358-	$36.10
038-037-010	PEREZ VICENTE & EVANGELINA	1305 BOULDER AVE	Modesto CA 95351	$36.10
038-037-011	GONZALEZ YOLANDA V	1301 BOULDER AVE	Modesto CA 95351-	$36.10
038-037-012	ROMERO ADRIAN	1245 BOULDER AVE	Modesto CA 95351	$36.10
038-037-013	GOMEZ LUIS SR & GOMEZ JUANA	1241 BOULDER AVE	Modesto CA 95351	$36.10
038-037-014	GARZA IOAQUIN JR	1237 BOULDER AVE	Modesto CA 95351	$36.10
038-037-015	ASCENCIO MIGUEL G & ASCENCIO HERMELINDA F	1233 BOULDER AVE	Modesto CA 95351	$36.10
038-037-016	KAUR MANJIT	1229 BOULDER AVE	Modesto CA 95351	$36.10
038-037-017	RAMIREZ JULIA GARZA ET AL	1225 BOULDER AVE	Modesto CA 95351	$36.10
038-037-018	DUONG SUNSHINE NHU & WEBB NICHOLAS E	1221 BOULDER AVE	Modesto CA 95351	$36.10
038-037-019	MAI MICHAEL	1217 BOULDER AVE	Modesto CA 95351	$36.10
038-037-020	CONTRERAS RICARDO	526 BROADWAY AVE	Modesto CA 95351	$36.10
038-037-021	MORENO ALBERTO MANZO	522 BROADWAY AVE	Modesto CA 95351	$36.10
038-037-022	GARCIA MARIBEL	518 BROADWAY AVE	Modesto CA 95351	$36.10
038-037-023	GALVAN ROBERTO & GALVAN EMMA	514 BROADWAY AVE	Modesto CA 95351	$36.10
038-037-024	OCHOA GEORGE	510 BROADWAY AVE	Modesto CA 95351	$36.10
038-037-028	MODESTO CITY OF	ALAMO AVE	Modesto CA 95351	$36.10
038-037-029	GALVAN ROBERTO & EMMA	1226 ALAMO AVE	Modesto CA 95351	$36.10
038-037-032	RIVERA JESUS & RIVERA MARIA C	1234 ALAMO AVE	Modesto CA 95351	$36.10
038-037-033	PELAYO OSCAR	1238 ALAMO AVE	Modesto CA 95351	$36.10
038-037-034	PELAYO OSCAR	1242 ALAMO AVE	Modesto CA 95351	$36.10
038-037-035	LOPEZ VICTORIANO A & ET UX	1246 ALAMO AVE	Modesto CA 95351	$36.10
038-037-036	PEREZ AURELIO & PEREZ MARIA ROCIO	1302 ALAMO AVE	Modesto CA 95351	$36.10
038-037-037	PELAYO ARTURO & PELAYO EDELMIRA S	1306 ALAMO AVE	Modesto CA 95351	$36.10
038-037-038	ESTRADA MARIA ELENA	1310 ALAMO AVE	Modesto CA 95351	$36.10

FeeParcel	Owner	Situs	City State Zip	
038-037-039	VASQUEZ APOLINAR	1316 ALAMO AVE	Modesto CA 95351-	$36.10
038-037-040	OSUNA ANTONIO V HEIRS OF	1318 ALAMO AVE	Modesto CA 95351-	$36.10
038-037-041	OSUNA ISIDRA	1322 ALAMO AVE	Modesto CA 95350	$36.10
038-037-042	RIOS HENRY V & RIOS LYDIA F	1326 ALAMO AVE	Modesto CA 95351-	$36.10
038-037-043	GARZA JUAN P	1330 ALAMO AVE	Modesto CA 95351	$36.10
038-037-044	GARZA JUAN PABLO	1334 ALAMO AVE	Modesto CA 95351-	$36.10
038-037-045	GARCIA DIEGO O & AEIL	1336 ALAMO AVE	Modesto CA 95351-	$36.10
038-037-046	GARZA JUAN PABLO	511 RIO GRANDE AVE	Modesto CA 95351-	$36.10
038-037-047	TEMPLO ROSA DE SARON	421 RIO GRANDE AVE	Modesto CA 95351	$36.10
038-037-048	PADILLA BENJAMIN G	1333 ALAMO AVE	Modesto CA 95351	$36.10
038-037-049	GARCIA ELPIDIO	1329 ALAMO AVE	Modesto CA 95351	$36.10
038-037-050	HORN ADELLA R	1325 ALAMO AVE	Modesto CA 95351	$36.10
038-037-051	JIMENEZ RICARDO GARCIA	1321 ALAMO AVE	Modesto CA 95351	$36.10
038-037-052	ZERMENO REFUGIO & MARIA	1317 ALAMO AVE	Modesto CA 95351-	$36.10
038-037-053	ANGLIN JAMES JR & ET UX	1313 ALAMO AVE	Modesto CA 95351	$36.10
038-037-054	MORENO MANUEL & DE LA TORRE HILDA	1309 ALAMO AVE	Modesto CA 95351	$36.10
038-037-057	REATEGUI NELSON JR	1245 ALAMO AVE	Modesto CA 95351	$36.10
038-037-058	BURCIAGA RAYMOND SR & RAMONA	1241 ALAMO AVE	Modesto CA 95351	$36.10
038-037-059	VASQUEZ JOSE ATILIO	1237 ALAMO AVE	Modesto CA 95351-	$36.10
038-037-060	LOMELI GUSTAVO A	1233 ALAMO AVE	Modesto CA 95351-	$36.10
038-037-061	WINTERS HERMAN C & SHIRLEY J TRS	1229 ALAMO AVE	Modesto CA 95351	$36.10
038-037-062	ORTEGA ANGELA	1225 ALAMO AVE	Modesto CA 95358	$36.10
038-037-063	ORTEGA GILBERTO H & ORTEGA FRANCISCA	1221 ALAMO AVE	Modesto CA 95351-	$36.10
038-037-064	PEREZ LUIS A ET AL	1217 ALAMO AVE	Modesto CA 95351	$36.10
038-037-065	GONZALEZ JORGE AYALA & AYALA PETRA	1209 ALAMO AVE	Modesto CA 95351	$36.10
038-037-066	ROMERO ALEJO S & ROMERO FRANCISCA	422 BROADWAY AVE	Modesto CA 95351	$36.10
038-037-067	DE LEON HECTOR S	418 BROADWAY AVE	Modesto CA 95351	$36.10
038-037-068	CHAIREZ JOHNY LOPEZ ET AL	414 BROADWAY AVE	Modesto CA 95351-	$36.10
038-037-069	RIOS JUVENTINO	410 BROADWAY AVE	Modesto CA 95351	$36.10
038-037-070	SANDHU PARAMVEER	406 BROADWAY AVE	Modesto CA 95351-	$36.10
038-037-071	GARCIA VERONICA C	1218 SANTA FE AVE	Modesto CA 95351	$36.10
038-037-072	TELLECHEA FLORENTINO JR & TELLECHEA JOSEFINA B	1222 SANTA FE AVE	Modesto CA 95351-	$36.10
038-037-073	HENDRIX GUYLANN J	1226 SANTA FE AVE	Modesto CA 95351-	$36.10
038-037-074	MARTINEZ MARIA DE JESUS ET AL	1230 SANTA FE AVE	Modesto CA 95351	$36.10
038-037-075	DE LA TORRE HUGO	1234 SANTA FE AVE	Modesto CA 95351	$36.10
038-037-076	NINO ARTURO	1242 SANTA FE AVE	Modesto CA 95351	$36.10
038-037-077	DE LA RIVA JOEL	1246 SANTA FE AVE	Modesto CA 95351	$36.10
038-037-078	ROMO MARTIN & ROMO ANA LUZ	1302 SANTA FE AVE	Modesto CA 95351	$36.10
038-037-079	GONZALEZ MELECIO CERVANTES & CRUZ MIRIAM C ZAMUDIO	1306 SANTA FE AVE	Modesto CA 95351	$36.10
038-037-080	ANDERSON TRINA ET AL	1310 SANTA FE AVE	Modesto CA 95351-	$36.10
038-037-081	SOTO MARY ET AL	1314 SANTA FE AVE	Modesto CA 95351	$36.10
038-037-082	MY COMMUNITY LLC	1318 SANTA FE AVE	Modesto CA 95351-	$36.10
038-037-083	COX CLEDOUS E	1322 SANTA FE AVE	Modesto CA 95351	$36.10
038-037-084	DEA BILLY & FRANCES	1326 SANTA FE AVE	Modesto CA 95351	$36.10
038-037-085	AVILA RAFAEL RAMIRO CASTRO ET AL	1330 SANTA FE AVE	Modesto CA 95351	$36.10
038-037-086	NORTH CAL INVESTORS LLC	1334 SANTA FE AVE	Modesto CA 95351	$36.10
038-037-087	TEMPLE BAUTISTA ROSA DE SARON INC	411 RIO GRANDE AVE	Modesto CA 95351	$36.10
038-037-088	CH ASAMBLEAS DE DIOS BUEN SAMA	525 RIO GRANDE AVE	Modesto CA 95351	$36.10
038-037-089	RUELAS FELIPE	1230 ALAMO AVE	Modesto CA 95351-	$36.10
038-037-090	RANGEL JAVIER & MARIA	1301 ALAMO AVE	Modesto CA 95351-	$36.10
038-037-091	BIBLE WAY TABERNACLE INCORPORATION	502 BROADWAY AVE	Modesto CA 95351	$36.10
038-038-001	CONTRERAS PEDRO	611 RIO GRANDE AVE	Modesto CA 95351-	$36.10
038-038-002	JIMENEZ VICTOR ET AL	1333 MAIN ST	Modesto CA 95351	$36.10
038-038-003	FLORES AGUSTIN & FLORES IRENE M	1329 MAIN ST	Modesto CA 95351	$36.10
038-038-004	TURNER REBECCA	1325 MAIN ST	Modesto CA 95351-	$36.10
038-038-005	TURNER REBECCA	1321 MAIN ST	Modesto CA 95351-	$36.10
038-038-006	SOSA ERIKA	1317 MAIN ST	Modesto CA 95351	$36.10
038-038-007	ARREQUIN PABLO	1313 MAIN ST	Modesto CA 95350-	$36.10

FeeParcel	Owner	Situs	City State Zip	
038-038-008	ARREQUIN PABLO	1309 MAIN ST	Modesto CA 95351	$36 10
038-038-009	GRADILLA ANTONIO & URSUA PIEDAD	1305 MAIN ST	Modesto CA 95351	$36 10
038-038-010	GRANADOS JACINTO ET AL	1301 MAIN ST	Modesto CA 95351	$36 10
038-038-011	GARZA JOAQUIN JR	1245 MAIN ST	Modesto CA 95351	$36 10
038-038-012	ROMERO BAUDELIO SR ET AL	1241 MAIN ST	Modesto CA 95351	$36 10
038-038-013	GOMEZ IGNACIO & MARIA GUADALUPE	1237 MAIN ST	Modesto CA 95351	$36.10
038-038-014	COLON EMMANUEL BRUNO	1233 MAIN ST	Modesto CA 95351	$36.10
038-038-015	MONDRAGON ARTURO	1229 MAIN ST	Modesto CA 95351	$36 10
038-038-016	DELATORRE HUGO	1225 MAIN ST	Modesto CA 95351	$36 10
038-038-017	GLOBAL CAPITAL FUND 4 LLC	1221 MAIN ST	Modesto CA 95351	$36.10
038-038-018	SINGH JAGDEV & GILL RANJIT KAUR	1217 MAIN ST	Modesto CA 95351	$36 10
038-038-019	LEW JOE	614 BROADWAY AVE	Modesto CA 95351	$36 10
038-038-020	RODRIGUEZ FEDERICO	610 BROADWAY AVE	Modesto CA 95351	$36.10
038-038-021	ALMOLAIKI ABDO	606 BROADWAY AVE	Modesto CA 95351	$36.10
038-038-022	CH APOST ASBY FTH CHRIST JESUS	602 BROADWAY AVE	Modesto CA 95351	$36 10
038-038-023	CORTEZ ANTONIO	1214 BOULDER AVE	Modesto CA 95351	$36 10
038-038-024	LINARES ANA & MARCOS C	1218 BOULDER	Modesto CA 95351	$36 10
038-038-025	BARAJAS JAVIER & IRMA N	1222 BOULDER AVE	Modesto CA 95351	$36 10
038-038-026	NAYARES CARLOS M & ET UX	1226 BOULDER AVE	Modesto CA 95351	$36 10
038-038-027	GONZALEZ JESUS & GREGORIA	1230 BOULDER AVE	Modesto CA 95351	$36.10
038-038-028	CASILLAS HERIBERTO & MARIA	1234 BOULDER AVE	Modesto CA 95351	$36.10
038-038-029	DIAZ MA INES	1238 BOULDER AVE	Modesto CA 95351	$36.10
038-038-030	BARRON JOSE F & BARRON DOLORES M	1242 BOULDER AVE	Modesto CA 95351	$36 10
038-038-031	VELASQUEZ PEDRO ET AL	1246 BOULDER AVE	Modesto CA 95351	$36 10
038-038-032	RIOS AURELIO ET AL	1302 BOULDER AVE	Modesto CA 95351	$36 10
038-038-033	CEJA LUZ ELENA CHAVEZ DE	1306 BOULDER AVE	Modesto CA 95358	$36 10
038-038-034	AL-SUMERI FAHMI	1310 BOULDER AVE	Modesto CA 95351	$36.10
038-038-035	OLIDEM LEONOR CHRISTINA	1314 BOULDER AVE	Modesto CA 95351	$36.10
038-038-036	LOPEZ MARTHA	1318 BOULDER AVE	Modesto CA 95351	$36.10
038-038-037	CHAVEZ JOSE & CHAVEZ ANA M	1322 BOULDER AVE	Modesto CA 95351	$36 10
038-038-038	AGUILAR FELIPE	1326 BOULDER AVE	Modesto CA 95351	$36 10
038-038-039	BANUELOS IFRAEL	1330 BOULDER AVE	Modesto CA 95351	$36 10
038-038-041	DEA FRANCES Y ET AL	1334 BOULDER AVE	Modesto CA 95351	$36 10
038-038-042	DEA FRANCES Y ET AL	603 RIO GRANDE AVE	Modesto CA 95351	$36 10

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MODESTO CITY COUNCIL
RESOLUTION NO. 2016-287

Print

RESOLUTION APPOINTING STELLA BERATLIS AS THE CITY OF MODESTO POET LAUREATE FOR THE 2016-2018 TERM

WHEREAS, on July 13, 1993, by Resolution No. 93-412, the City Council established a non-salaried honorary position to be known as "The Poet Laureate of the City of Modesto", and

WHEREAS, the purpose of a Poet Laureate is to present original poems at various official City functions and occasions, and

WHEREAS, in compliance with City Council Policy No. 6.020, the City's Culture Commission has the responsibility for accepting nominations and recommending appointments to the Poet Laureate position, and

WHEREAS, on July 6, 2016, the Culture Commission concluded that Stella Beratlis met the criteria for fulfilling the obligations as Poet Laureate of the City of Modesto, and

WHEREAS, the Culture Commission recommends the appointment of Stella Beratlis as Poet Laureate of the City of Modesto through June 30, 2018,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the appointment of Stella Beratlis as the Poet Laureate of the City of Modesto for the 2016-2018 term (July 13, 2016 through June 30, 2018).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of July, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-288

RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO CONFIRMING THE CANVASS OF THE GENERAL MUNICIPAL ELECTION WHICH WAS HELD IN THE CITY OF MODESTO AND MODESTO CITY SCHOOL DISTRICT ON JUNE 7, 2016, AND DECLARING THE RESULTS OF SAID ELECTION

WHEREAS, as set forth in Section 3 hereof, the following ballot measure was submitted to the qualified electors in the June 7, 2016, City of Modesto and Modesto City Schools District election: Measure F was a City of Modesto Charter Amendment Concerning Modesto City Schools District Board of Education elections; and

WHEREAS, said election was held on Tuesday, June 7, 2016, in accordance with law and the proceedings of this Council, and the votes thereat received and canvassed, and the returns thereof ascertained, determined, and declared in all respects as required by law, and

WHEREAS, the Stanislaus County Registrar of Voters, at the request of the City Council, canvassed the returns of said general municipal election in accordance with law, and reported the results of the election of the City Clerk, which the City Clerk certified to the Council by a Certificate of Canvass and Statement of Votes dated July 1, 2016, a copy of which is **attached** hereto marked **Exhibit "A"** and made a part hereof,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto as follows:

SECTION 1. Said election results as shown on the Certificate of Canvass and Statement of Votes and the results of the election are hereby ratified, confirmed, approved, and declared.

SECTION 2. That in accordance with Section 10264 of the Elections Code, a copy of said Certificate of Canvass and Statement of Votes, which is **attached** hereto marked as **Exhibit "A"** and made a part hereof, shows a complete tabulation of the following:

(A) The number of votes given in the City of Modesto and in the Modesto City Schools District for each Measure.

SECTION 3. The following votes were cast for Measure F:

Measure	Total Votes For	Total Votes Against
Measure F: Shall the Modesto City Charter be amended to allow the Board of Education for Modesto City Schools to change the method of election of the Board of Education in accordance with the California Education Code?	**31,281**	14,734

Measure F. More than a majority of all the votes cast at the election for Measure F were in favor of said proposed Measure, and said Measure did carry and was approved and ratified by a majority of the qualified voters voting on said Measure.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of July, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT A

CERTIFICATE OF CANVASS
AND
STATEMENT OF VOTE

CITY OF MODESTO GENERAL MUNICIPAL ELECTION
June 7, 2016

I, Stephanie Lopez, City Clerk of the City of Modesto, do hereby certify that I caused the Stanislaus County Clerk's Office, on June 7, 2016, to publicly canvass the returns of the City of Modesto Regular Municipal Election held on June 7, 2016, in accordance with Modesto City Council Resolution 67-36. The following are the results of said election:

MEASURES	NUMBER OF VOTES		PERCENTAGE OF VOTE
Measure F Shall the Modesto City Charter be amended to allow the Board of Education for Modesto City Schools to change the method of election of the Board of Education in accordance with the California Education Code?			
	31,281	**Yes**	**67. 98%**
	14,734	No	32.02%

VOTER TURNOUT:

CITY OF MODESTO and MODESTO CITY SCHOOLS DISTRICT:

	TOTAL REGISTERED VOTERS	TOTAL TURNOUT	TURNOUT PERCENTAGE
Measure F	116,672	51,415	44.07%

STEPHANIE LOPEZ
City Clerk
City of Modesto

July 1, 2016

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-289

Print

RESOLUTION APPROVING A SECOND AMENDMENT TO THE LEGAL SERVICES AGREEMENT DATED JUNE 24TH, 2014 WITH ARATA, SWINGLE, & VAN EGMOND IN AN AMOUNT NOT TO EXCEED $210,000 TO CONTINUE REPRESENTING THE CITY OF MODESTO IN TORT CASES

WHEREAS, the City Attorney's Office is still in need of outside counsel services; and

WHEREAS, the City Council by Resolution No. 2014-241 had previously approved an agreement with Arata, Swingle, Sodhi and Van Egmond, in the amount of $200,000 to represent the City in the following types of cases: tort, trip and fall, sidewalk, road and other similar cases; and

WHEREAS, by Resolution No. 2015-198, City approved a First Amendment, with an increased budget of $30,000 for continued representation; and

WHEREAS, the City Attorney's Office desires to extend the agreement with Arata, Swingle, and Van Egmond; and

WHEREAS, the City Attorney's office has drafted a Second Amendment to the Legal Services agreement with Arata, Swingle, and Van Egmond.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City of Modesto to execute a Second Amendment to the Legal Services Agreement with Arata, Swingle, and Van Egmond, in an amount not to exceed $210,000 to continue representing the City of Modesto in tort matters, as provided in **Exhibit A attached** hereto and incorporated herein, and further authorizes the City Attorney to execute such agreement in a form substantially similar to **Exhibit A**.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 12th day of July, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

SECOND AMENDMENT TO LEGAL SERVICES AGREEMENT

This Second Amendment for Legal Services (this "**Second Amendment**"), is made and entered into on _____ day of _____ 2016 ("**Effective Date**"), by and between the **CITY OF MODESTO**, a California Municipal Corporation ("**City**"), and **ARATA, SWINGLE, & VAN EGMOND**, a Professional Corporation ("**Attorney**"), located at 912 11th Street, Modesto, California 95354. City and Attorney are hereinafter collectively referred to as the "**Parties**," and singularly as "**Party**".

RECITALS

WHEREAS, City and Attorney entered into a Legal Services Agreement ("**Agreement**") to provide legal advice, representation and assistance to City in defense of tort claims, as assigned; and

WHEREAS, Attorney is specially trained, experienced and competent to perform such services; and

WHEREAS, the public interest, economy and general welfare will be served by the Agreement; and

WHEREAS, City and Attorney desire to amend the Agreement for further service by increasing the previously approved amount of fees to $440,000.

NOW, THEREFORE, it is hereby agreed that the Legal Services Agreement between the City of Modesto and Arata, Swingle, and Van Edmond dated June 24th, 2014 authorized by Resolution No.2014-241, and amended by Resolution No. 2015-198 is amended as follows:

1. Section 2(a) of Paragraph 2, "Fees and Costs," Hourly Rates is amended to state as follows:

"The total of all fees paid to Attorney for the performance of all services set forth in Section 1(thereafter the "**Service**"), and for all authorized Reimbursable Expenses (as defined hereafter), shall not exceed a total sum of four hundred and forty thousand dollars ($440,000)."

2. **Entire Agreement.** The parties to this Second Amendment understand and agree that except as stated herein all terms and conditions of the original Agreement, dated June 24th, 2014, remain in full force and effect to the extent they are not in conflict with this Second Amendment. This document, including all exhibits, contain the entire amendment to the Agreement between the Parties and supersedes whatever oral or written understanding they may have had prior to the execution of this Second Amendment. No alteration to the terms of this Second Amendment shall be valid unless approved in writing by Attorney and by City, in accordance with applicable provision of the Modesto City Code.

3. **Authority**. The person signing this Second Amendment for Attorney hereby represents and warrants that he/she is fully authorized to sign this Second Amendment on behalf of Attorney and to bind Attorney to the performance of its obligations hereunder.

IN WITNESS WHEREOF, the Parties have executed this Second Amendment as of the dates stated below.

CITY OF MODESTO,
A Municipal Corporation

By:_____

Print name: _____

Title: _____

APPROVED TO AS FORM:

_____
Adam U. Lindgren, City Attorney

ATTEST:

_____
Stephanie Lopez, City Clerk

[Signatures Continued on Next Page.]

ATTORNEY:

_____,
a Professional Corporation

_____

_____
Federal I.D. No.

_____
State I.D. No.

_____
City of Modesto Business Op. Tax Cert. No.

TYPE OF BUSINESS ENTITY *(check one)*:

_____ Individual/Sole Proprietor
_____ Partnership
_____ Corporation
_____ Limited Liability Company
_____ Other *(please specify:* _____*)*

_____
Signature of Authorized Person

_____
Title

_____
Additional Signature *(if required)*

_____
Title

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-290

RESOLUTION APPROVING A SECOND AMENDMENT TO THE LEGAL SERVICES AGREEMENT DATED JULY 3RD, 2014 WITH BORTON PETRINI, LLP IN AN AMOUNT NOT TO EXCEED $95,000 TO CONTINUE REPRESENTING THE CITY OF MODESTO IN TORT CASES

WHEREAS, the City Attorney's Office is still in need of outside counsel services; and

WHEREAS, the City entered into an agreement with Borton Petrini, LLP, in the amount $40,000 to represent the City in the following types of cases: tort, trip and fall, sidewalk, road and other similar cases; and

WHEREAS, by Resolution No. 2015-199, City approved a First Amendment, with an increased budget of $30,000 for continued representation; and

WHEREAS, the City Attorney's Office desires to extend the agreement with Borton Petrini, LLP; and

WHEREAS, the City Attorney's office has drafted a Second Amendment to the Legal Services Agreement with Borton Petrini, LLP.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City of Modesto to execute a Second Amendment to the Legal Services Agreement with Borton Petrini, LLP, in an amount not to exceed $95,000 to continue to represent the City of Modesto in tort matters, as provided in **Exhibit A attached** hereto and incorporated herein, and further authorizes the City Attorney to execute such agreement in a form substantially similar to **Exhibit A.**

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 12th day of July, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

SECOND AMENDMENT TO LEGAL SERVICES AGREEMENT

This Second Amendment for Legal Services (this "**Second Amendment**"), is made and entered into on _____ day of _____ 2016 ("**Effective Date**"), by and between the **CITY OF MODESTO**, a California Municipal Corporation ("**City**"), and **BORTON PETRINI, LLP** a Professional Corporation ("**Attorney**"), located at 201 Needham Street, Modesto, California 95354. City and Attorney are hereinafter collectively referred to as the "**Parties**," and singularly as "**Party**".

RECITALS

WHEREAS, City and Attorney entered into a Legal Services Agreement ("**Agreement**") to provide legal advice, representation and assistance to City in defense of tort claims, as assigned; and

WHEREAS, Attorney is specially trained, experienced and competent to perform such services; and

WHEREAS, the public interest, economy and general welfare will be served by the Agreement; and

WHEREAS, City and Attorney desire to amend the Agreement for further service by increasing the previously approved amount of fees to $165,000.

NOW, THEREFORE, it is hereby agreed that the Legal Services Agreement between the City of Modesto and Borton Petrini, LLP dated July 3rd, 2014, and amended by Resolution No. 2015-199 is amended as follows:

1. Section 2(a) of Paragraph 2,"Fees and Costs," Hourly Rates is amended to state as follows:

"The total of all fees paid to Attorney for the performance of all services set forth in Section 1 (thereafter the "**Service**"), and for all authorized Reimbursable Expenses (as defined hereafter), shall not exceed a total sum of one hundred and sixty five thousand ($165,000)."

2. Entire Agreement. The parties to this Second Amendment understand and agree that except as stated herein all terms and conditions of the original Agreement, remain in full force and effect to the extent they are not in conflict with this Second Amendment. This document, including all exhibits, contain the entire agreement between the Parties and supersedes whatever oral or written understanding they may have had prior to the execution of this Second Amendment. No alteration to the terms of this Second Amendment shall be valid unless approved in writing by Attorney and by City, in accordance with applicable provision of the Modesto City Code.

3. **Authority**. The person signing this Second Amendment for Attorney hereby represents and warrants that he/she is fully authorized to sign this Second Amendment on behalf of Attorney and to bind Attorney to the performance of its obligations hereunder.

IN WITNESS WHEREOF, the Parties have executed this Second Amendment as of the dates stated below.

CITY OF MODESTO,
A Municipal Corporation

By:_____

Print name: _____

Title: _____

APPROVED TO AS FORM:

_____
Adam U. Lindgren, City Attorney

ATTEST:

_____
Stephanie Lopez, City Clerk

[Signatures Continued on Next Page.]

ATTORNEY:

_____,
a Professional Corporation

_____

_____
Federal I.D. No.

_____
State I.D. No.

_____
City of Modesto Business Op. Tax Cert. No.

TYPE OF BUSINESS ENTITY *(check one)*:

_____ Individual/Sole Proprietor
_____ Partnership
_____ Corporation
_____ Limited Liability Company
_____ Other *(please specify:* _____*)*

_____
Signature of Authorized Person

_____
Title

_____
Additional Signature *(if required)*

_____
Title

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-291

A RESOLUTION SUPPORTING THE DEVELOPMENT OF A MUSEUM IN THE CITY OF MODESTO HIGHLIGHTING THE WORKS OF GEORGE LUCAS AND DIRECTING STAFF TO WORK WITH THE APPROPRIATE REPRESENTATIVES TO EXPLORE OPPORTUNITIES, OPTIONS AND LOCATIONS.

WHEREAS, George Lucas, a writer, producer and director, born in Modesto, May 14, 1944, depicted life in Modesto in the 1973 film *American Graffiti*.

WHEREAS, he later released the *Star Wars* films: *Star Wars (1977), The Empire Strikes Back (1980)* and *The Return of the Jedi (1983)* as well as the *Indiana Jones* films, and

WHEREAS, George Lucas cancelled his plans to build the Lucas Museum of Narrative Art in Chicago, and

WHEREAS, for decades people from around the world have enjoyed and marveled at the creative genius of George Lucas, and

WHEREAS, as the birthplace of George Lucas, Modesto is the perfect place to develop a museum that honors the creativity of Mr. Lucas as depicted in his films, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby supports the development of a museum in Modesto highlighting the works of George Lucas and directs staff to work with the appropriate representatives to explore opportunities, options, and locations.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of July, 2016, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-292

A RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT FOR CONSULTANT SERVICES WITH ROBERT G. QUINTELLA, FOR PROJECTS IN THE COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT, AT AN HOURLY RATE OF $85 AND IN AMOUNT NOT TO EXCEED $75,000 OVER TWO YEARS AND RAISING THE SPENDING LIMIT ON THE ORIGINAL AGREEMENT FROM $49,999 to $53,800

WHEREAS, on July 10, 2015, the City ("CITY") entered into a Standard Agreement for Consultant Services ("AGREEMENT") with Robert G. Quintella ("CONSULTANT") for projects in the Community and Economic Development Department, and

WHEREAS, CONSULTANT is responsible for management services related to the operations of the City's three (3) golf courses and the Modesto Centre Plaza, and

WHEREAS, the Community and Economic Development Department has assumed responsibility of the management and operations of John Thurman Field, and

WHEREAS, the City is currently negotiating management agreements for both John Thurman Field and the Modesto Centre Plaza, and

WHEREAS, CONSULTANT is serving as a member of the City's negotiating team for both facilities, and

WHEREAS, an amendment to the Agreement (AMENDMENT) is needed, and

WHEREAS, compensation under the AMENDMENT will be billed at an hourly rate of $85 per hour and will not exceed $75,000 over two years, and

WHEREAS, funding for these services as identified in the AMENDMENT is budgeted in the Fiscal Year 16/17 Operating Budget ($37,500 Cultural Services Fund and $37,500 Golf Fund),

WHEREAS, an accounting error resulted in payments from the Fiscal Year 2015-2016 operating budget to CONSULTANT over the contracted limit of the original AGREEMENT, and

WHEREAS, the AGREEMENT spending limit needs to be increased from $49,999 to $53,800 and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Amendment to the Agreement for Consultant Services with Robert G. Quintella, for a total cost not to exceed $75,000 over two years.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Amendment to the Agreement for Consultant Services with Robert G. Quintella as recommended.

BE IT FURTHER RESOLVED that the spending limit on the original AGREEMENT be increased from $49,999 to $53,800.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of July, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki
NOES:	Councilmembers:	Ah You, Mayor Brandvold
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-293

Print

RESOLUTION APPROVING A CONDITIONAL WILL SERVE LETTER FOR WATER SERVICE FOR THE PROPERTY LOCATED AT 4761 MCHENRY AVENUE IN MODESTO (APN 046-010-020) AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO APPROVE THE CONDITIONAL WILL SERVE LETTER

WHEREAS, the owner of the property located at 4761 McHenry Avenue in Modesto, B.E. Fitzpatrick Dev. Inc., is proposing to construct an auto dealership on the property, and

WHEREAS, the property is located outside of the City of Modesto but within Modesto's sphere of influence, and

WHERAS, a representative of the property owner has requested a water service connection to serve the new auto dealership, and

WHEREAS, the authority to grant the extension of water services into unincorporated areas is contained in Section 11-1.05 of the Modesto Municipal Code and City Council Policy 5.001, and

WHEREAS, this policy requires City Council approval for all extensions of water services into unincorporated areas, and

WHEREAS, on November 25, 2014, City Council approved Resolution No. 2014-472 amending City Council Policy 5.001, and

WHEREAS, on December 9, 2014, the City Council approved adoption of Ordinance No. 3611-C.S. amending City of Modesto Municipal Code Section 11-1.05, and

WHEREAS, both of these amendments included language allowing the City Manager, upon the recommendation of the Director responsible for utility systems

planning, to approve extension of water services into the former Del Este Water Service Areas without City Council approval, and

WHEREAS, the subject property is not located within the former Del Este Water Service area and therefore requires City Council approval prior to allowing the new water service connection, and

WHEREAS, City staff has completed an analysis and determined that a sufficient quantity of potable water is available for normal usage by the proposed development, and

WHEREAS, based on past practice, staff recommends approval of the requested water service connection upon completion of the following items as explained in the conditional will serve letter:

1) Owner to construct and City to inspect and approve the installation of 384 feet of 8-inch water line in Spyres Way.
2) An Outside Service Agreement with the City of Modesto must be submitted and approved by the City after the 8-inch water line has been installed and inspected.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Conditional Will Serve letter for the property located at 4761 McHenry Avenue in Modesto.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to approve the Will Serve Letter.

The foregoing documents were introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of July, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-294

Print

RESOLUTION ADOPTING THE REVISED DEBT MANAGEMENT POLICY

WHEREAS, pursuant to the City of Modesto Debt Management Policy, last adopted on July 7th, 2015, the City of Modesto is required to periodically review and update its Debt Management Policy to address changes to its primary objectives related to the City's debt and financing related activities, and

WHEREAS, staff has identified the need to update the City's Debt Management Policy in order to continue to maintain cost-effective access to capital markets through prudent yet flexible policies; moderate debt principal and debt service payments through effective planning and project cash management; and achieve the highest practical credit ratings, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that it hereby adopts the revised Debt Management Policy,

BE IT FURTHER RESOLVED that City staff is hereby authorized and directed to proceed with any and all actions deemed necessary or advisable, following the adopted policy guidelines pursuant to this Resolution, in connection with the future issuances of the City Debt, for future consideration by this City Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of July, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-295

Print

RESOLUTION ADOPTING THE ANNUAL INVESTMENT POLICY

WHEREAS, staff has identified the need to update the City's Annual Investment Policy in order to continue to effectively invest funds in accordance with the principles of sound treasury management and applicable laws, and

WHEREAS, the City desires adopting the Annual Investment Policy, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that it hereby adopts the Annual Investment Policy,

BE IT FURTHER RESOLVED that City staff is hereby authorized and directed to proceed with any and all actions deemed necessary or advisable, following the adopted policy guidelines pursuant to this Resolution, in connection with the future investments of funds, for future consideration by this City Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of July, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-296

Print

RESOLUTION AUTHORIZING AN AWARD OF PROPOSAL AND CONTRACT WITH INNOVATIVE CLAIMS SOLUTIONS, INC. OF RANCHO CORDOVA, CA, FOR THE FURNISHING OF WORKERS' COMPENSATION CLAIMS MANAGEMENT SERVICES FOR AN AMOUNT NOT TO EXCEED $2,954,602 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO NEGOTIATE AND EXECUTE SAID AGREEMENT

WHEREAS, on June 22, 2010, by Resolution No. 2010-268, the City Council approved an agreement between the City of Modesto and York Risk Services, Inc., to provide Workers' Compensation Claims Management services to the City, and

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Proposals (RFP) for the furnishing of workers' compensation claims administration services, and

WHEREAS, based on being ranked highest in total evaluation criteria the evaluation committee recommends the award of proposal for workers' compensation claims management services to Innovative Claims Solutions, Inc. (ICS), Rancho Cordova, CA for a not to exceed cost of $2,954,602, and

WHEREAS, ICS has over twenty years of claims adjusting experience serving Northern California employers; many of which are municipalities. ICS is positioned as a smaller, "boutique" TPA specializing in public agency clients with the flexibility to customize programs to their customer's needs, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves and authorizes the City Manager or his designee to negotiate and execute an agreement consistent with City's policies, and in a form approved by the City

Attorney with Innovative Claim Solutions, Inc., a professional firm, to provide workers' compensation claims management services for the City, and

BE IT FURTHER RESOLVED that terms of the Agreement shall be consistent with the Scope of Work to this Resolution as **Exhibit A-1**.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 12th day of July, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

TECHNICAL SPECIFICATIONS

REQUEST FOR PROPOSAL AND SPECIFICATIONS NO. 1516-17

WORKERS' COMPENSATION CLAIMS MANAGEMENT PROGRAM

1.1 STATEMENT OF WORK:

A. Intent:

The City of Modesto is seeking a qualified third party administrator (TPA) to perform claims administration services as required by law and in accordance with City policy for its self-insured workers' compensation program. The City's program is currently administered by York Risk Services.

The successful proposer shall work with ancillary service providers, and cooperate with them at no additional cost to the City.

B. Scope:

There are approximately 1300 full-time or part-time employees covered in the City workers' compensation program. Of these approximately 520 are safety employees in the Police and Fire Departments. Public Safety personnel are afforded salary continuation benefits under Labor Code §4850.

All full-time employees are members of California Public Employees' Retirement System (CalPERS).

The City's total payroll for the 2014/15 fiscal year is approximately $72,000,000. Currently the City maintains a self-insured retention amount (SIR) of $500,000 per incident and is a member of the California State Association of Counties Excess Insurance Authority (CSAC-EIA), a Joint Powers Authority which provides excess workers' compensation coverage.

The TPA shall provide claims administration services for all existing claims.

As of Nov. 1, 2015, the City currently has 439 open claims, which includes: 191 Future Medical, 227 Indemnity and 21 Medical Only. The City's Self Insurance Plan Reports for the last five (5) years are included in (Exhibit A).

1.2 BACKGROUND:

The TPA shall coordinate all aspects of the workers' compensation program in conjunction with the City's Risk Management Division. This includes reporting of injuries; employee contact; providing lost time and salary information; training managers, supervisors, and employees on workers' compensation procedures; and the administration of return to work programs (RTW), claim audits, payment of benefits, litigation management, and medical management.

The Contractor shall work with and fully cooperate with any ancillary vendor(s) selected by the City. In addition, the Contractor shall not charge the City or the ancillary vendor(s) for setting up and maintaining this relationship including, but not limited to, implementation fees, electronic data interface, or scanning fees.

The City currently uses Company Nurse for employees to report injuries telephonically and electronically submit claim information to the TPA to generate employer first reports of injury (5020).

Currently, the City does not have a medical provider network (MPN) nor a pharmacy program but may be interested in exploring both further.

1.3 SPECIFIC REQUIREMENTS:
The Contractor shall be licensed with the California Department of Industrial Relations, Self-Insurance Plans (SIP). A copy of the license shall be provided to the City as part of the proposal response.

The Contractor shall administer the City's claims from an office located within a reasonable distance of City. If the successful proposer has multiple adjusting locations the City reserves the right to choose which office will adjust the City's claims.

Because of the need to be fully aware of and compliant with the terms of SB899, Contractor shall have a minimum of five (5) years' experience working with public agencies with public safety employees of combined size equal to the City. The experience shall be within the past eight (8) years.

The Contractor shall perform all services required to supervise and administer a self-insured workers' compensation program for the City and act as the City's representative in matters relating to the City's obligations under the workers' compensation laws of the State of California.

In addition to the above, the Contractor shall perform claims administration services in accordance with City specific policies and industry standards. The claims administrative services required shall include, but are not limited to, the following:

A. City Program Requirements:
   1. Subcontractor Approvals. The City reserves the right to require reassignment of subcontractors that are not performing in a manner satisfactory to the City.

   2. Americans with Disabilities Act-California Fair Employment and Housing Act (ADA-FEHA) Program. Contractor shall provide appropriate disability information to the City to assist the City with departmental and Citywide ADA-FEHA accommodation efforts. Disability information including specific permanent restrictions and the City Essential Functions Job Analysis (EFJA) completed by Workers' Compensation (WC) doctors shall be provided to contacts designated by the City.

   3. Return-To-Work Program. Contractor shall obtain disability information and temporary restrictions from the primary treating physician and forward them to the City within 24 hours of the provider appointment. Documentation providing for temporary modified duty, including restrictions and duration shall be entered into the claims management system.

   4. Cal/PERS Disability Retirement Services. Contractor shall cooperate with all inquiries made in relation to disability retirement applications for City employees. Such cooperation shall include, but is not limited to, responses to verbal and written inquiries by the City, and provision of documents and case notes as requested. Cooperation may include direct contact, and/or the exchange of information and documents between Risk Management and the assigned worker's compensation defense attorney. Contractor shall respond to written inquiries regarding the existence and status of WC claims and provide copies of medical files within one (1) week of receipt of a request from Risk Management.

5. Essential Functions Job Analysis (EFJA) Contractor shall obtain from Risk Management, the EFJA for the injured employee's generic or specific job class and shall be responsible for sending the EFJA to the Qualified Medical Examiner (QME), Agreed Medical Examiner (AME), and/or the primary treating physician prior to the Permanent and Stationary (P&S) determination. Contractor shall obtain the completed form from the evaluator with the medical-legal reports. If one is not available, Contractor shall refer the request for an EFJA to an approved vendor within one week.

6. Contractor shall provide Risk Management P&S Reports within two (2) days of Contractor's receipt,

7. Contractor shall provide Risk Management Work Status Reports within twenty-four (24) hours of receipt

8. Penalty Reimbursement. Contractor shall be responsible for all costs and penalties incurred as a result of its errors or delays in the administration of claims. This includes, but is not limited to, penalties as a result of failure to determine compensability or to pay claims timely, self-imposed penalties, and penalties imposed by the Workers' Compensation Appeals Board (WCAB) or other regulatory agencies. Contractor shall reimburse the City, for any such penalties incurred, on a quarterly basis.

9. Payments through the City's Trust Account. The City requires that certain payments made through the trust account be pre-approved by the Risk Control Coordinator/designee. This includes all payments to the Contractor for ancillary services. The Contractor shall cooperate with the City in developing a process so that the bills are paid in a timely manner.

10. Transitional Work Services. TPA shall include these services in the overall contract administration fee. The services expected under this program include but are not limited to:
    - Review of all injuries for which temporary work restrictions are provided
    - Work with injured employees, physicians, therapists and departments to clarify restrictions, appropriateness of assigned tasks and scheduling of ongoing treatment/therapy while employee remains on transitional duty
    - Track duration of transitional work assignments within database system in order to meet OSHA/CAL-OSHA reporting requirements

B. Ancillary Services:
The City reserves the right to discuss modifications and additions to the agreed-upon contract services throughout the term of the contract. Should additional services become desirable, the City of Modesto and the TPA shall negotiate the terms of such desired services as appropriate. If the TPA is unable to provide any of the below desired services in a manner acceptable to the City, the City of Modesto may identify an alternate service provider and obtain the services in a manner agreeable to all involved parties. The Contractor shall work with and fully cooperate with any managed care vendor(s) selected by the City if not provided for by TPA.

1. Nurse Case Management Services. TPA shall establish a clear protocol by which Nurse Case Management Services are triggered. Nurse Case Management costs shall be allocated to the involved claim files, not included as part of the contract administration fee, and subject to the prevailing rates. In addition, the Contractor shall not charge the City or the managed care vendor(s) for setting up and maintaining this relationship including, but not limited to, implementation fees, electronic data interface, or scanning fees. The City has established relationships with two (2) nurse case management providers and wishes to continue utilizing those services.

2. Telephonic/Electronic Claim Reporting. The City desires that authorized individuals have the capacity to electronically complete the Employer's First Report of Injury (Form 5020) in conjunction with the current Company Nurse telephonic claims reporting service.

3. Preferred Provider Organization (PPO) Network. TPA shall make available to the City participation in an established and extensive PPO network. This PPO must provide significant savings below the medical services fees contained within the State of California Official Medical Fees Schedule. TPA shall provide information on its proposed PPO along with the benefits to the City if treatment is directed to members within the proposed PPO network. The City of Modesto reserves the right to reject use of the TPA's PPO and/or require use of an alternate PPO/Preferred Service Provider.

4. Bill Review Services. TPA shall provide bill review services for all invoices received unless otherwise specified by City. Fees associated with the Bill Review Service shall be on a per-bill basis. For bills submitted by PPO members, the TPA shall share a percentage of the savings below the California Official Medical Fee Schedule rates in addition to the per-bill charge. For Joint Ventures or for TPAs without in-house or affiliated bill review services, this function must be contracted to a single bill review company.

5. Utilization Review Services. The TPA shall be responsible for evaluating situations that may require and/or benefit from referral to an approved UR provider. It is expected that the experienced examiner will make most first line UR decisions and defer to formal UR assessment when an appropriate medical expertise is needed or when required by the State. The TPA shall work with the City to develop utilization standards and guidelines to review treatment requests and outline all review fees to include physician reviews and any automatic per file referral fees. For Joint Ventures or for TPAs without in-house or affiliated UR services, this function must be contracted to a single UR vendor. The TPA's medical director shall be Board certified as required by law. The TPA shall provide monthly reports.

C. Claims Management:

1. Information Technology. The City requires access to the Contractor's claims management system. Contractor shall provide training in accessing information, creating reports. Contractor shall provide reports within twenty-four (24) hours of a request.

   Regardless of the type of claims management system used, the Contractor shall provide City with online, full access for three (3) designated City representatives. The City representatives should have access to, but not be limited to, the following:

   - Diary access,
   - Status notes,
   - Payments & reserves,
   - Correspondence to attorneys & investigators,

- Appointment letters,
- Correspondence to physician,
- Correspondence to injured workers and their agency/departments,
- Work status access.

The Contractor shall comply with the requirements of the state Electronic Adjudication Management System (EAMS) at no additional charge to the City.

2. Meetings, Audits, Coding, and Training. Contractor shall be responsible for the following:
   - Preparing and maintaining a City/Contractor policy and procedure manual,
   - Preparing status reports for and participating in monthly claims review, meetings with respective Agency/Department liaisons and City,
   - Providing documentation for the bi-weekly bill and check register audits,
   - Participating in Risk Management meetings quarterly and as needed,
   - Using and updating, as needed, the City's agency and department location, coding and occupational coding that correspond with City budget and job classifications, and
   - Utilizing appropriate pay codes for all transactions.

3. General Program Administration.
   a. Contractor shall provide a claims team dedicated to the City of Modesto account and sufficient claims personnel so that no claims adjuster will be required to handle more than 140 open indemnity claims at any one time. The claims count shall be reviewed on a quarterly basis. It is expected that the team will consist of two senior examiners.

   b. Contractor shall have sufficient staff at all times to effectively handle the City's workers' compensation claims including back-up personnel when primary personnel are unavailable. Insurance Code Section 11761 requires the Contractor to certify that their personnel meet minimum standards. Contractor will ensure that all claims personnel assigned to the City's account shall meet the annual requirement for continuing education. In addition, the City requires that all personnel managing claims or contacting the public or employees must fluently speak and write English for the effective administration of this Contract. The City expects that claims staff will meet or exceed the experience and professional qualifications listed below and have successfully completed a background check.

      i. The Claims Manager, Claims Supervisor, and Claims Adjusters shall be state-certified, Self-Insurance Administrators as set forth in Title 8, California Code of Regulations, Section 15452.

      ii. The Claims Supervisor shall have a minimum of five (5) years of workers' compensation claims experience with a California public agency with public safety employees and at least two (2) years workers' compensation claims supervisory experience. Supervisors shall not carry caseloads but may handle sensitive claims.

      iii. Senior Claims Adjusters shall be state-certified and experienced with the competency to handle medical, indemnity and litigated claims. The Senior Claims Adjuster shall have a minimum of five (5) years of workers' compensation claims experience and a minimum of two (2) years' experience with a California public agency with public safety employees.

iv. Claims Adjusters handling medical-only claims shall be state-certified with a minimum of three (3) years of workers' compensation claims experience.

v. Throughout the term of this Agreement, City shall have the right but not the obligation to participate in TPA's hiring of personnel to service the City account; however, the City retains the right to reject or require the removal of any individual assigned to the City account without establishment of cause.

vi. Contractor shall conduct training in workers' compensation law and procedures, claims system procedures, and orientation meetings for the City's personnel involved in the workers' compensation program, including supervisors and department liaisons.

vii. Contractor shall provide the City with information on changes or proposed changes in legislation and rules and regulations affecting the City's self-insured workers' compensation program.

c. Contractor shall identify problem areas and recommended solutions on an on-going basis with City representatives. Contractor shall provide consultation services, as needed, to ensure the success of the program, including cost containment and reduction of losses.

d. Contractor shall provide loss and injury reports for the City, as a whole, and for each Agency/Department quarterly and prepare annual stewardship reports, SIP, Cal/OSHA, and other reports as requested.

e. City reserves the right to renegotiate the annual fee in the event of a significant change (e.g. 20%) in the claims inventory or in the number of open claims.

4. General Claims Administration.

a. All correspondence is to be date-stamped and distributed to staff within one day of receipt.

b. Claims shall be reviewed and setup within twenty-four (24) hours of receipt. The Contractor shall determine the compensability of claimed injuries and illnesses in accordance with the Labor Code by making a 3-point contact with the injured employee, supervisor, and physician within forty-eight (48) hours of receipt.

c. Contractor shall code claims as first-aid/incident only, medical only, or indemnity.

d. Claims Adjusters and supervisors shall respond to phone calls and emails within one working day and to written inquiries within three (3) working days.

e. Claims Adjusters will preface any written correspondence to claimants with a phone call to claimant explaining the reason for the correspondence.

f. A copy of the Employer's First Report, Form 5020, shall be forwarded to the Contractor within five (5) days of receipt. If requested, the Contractor shall send a copy of the 5020 to the City within forty-eight (48) hours.

g. Contractor shall review and timely process all claims for workers' compensation benefits in accordance with the California Department of Industrial Relations (DIR) report and notification requirements.

h. Contractor shall request a report from the Index Bureau on all new indemnity claims. Subsequent requests should be made every six to twelve months thereafter or earlier if required.

i. Contractor shall determine eligibility for and provide timely payments of medical and indemnity benefits and schedule QME examinations to determine the compensability of claims. Prior to the initial payment of temporary disability a medical report must be received or the medical provider contacted to establish the nature and extent of injury, causal relation to the alleged incident, treatment plan and estimated return-to-work date. Contractor shall obtain medical reports and contact the medical provider, as needed, for verification of continuing indemnity payments.

j. Contractor shall make disability voucher payments in accordance with the City's bi-weekly payroll schedule. In the event of continuing disability, the Contractor shall obtain medical documentation and contact the medical provider, as needed, for verification of continuing indemnity payments prior to issuing the temporary disability payment and document all activities in claim notes.

k. Contractor shall set up and maintain appropriate reserves based on ultimate claims cost and, according to SIP requirements, using a diary system for regular review of adequacy, but at least every forty-five (45) days. Contractor shall establish reserves within two (2) days of receipt of the new claims and re-evaluate them at each diary date. The basis for any changes shall be documented in the file. If there are no adjustments, the file should be documented to show that the review was conducted and that no changes are required.

l. Contractor shall obtain and evaluate medical reports as to the amount of any residual permanent disability to be anticipated, causation for apportionment and subrogation potential.

m. Contractor shall review, compute, and authorize timely payment for mileage and temporary and permanent disability benefits due to injured employees whether paid voluntarily or under Decisions, Orders, Findings & Awards of the WCAB, or Compromise & Release settlements. Payments shall be paid in accordance with the terms of the settlements and awards, Labor Code, or CSAC-EIA Workers' Compensation Administration Guidelines, whichever provides the timeliest payment to the injured worker.

n. Contractor shall assist in the preparation of litigated cases, negotiation of Stipulated Awards, Compromise & Release settlements, and subrogation actions. Contractor shall not assign attorneys without first obtaining approval by the Claims Supervisor and the City. The Contractor shall utilize City approved defense firms/attorneys. The Contractor shall send copies of all legal referral letters outlining issues to be handled, status of case, and supporting documents to the City.

o. Contractor shall evaluate and arrange for the investigation of questionable claims and the disability status of injured employees in order to adjust all claims, minimize disability, and assist in the trial or settlement of claims in a cost effective manner. Outside investigation services shall be employed only when necessary and only with the Claims Supervisor's authorization and the City's approval. The Contractor shall utilize City approved investigators. The Contractor shall send copies of all investigation referral letters to the City outlining issues and desired outcomes.

p. Contractor shall timely report all claims to the excess insurance carrier when the reserves reach 50% of the City's Self Insured Retention (SIR) or as required by the CSAC-EIA Excess Workers' Compensation Claim Reporting and Reimbursement Procedures (see Exhibit B). Upon notice from the City, Contractor shall post all checks received from CSAC-EIA to the appropriate claim file.

q. Contractor shall negotiate State Employment Development Department (EDD) and other liens and attend Mandatory Settlement Conferences (MSC) as required for proper case administration. EDD payments shall be coordinated with the City's Human Resources Department.

r. Contractor shall code all claims with proper City 2-tier organization codes and City occupational titles.

s. Each open indemnity claim file shall include a plan for case activity and resolution. Such plan shall be reviewed regularly while the claim remains open and identified and dated by the person who established the plan. Open indemnity claims shall be reviewed at 30 days unless there is a compelling reason, as determined by the Claims Supervisor, not to do so (e.g. future medical cases). All such reviews and summaries shall be documented in the claim notes.

t. On all future medical award cases, Contractor shall ensure that awards are specific as to the body parts(s) and/or specific condition for which future care has been awarded. Coverage parameters outlined on the P&S report should be stated in file notes and referenced prior to authorization of future medical treatment.

u. Contractor shall complete the Public Self Insurers' Annual Report and submit it to the City by September 1st of each year.

v. Contractor shall subrogate all claims where a third party is the cause of the injury and copy the City on initial notice and final resolution. If legal counsel is required, Contractor shall notify the City of such action. The City shall approve all third party recovery agreements. Reimbursement should be sent directly to the City. Contractor shall post recovery to the appropriate claim file upon notice from the City.

w. Contractor shall follow the settlement authority process in accordance with the City/CSAC-EIA settlement guidelines.

x. Contractor shall obtain and review all past medical records as part of the process for managing possible apportionment.

y. Contractor shall maintain complete claim files, including subpoenaed medical records, depositions, defense attorneys' records, and surveillance and investigation reports.

z. Contractor shall administer claims in accordance with the CSAC-EIA Claims Administration Guidelines see (Exhibit I) and CSAC-EIA Excess Workers' Compensation Claim Reporting and Reimbursement Procedures see (Exhibit B).

5. Accounting Control:
<u>Workers' Compensation Revolving Account</u>:
The City shall establish a revolving fund checking account in an amount to be determined by the parties and confirmed by written document to cover payments and reimbursements applicable to the self-insured workers' compensation program. Checks shall be protected with state-of-the-art security

measures. The trust fund shall be established in the name of the Contractor as the agent of the City. Deposits shall be made to the account as required to ensure that funds are available for payments of lawful and approved claim benefits, settlements and allocated expenses, including Labor Code Section 132a claims. "Allocated expense" shall include all WCAB costs, legal fees, copy and process service expenses, independent investigation expenses, expert witness fees, and other costs as approved by the City.

Contractor shall not draw on the fund for any purposes other than for the payment of lawful expenses. Contractor shall provide the City with a bi-weekly check register in EXCEL format of all payments from the fund. The register shall include, but not be limited to, the date and check number, transaction purpose, name of claimant, claim number, name of adjuster, name of payee, and amount paid. Appropriate supporting documentation shall be made available upon request from the City. In addition, the Contractor shall provide to the City a monthly check register in EXCEL format.

The City requires that certain payments be pre-approved. This includes any payments made to the Contractor for ancillary services. The Contractor shall assist the City in developing a pre-approval process so that bills are paid in a timely manner.

In addition, the Contractor shall reconcile the revolving fund checking account within three (3) working days of the receipt of the bank statement and provide the information to the City.

Contractor shall develop, implement, and maintain necessary security procedures to safeguard the checks and the funds from fraud.

If the Contractor uses its own bank, the City requires that the bank provide the following:

- Hard copy of the monthly bank statement and a soft copy of the cashed checks in an EXCEL format, and
- An electronic record of the cashed checks showing the front and the back of each check.

6. Medical Administration:
    a. Contractor shall coordinate with the City to maintain a panel of medical practitioners for the initial treatment of injured employees including specialists to be used for long-term disabilities, for those requiring special treatment, or for second opinions.

    b. Contractor shall take a proactive role in handling initial medical control including contacting initial treatment providers within two (2) days of notice of claim.

    c. Contractor shall redirect care where the injured employee has not initially gone to a designated facility or pre-designated physician.

    d. Contractor shall maintain contact with treating physicians to ensure employees receive proper medical treatment and are returned to full or modified employment at the earliest possible date.

    e. Contractor shall work with the managed care provider(s) to assure appropriateness of treatment and follow utilization review procedures, American College of Occupational and Environmental Medicine (ACOEM) guidelines, and Official Disability Guidelines (ODG). Contractor shall manage medical treatment for the $10,000 cap on all delayed claims. Contractor shall authorize medical case management and nurses per agreed upon criteria and monitor their use for necessity and reasonableness.

f. Contractor shall pay bills in accordance with the California Labor Code. Medical bills shall be reviewed by the Claims Adjuster for relation to injury before being transmitted to the bill review vendor. Prompt and appropriate notice to providers shall be sent regarding any medical charges that are questionable and/or disputed. Uncontested medical bills shall be paid in accordance with the Labor Code. Contractor shall use appropriate pay code when processing bill payments. Contractor shall ensure that a utilization review process in compliance with California Labor Code section 4610 (LC 4610) is in place and that Contractor shall ensure a cost effective efficient bill review process is in place to help minimize medical treatment costs.

g. Contractor shall provide complete claims administration and processing of all lifetime medical cases awarded or ordered by WCAB in accordance with current laws and utilization review.

h. Contractor shall monitor temporary disability and restricted duty cases. Contractor shall contact the primary treating physician every thirty (30) days on claims where employees remain on temporary disability with the goal of returning employee to temporary modified work or to regular work as soon as possible.

i. Contractor shall monitor all claims where injured employees are on temporary modified work with a goal of returning them to full duty or maximum medical improvement (MMI) as soon as possible. These claims shall be monitored in compliance with City policy.

7. Litigation Management:
   a. Contractor shall assist the City in creating a panel of defense firms/attorneys. Defense attorney referrals shall be approved by the Claims Supervisor and the City prior to assignment.

   b. Cases should be assigned to law firms using criteria specified by the City. Referral to defense counsel shall be authorized by the City.

   c. Contractor shall monitor performance of and require all defense attorneys to provide a case summary along with recommendations for resolution and an action plan within 30 days of referral and provide justifications for settlement proposals 30 days before the MSC or trial. The Contractor shall copy the City on correspondence as specified by the City.

   d. Contractor shall obtain settlement authority from the City and provide such authority to defense counsel at least two (2) weeks prior to Mandatory Settlement Conference and trial dates.

   e. Contractor shall hold periodic meetings and file reviews on selected cases with Risk Management, department liaisons and defense attorney.

8. Investigation Management:
   a. Contractor shall assist the City in creating a panel of investigators and assignment criteria. Investigation referrals shall be approved by the Claims Supervisor and City.

   b. Cases should be assigned to investigators by the Contractor on an "as-needed" basis as specified by the City. All claims requiring referral to investigators shall be accompanied by a referral letter outlining the status of the case, issues to be handled. A copy of the referral shall be sent to the City.

c. SIU Investigation Management. Contractor shall develop and implement a process to refer potentially fraudulent claims to the City. If warranted, the Contractor shall prepare the case and refer it to the District Attorney's Office SIU for prosecution. Contractor shall provide quarterly reports of these activities, including results of sub-rosa investigations. All potential fraudulent claims shall also be referred to the State Department of Insurance and copies be sent to the City.

d. Contractor shall monitor performance of and require all investigators to provide a final report within seven (7) days of receipt of assignment. The Contractor shall copy the City on correspondence as specified by the City.

9. Audit:
The City reserves the right to audit files for claims handling and payments. In addition, the City may require periodic claims audits and/or actuarial studies to be conducted by independent auditors or actuaries, at the City's expense. Contractor shall cooperate fully with audits and/or actuarial studies at no additional expense to the City. Additionally, Contractor shall provide City personnel and/or representatives with work space and provide assistance by locating files and invoices for these audits and studies.

10. Quality Assurance:
The Contractor shall provide the City with a description of its quality assurance program. The program shall include, but not be limited to, the following areas:

- Employee Qualification and Training
  - Minimum education and/or work experience requirements for each position
  - On-going training as required by the state
  - Staff meetings
  - Performance evaluation

- Claims Handling
  - An acceptable staff to supervisor ratio
  - Random internal audits
  - Regularly updated claims processing manual
  - Phone monitoring

- Supervisor's Qualification and Training
  - Minimum education and/or work experience
  - On-going training as required by the state
  - Credentials and continuing education requirements

11. <u>Reporting Services and Records Retention</u>

In addition to the information described in, Specific Requirements, Contractor shall provide the City with monthly, quarterly, and annual reports in the format and number requested by the City. Such reports shall include, but not be limited to, the following:

a. Annual "Self-Insurer's Annual Report" to the California Department of Industrial Relations
b. Annual tax statement, including Federal Form 1099 and State Form 599 as appropriate
c. Annual Cal/OSHA Log 300 by Agency/Department and by Unit
d. Report of claimants off work and claimants on modified duty
e. Annual Stewardship Reports
f. Monthly Loss Runs

g. Bi- weekly voucher payments reports. Contractor shall make disability voucher payments in accordance with the City's bi-weekly payroll schedule. All reports must be received by end of business on "payroll" Monday. Certain holidays may impact payroll processing and the City shall provide at least two (2) weeks' notice to contractor should the voucher report need to be produced earlier to run payroll.

Standard, Custom and Adhoc Reports shall be furnished at no additional cost. All requests for Custom and Adhoc Reports shall be authorized by the Risk Management Division. Reports identified by the City shall automatically be generated at the intervals specified during the negotiation process.

All claims files, records, and other documents and materials pertaining to the City's claims shall be the property of the City. They shall be available for the City's use at any time and shall be delivered to the City upon termination of the Agreement.

1.4 INSURANCE:

The CONTRACTOR shall provide, at its own expense, and maintain at all times the following insurance with insurance companies licensed in the State of California and shall provide evidence of such insurance to the CITY as may be required by the City Clerk of the CITY. The policies or certificates thereof shall provide that, thirty (30) days prior to cancellation or material change in the policy, notices of same shall be given to the Risk Manager of the CITY by registered mail, return receipt requested, for all of the following stated insurance policies.

A. Workers' Compensation - in compliance with the statutes of the State of California, plus employer's liability with a minimum limit of liability of $1,000,000.

B. General Liability - insurance with a minimum limit of liability per occurrence of $1,000,000 for bodily injury and property damage. The insurance shall indicate on the certificate of insurance the following coverage and indicate the policy aggregate limit applying to: premises and operations; broad form contractual; independent contractors and subcontractors; products and completed operations; and/or professional liability.

C. Automobile Liability – insurance with a minimum limit of liability per occurrence of $1,000,000 for bodily injury and property damage. This insurance shall cover any automobile for bodily injury and property damage.

D. Professional Liability – insurance with a minimum limit of $1,000,000 per claim and policy aggregate. If coverage is on a claims made basis it shall be maintained for at least three (3) years following completion of the work.

If at any time any of said policies shall be unsatisfactory to the CITY, as to form or substance or if a company issuing such policy shall be unsatisfactory to the CITY, the CONTRACTOR shall promptly obtain a new policy, submit the same to Risk Manager for approval and submit a certificate thereof as hereinabove provided. Upon failure of the CONTRACTOR to furnish, deliver or maintain such insurance and certificates as above provided, this Agreement, at the election of the CITY, may be forthwith declared suspended, or terminated. Failure of the CONTRACTOR to obtain and/or maintain any required insurance shall not relieve the CONTRACTOR from any liability under this Agreement, nor shall the insurance requirements be construed to conflict with or otherwise limit the obligations of the CONTRACTOR concerning indemnification. The CITY, it agents, officers, employees, and volunteers shall be named as an additional insured on all insurance policies required herein, except Workers' Compensation.

The Workers' Compensation insurer shall agree to waive all rights of subrogation against the CITY, its agents, officers, employees, and volunteers for losses arising from work performed by CONTRACTOR for the CITY.

The CONTRACTOR's insurance policy(ies) shall include a provision that the coverage is primary as respects the CITY; shall include no special limitations to coverage provided to additional insured; and, shall be placed with insurer(s) with acceptable Best's rating of A:VII or with approval of the Risk Manager.

For any claims related to this project, the CONTRACTOR's insurance coverage shall be primary insurance as respects the Entity, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the Entity, its officers, officials, employees, or volunteers shall be excess of the Contractor's insurance and shall not contribute with it.

CONTRACTOR shall either require any subcontractor to procure and to maintain during the term of the subcontract all insurance in the amounts specified above, or shall insure the activities of subcontractors in the policy specified above. The limits of liability required may vary, depending on the type of permit or contract.

1.5 HOLD HARMLESS AGREEMENT:
The CONTRACTOR shall hold the CITY, its agents, officers, employees, and volunteers, harmless from and save, defend and indemnify them against any and all claims, losses, liabilities and damages from every cause, including but not limited to injury to person or property or wrongful death, with the indemnity to include reasonable attorney's fees, and all costs and expenses, arising directly or indirectly out of any act or omission of CONTRACTOR, whether or not the act or omission arises from the sole negligence or other liability of CONTRACTOR, or its agents, officers, employees, or volunteers relating to or during the performance of its obligations under the Agreement.

1.6 PROPOSER CONFERENCE:
A proposer conference is scheduled for February 22, 2016, beginning promptly at 11:00 A.M. (PT), located at 1010 10th Street, 2nd Floor, Room 2008, Modesto, CA, 95354.

To more efficiently coordinate the proposer conference it is recommended that each proposer limit the number of representatives attending to two (2) individuals.

Prospective proposers assume all risks of damage or loss to person and property and specifically release City from liability therefore.

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-297

Print

RESOLUTION APPROVING AN OPERATING AGREEMENT FOR THE STANISLAUS VETERANS SERVICE CENTER BETWEEN THE CITY OF MODESTO, COUNTY OF STANISLAUS, THE VETERANS FOUNDATION OF STANISLAUS COUNTY, AND THE STANISLAUS COUNTY VETERANS ADVISORY COMMISSION AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, an estimated 27,000 veterans reside within the County, with further growth anticipated as the general population increases with veterans returning from active duty, and

WHEREAS, the City of Modesto is working with the County of Stanislaus and the Veterans Foundation of Stanislaus County to develop a Veterans Service Center to provide increased services to veterans in a central location, and

WHEREAS, the City Council, by Resolution 2015-358 approved a Memorandum of Understanding with the Veterans Foundation and Stanislaus County and appropriating an $80,000 General Fund Contribution to the Project for ten years, and

WHEREAS, the Veterans Service Center will be located in Modesto and will have a positive economic impact on the community by providing a central location for veterans to obtain services and assistance, and

WHEREAS, the City of Modesto, County of Stanislaus and the Veterans Foundation of Stanislaus County desire to enter into an Operating Agreement which will outline the duties of each organization, and

WHEREAS, under the terms of that Operating Agreement, the City of Modesto will be responsible for, among other things, offering its resources, as appropriate, to mentor and assist the Veterans Foundation in the successful marketing of the Veterans

Service Center. The City of Modesto is also responsible for providing $80,000 annually for a 10-year period, and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the Council hereby authorizes the execution of an Operating Agreement for use of the Veterans Service Center between the City of Modesto, County of Stanislaus, the Veterans Foundation of Stanislaus County, and the Stanislaus County Veterans Advisory Commission.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute said agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto on the 12th day of July, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmember:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-298

Print

RESOLUTION APPROVING THE CITY OF MODESTO TRANSIT SERVICES 2016 TITLE VI PROGRAM UPDATE

WHEREAS, the City of Modesto operates fixed route and demand response transit service for the Modesto urban area, and

WHEREAS, as a recipient of Federal Transit Administration (FTA) funds the City is required to ensure that transit programs do not discriminate on the basis of race, color, and national origin pursuant to the requirements of Title VI of the Civil Rights Act of 1964, as amended, and

WHEREAS, the FTA requires the City of Modesto Transit to submit a Title VI program every three years as a condition of receiving ongoing federal funds, and

WHEREAS, FTA requires that the program must be approved by the Council of the City of Modesto prior to submission to FTA, and

WHEREAS, **attached** hereto as **Exhibit A** is the 2016 Title VI Program Update prepared by City staff in compliance with the regulations promulgated by the FTA to implement Title VI of the Civil Rights Act of 1964, as amended,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the City of Modesto Transit Services 2016 Title VI Program Update **attached** hereto as **Exhibit A**.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of July, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT A

City of Modesto Transit

Title VI Program

2016 Title VI Program Update

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CITY OF MODESTO TRANSIT

2016 Title VI Program Update

INTRODUCTION

Title VI of the Civil Rights Act of 1964, a federal statute, provides that no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. In addition, Presidential Executive Order 13166 requires recipients of federal funds to take reasonable steps to address the needs of individuals who have limited-English proficiency in order to ensure no discrimination occurs based upon national origin.

As a recipient of funds through the Federal Transit Administration, City of Modesto Transit is required to have a formal implementation plan for nondiscrimination transit programs. To assist FTA in its oversight functions, City of Modesto Transit submits a Title VI Plan Update and compliance report to the FTA Region 9 office every three years to highlight Modesto Transit's efforts to support and comply with all aspects of Title VI including Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and Presidential Executive Order 13166.

Program Objectives

Modesto Transit's Title VI Program goals are:

- Ensuring that the level and quality of public transportation service is provided in a nondiscriminatory manner;
- Promoting full and fair participation in public transportation decision-making without regard to race, color, or national origin;
- Ensuring meaningful access to transit-related programs and activities by persons with limited English proficiency

PUBLIC NOTIFICATION PROCESS

Modesto Transit does not discriminate against any person with respect to any federally-assisted transit program or service. Modesto Transit provides information regarding its Title VI obligations to the public using a variety of methods. Information, including references to FTA circulars, the Transit Title VI program, and the Title VI complaint procedure, is available on the Modesto Transit website and at the Modesto Transit office. It is also provided to staff, citizens, consultants, and contracted transit providers. The required Notice of Non-Discrimination Policy (**Appendix A**) is posted at the MAX office, at the Transit office, on the website, in the MAX Ride

Guide, and in the Modesto Area Dial-A-Ride Consumer Guide. It is also included in all contracts, Memorandums of Understanding, public meetings, and bid advertisements.

COMPLAINTS

Modesto Transit has a complaint process in place. The Title VI Complaint Procedures and Complaint Forms are available in English and in Spanish on the website, at the MAX office, and at the Modesto Transit office. Copies of these documents are located in **Appendix B**.

Title VI complaints are made to the administrative offices of Modesto Transit. All individuals making a Title VI complaint shall be notified in writing of the protections and due process procedures available to them as provided by Title VI. All Title VI complaints are recorded in a special Title VI file. Following the filing of a complaint, Modesto Transit will conduct an investigation and ensure that all necessary follow-up actions are conducted. As required by the FTA, the Title VI complaint file includes the date of the complaint, the date(s) of the investigation, summary of the allegation, current status of the investigation, and actions, legal or administrative, taken as a result of the complaint.

Due to the absence of any Title VI complaints, local state or federal agency investigations, or lawsuits during the preceding reporting period, no list is included in this document.

PUBLIC PARTICIPATION

Modesto Transit relies upon StanCOG's Public Participation Plan (**Appendix C**) for ensuring compliance with FTA requirements for a locally developed public participation process to consider public comment before raising a fare or carrying out a major change in transportation service.

Modesto Transit recognizes the importance of participating in a wide variety of public meetings and workshops to share information about transit programs, activities, and services in order to collect information from users of Modesto Transit services. A summary of Outreach Activities performed in this reporting is attached **as Appendix D**.

It is through these conversations that transit staff receives input regarding transit issues and concerns from disadvantaged citizens, including senior citizens, minorities, low-income, and persons with physical or cognitive disabilities. All Modesto Transit-sponsored meetings or activities are conducted in ADA accessible locations and have ready access to public transit services (fixed-route and paratransit).

Information on public outreach meetings is widely disseminated on the website, at the Transit Center, on the buses, through social service agencies to maximize awareness that all transit users and interested citizens are welcomed as part of the decision making process.

Regular meetings are held with local agency representatives and riders as well, to ensure that information on the paratransit system is widely disseminated, and that rider concerns and questions are addressed. A rider and agency representatives committee, which meets regularly, is provided information on the fare structure and is used as a consultative body when making fare decisions. Paratransit riders are offered periodic opportunities to evaluate and comment on the City's paratransit system through customer surveys and comment forms.

In accordance with the Public Participation Plan, Modesto Transit had a substantial outreach program before a July 2014 fare increase.

To ensure the consideration of many points of view in considering a fare increase, Modesto Transit staff brought the issue to regional agency meetings and a rider advisory committee. In addition, Transit met with local social service agencies to attempt to mitigate the impact on clients and prepare for changes. Transit also held an Open House for the public to answer questions and provide information about why the change was needed.

Since this was the first fare increase since 2008, Transit staff anticipated more questions from riders. To assist in providing information and to provide another avenue to gather rider comments on the proposed change, Transit staff held several table days at the Transit Center at which staff members were available to take written comments, record verbal comments (if needed), and answer questions. Flyers at the Transportation Center, in the buses, and at City hall provided information on the proposed changes and also notified the public that comments could be made by mail or on the website. Flyers also included a phone line for more information.

All of these activities occurred before the fare increase was brought to City Council for a formal Public Hearing.

LANGUAGE ASSISTANCE PLAN

Consistent with Title VI, DOT's implementing regulations, and Executive Order 13166, Modesto Transit takes reasonable steps to ensure meaningful access to benefits, services, information, and other important transit activities for individuals who are limited-English proficient (LEP).

To provide meaningful access to Modesto Transit programs and services for persons who have limited English proficiency, a LEP plan was developed (**Appendix E**). This plan is a training tool and guide for transit staff members on how to recognize a person who may need language assistance and how to provide that assistance.

Local demographic data reveal a need to provide language assistance within the Spanish-speaking community. It is the goal of Modesto Transit's LEP program and plan to provide bi-lingual English/Spanish editions of all public transit information materials. During this reporting period, the remaining critical information documents for MAX and MADAR, except for the

limited text portions on the MAX system map, have been translated into Spanish. In addition, any service change notices are posted on the website, at key transit sites, and are prominently displayed in all buses in both English and Spanish.

Both MAX and MADAR operations have customer services staff members who are bilingual and are trained to assist persons with limited English language proficiency. In recognition of the level of support needed, MADAR and MAX operations staff have bilingual supervisors and customer service representatives to assist Spanish speaking riders. Modesto Transit has also worked with other City divisions to procure LanguageLine phone support which can provide real time translation support for over 200 languages.

Modesto Transit also continues to conduct outreach to LEP populations in the neighborhoods in which they live. Through the MAX Pass Outlet Program, Modesto Transit contracts with a variety of community-based organizations and small businesses to provide similar access to bus passes throughout the MAX service area. This program provides an additional opportunity to obtain written and verbal information about MAX services, as well as opportunities to purchase MAX passes in the language most common to the neighborhood.

COMMITTEE MEMBERSHIP

Title 49 CFR Section 21.5(b)(1)(vii) states that the recipient of a federal transit grant may not, on the grounds of race, color, or national origin, deny a person the opportunity to participate as a member of a planning, advisory, or similar body which is an integral part of a program. Modesto Transit's only advisory body is the Modesto Transit ADA Advisory Committee. All meetings are announced to local agencies, community groups, advocacy organizations, and MADAR riders and are open to the public.

No table of committee member racial breakdown is included in this report since Modesto Transit has no committees for which it appoints members.

SUBRECIPIENTS

Modesto Transit's only subrecipient during this reporting period is the City of Ripon. The City of Modesto and the City of Ripon entered into a Memorandum of Understanding (MOU) regarding FTA Section 5307 funded activities for the Modesto Urbanized Area (**Appendix F**). Modesto Transit staff also coordinated with the City of Ripon to obtain CMAQ funding through San Joaquin Council of Governments (Ripon's MPO) and the Stanislaus Council of Governments (Modesto's MPO) to purchase a bus in late 2012.

During this review period, the Ripon Blossom Express began providing a deviated route service with two morning runs and two afternoon runs on Tuesdays and on Thursdays. The service is focused on connecting Ripon citizens with medical centers and shopping in North Modesto.

Since Ripon provides a very small, limited service, Modesto Transit's monitoring has been generally informal through email and phone support as Ripon staffs have worked though the initial implementation of their service. Modesto Transit staff also ensures submission of annual certifications and assurances.

CONSTRUCTED FACILITIES

During the preceding reporting period Modesto Transit has constructed not constructed any facilities.

STANDARDS AND POLICIES

In addition to the above general reporting requirements, FTA Circular 4702.1B requires providers of fixed route public transportation to submit additional information specific to fixed route service. Since Modesto Transit does NOT operate fifty or more fixed route vehicles in peak service, it is subject only to the requirements for system-wide standards and policies.

Title 40 CFR Section 21.5(b)(2) specifies that a recipient shall not utilize criteria or methods of administration which have the effect of subjecting persons to discrimination because of their race, color, or national origin. In addition, Appendix C to 49 CFR part 21 establishes that no person or group of persons shall be discriminated against with regard to routing, scheduling, or quality of service on the basis of race, color, or national origin. Frequency of service, age and quality of vehicles assigned to routes, quality of stations serving different routes, and locations of routes may not be determined on the basis of race, color, or national origin.

Modesto Transit has adopted the following service standards and policies in compliance with these regulations:

Vehicle Load Standard

Peak
The average of all loads during the peak operating period should not exceed each bus's achievable capacity. Peak loads are:

Bus Type	Passenger Capacity
Low Floor 35'	67
Low Floor 40'	80
Standard 35'	50
Standard 40'	63

Off Peak
The average loads during off peak hours should not exceed the number of seats in the bus. Seating capacities are:

Bus Type	Seats
Low Floor 35'	30
Low Floor 40'	36
Standard 35'	33
Standard 40'	41

Vehicle Headway Standard

The standard headway for weekday service is 30 minutes during the entire service day. Routes that average fewer than 25 passengers per vehicle service hour will be operated with hourly headways unless special conditions warrant more frequent service.

Scheduling involves the consideration of a number of factors including: ridership productivity, transit/pedestrian friendly streets, density of transit-dependent population and activities, relationship to the City's general plan and the StanCOG regional transportation plan, relationship to major transportation developments, land use connectivity, and transportation demand management.

On-Time Performance Standard

Eighty-five (85) percent of vehicles will complete their established runs no more than eight (8) minutes late and without departing any mid-route bus stops more than three (3) minutes early.

Service Availability Standard

Transit routes will be distributed so that 90% of all residents live within ¼ mile of a bus route.

Vehicle Assignment Policy

Buses will be assigned to routes so that each group of buses of the same age will be evenly distributed across the service area. Low Floor buses will be deployed on high ridership routes to facilitate expeditious boarding and alighting.

Transit Amenities Policy

Installation of Transit amenities along bus routes are based on:

1. The number of passengers boarding at bus stops along each route.

2. The availability of sidewalk space or property behind the sidewalks that could accommodate amenities.

3. The physical capabilities of passengers anticipated to use the amenities, e.g. stops used frequently by disproportionately large numbers of seniors or passengers with disabilities are more likely to receive amenities.

4. The distribution of boardings during the hours service is provided. Stops that board large numbers of passengers once or twice each day and few during the remainder of the day will be less likely to receive amenities than stops with fewer boardings distributed more evenly throughout the day.

APPENDICES

APPENDIX A

MAX'S Non-Discrimination Statement

Modesto Area Express (***MAX***) is committed to a policy of non-discrimination in program services pursuant to the requirements of Title VI of the Civil Rights Act of 1964. Any person who believes that he or she has been subjected to discrimination under Title VI on the basis of race, color or national origin may file a complaint with ***MAX***. To receive additional information on ***MAX***'s non-discrimination obligations, or to file a complaint, please call the ***MAX*** administrative office at 209.577.5295 or write to: City of Modesto, Transit Division, P.O. Box 642, Modesto, CA 95353.

Modesto Area Express (MAX) se compromete a una norma de no discriminación en sus programas de servicio de acuerdo a los requisitos del Artículo VI del Acto Derechos Civiles de 1964. Cualquier persona que crea que ha sido discriminada bajo el Artículo VI basado en raza, color, u origen nacional puede asentar una demanda con MAX. Para recibir más información acerca de las obligaciones de no discriminación de MAX o para archivar una demanda, favor de llamar al 209.577.5295 o escriba a: City of Modesto, Transit, P.O. Box 642, Modesto CA 95353.

APPENDIX B

Complaint Procedures & Forms

City of Modesto Transit Civil Rights Complaint Procedure

The City of Modesto operates its transit services without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes he or she has been aggrieved by an unlawful discriminatory practice under Title VI may file a complaint with the City of Modesto Transit Section. Any such complaint must be in writing and filed with the Modesto Transit within 180 days following the date of the alleged discriminatory occurrence.

City of Modesto Transit Title VI Complaint forms are available at the office of the City of Modesto Transit Section located at 1010 10th St. Modesto, CA 95354 and online at www.modestoareaexpress.com. Completed forms should be mailed to:

City of Modesto Transit
P.O. Box 642
Modesto, CA 95353

Verbal complaints will be accepted and transcribed by the Title VI Coordinator for any complainant unable to complete the form. Verbal complaints may be filed in person at 1010 10th St or by phone 209-577-5201.

A complainant may file a complaint directly with the United States Department of Transportation and/or the California Department of Transportation. If a complaint is filed with the City of Modesto Transit and an external entity simultaneously, the external complaint may supersede the complaint to the City of Modesto Transit and the internal complaint procedures will be suspended pending the external entity's findings.

Within 15 business days of receipt of a formal complaint, the Title VI Program Coordinator will send the complainant an acknowledgement letter and begin an investigation (unless the complaint is filed with an external entity first or simultaneously). The investigation will address complaints filed against transit service offered by the City of Modesto and will include discussion(s) of the complaint with all affected parties. City of Modesto Transit will provide appropriate assistance to complainants who have difficulty with disabilities, or who are limited in their ability to communicate in English. Failure of the complainant to provide requested information within 15 business days of the date of the Modesto Transit's information request letter may result in the administrative closure of the complaint. The complainant may be represented by a representative of his or her choosing and may bring witnesses and present testimony and evidence in the course of the investigation.

The investigation will be conducted and completed within 60 days of the receipt of the formal complaint. City of Modesto Transit will send a letter to the address provided by the

complainant stating the final decision of the Transit Manager by the end of the 60-day time limit. The complainant shall be notified of his/her right to appeal the decision. Appeals may be made to the California and/or United States department of transportation.

For more information on how to file a complaint, contact the Title VI Coordinator by any of the following methods:
By Phone: (209) 577-5201
By Mail: City of Modesto Transit, P.O. Box 642, Modesto, CA 95353
E-mail: transit@modestogov.com

Título VI Procedimientos Para Quejas

La Sección de Tránsito de la Ciudad de Modesto opera sus programas sin distinción de raza, color, religión, género, orientación sexual, origen nacional, estado civil, edad o discapacidad de conformidad con el título VI de la ley de derechos civiles, o de otras leyes aplicables. Para más información:

Llame a Teléfono: (209) 577-5201
O Escriba a: City of Modesto Transit Section
P.O. Box 642
Modesto, CA 95353

O envié un Correo electrónica: transit@modestogov.com

Modesto Declaración de política de tránsito

Título VI de la ley de derechos civiles de 1964 declara que:

Ninguna persona en los Estados Unidos, por motivos de raza, color u origen nacional, se excluirá de la participación en, ser negado los beneficios de o ser objeto de discriminación bajo ningún programa o actividad que reciba asistencia financiera Federal.

Modesto Tránsito se compromete a cumplir con los requisitos del Título VI en todas sus actividades y programas financiados por el Gobierno Federal.

Haciendo una Queja bajo la ley de Título VI

Cualquier persona que cree que él o ella ha sido perjudicada por una práctica discriminatoria ilegal bajo el título VI puede presentar una queja con la ciudad. Cualquier queja debe ser por escrito y presentada con la ciudad dentro de los 180 días siguientes a la fecha de la supuesta ocurrencia discriminatoria. Para obtener información sobre cómo presentar una queja, comuníquese con la Sección de Tránsito de la Ciudad de Modesto por cualquiera de los siguientes métodos:

Correo: City of Modesto Transit Section
P.O. Box 642
Modesto, CA 95353

Teléfono: (209) 577-5201
FAX: (209) 571-5521
Correo electrónico: transit@modestogov.com

Title VI Complaint Form
City of Modesto Transit Office
Office of Compliance

The City of Modesto is committed to ensuring that no person is excluded from participation in or denied the benefits of its services on the basis of race, color, national origin, age, gender, or disability pursuant to Title VI of the Civil Rights Act of 1964, as amended. Title VI complaints must be filed within 180 days from the date of the alleged discrimination.

The following information is necessary to assist us in processing your complaint. If you require any assistance in completing this form, please contact Melissa Molina, Title VI Coordinator, by calling (209) 577-5201. The completed form must be returned to City of Modesto Transit Office, Title VI Coordinator, 1010 Tenth Street, Suite #4500, Modesto, CA 95354.

Your Name:	Phone:
Street Address:	Other Phone:
	City, State and Zip Code:
Person(s) Discriminated against (if someone other than complainant). Name(s).	
Street Address, City, State and Zip Code:	

Which of the following best describes the reason for the alleged discrimination? (Check one)

- RACE
- COLOR
- NATIONAL ORIGIN (LIMITED ENGLISH PROFICIENCY)
- AGE
- GENDER
- DISABILITY

Date of Incident: _____

Time of Incident: _____

Please describe the alleged discrimination incident. Provide the names and titles of all persons involved. Explain what happened, whom you believe was responsible, and other specific relevant information. Please use the next page of this form if additional space is required.

_____

_____

_____

_____

_____

_____

_____

(Complete next page of form)

Title VI Complaint Form
City of Modesto Transit Office
Office of Compliance

Please describe the alleged discrimination incident (continued):

_____

_____

_____

_____

_____

_____

_____

_____

Have you filed a complaint with any other federal, state, or local agencies? (Check one)
☐ YES NO

If so, list agency / agencies and contact information below:

Agency:_____ Contact Name:_____
Street Address, City, State & Zip Code: Phone:

_____

Agency:_____ Contact Name:_____
Street Address, City, State & Zip Code: Phone:

_____

I affirm that I have read the above charge and it is true to the best of my knowledge.

_____ _____
Complainant's Signature: Date:

_____
Print or Type Name of Complainant

Date Received:_____
Received By:_____

Formulario de Quejas Title VI
Ciudad de Modesto Oficinia de Transito (City of Modesto)
Oficina de Cumplimiento

Ciudad de Modesto centra sus esfuerzos en garantizar que nadie sea excluido de la participación en sus servicios ni que nieguen los beneficios de éstos, con base en raza, color, origen nacional, edad, sexo, y discapacidad, en conformidad con las disposiciones del Title VI de la Ley de Derechos Civiles de 1964. Las quejas bajo el Title VI deben presentarse en el transcurso de 180 días a partir de que ocurre la discriminación supuesta.

La información siguiente es necesaria para ayudarnos en el procesamiento de su queja. Si requiere ayuda para llenar este formulario, le agradeceremos que se dirija al Melissa Molina, Coordinadora del Title VI, al teléfono (209)577-5201. El formulario completo debe devolverse al Ciudad de Modesto Oficina de Transito, Title VI Coordinator, 1010 10th Street, Suite #4500, Modesto, CA 95354.

Su nombre:	Teléfono:
Direccion:	Segundo Teléfono:
	Ciudad, estado, y Código Postal:
Persona(s) que sufrieron discriminación (si es otra que el firmante), Nombre(s):	
Direccion, Ciudad, estado, y Código Postal:	

¿Cuál de los siguientes describe mejor la razón por la supuesta discriminación? (Marque uno)

- ☐ RAZA
- ☐ COLOR
- ☐ ORIGEN NACIONAL
- ☐ EDAD
- ☐ SEXO
- ☐ DISCAPACIDAD

Fecha del incidente: _____

Hora del incidente: _____

Por favor, describa el supuesto incidente de discriminación. Proporcione los nombres y títulos de todos involucrados, si cuenta con la información.
Explique lo sucedido; quien considera que fue responsable; y otra información específica pertinente.
Por favor, use el reverso de este formulario si requiere espacio adicional.

_____

_____

_____

_____

_____

_____

(Llene el reverso de este formulario)

Formulario de Quejas Title V
Ciudad de Modesto Oficinia de Transito (City of Modesto)
Oficina de Cumplimiento

Por favor, describa el supuesto incidente de discriminación (continuación).

_____

_____

_____

_____

_____

_____

_____

_____

¿Ha presentado alguna queja ante otra agencia federal, estatal, o local con respecto este incidente? (Marque Uno)

__ Si __ No

Si la respuesta es afirmativa, por favor, a continuación enumere la agencia or agencias y la información de contacto:

Agencia _____ Nombre de contacto: _____
Direccion, Ciudad, estado, y Código Postal. Teléfono.

_____

Agencia: _____ Nombre de contacto: _____
Direccion, Ciudad, estado, y Código Postal. Teléfono:

_____

Confirmo que he leído el cargo que se indica arriba y que es verdadero hasta donde tengo conocimiento.

_____ _____
Firma del declarante: Fecha:

_____
Escriba o escriba en letra de imprenta el nombre de declarante

Fecha de recepción: _____

Recibido por: _____

Public Participation Plan

March 2015

Stanislaus Council of Governments
1111 I Street, Suite 308
Modesto, California 95954
209-525-4600
www.stancog.org

"Never doubt that a small group of thoughtful, concerned citizens can change the world. Indeed, it is the only thing that ever has."

- Margaret Mead

STANISLAUS COUNCIL OF GOVERNMENTS
2015 Public Participation Plan

'Everyday we rely on streets, highways, sidewalks and public transportation to get us where we need to go to work, shop, attend school, visit friends, and do all the other things we do in our daily lives.
Safe, reliable, accessible transportation systems are important to each of us and to the well-being of our communities.
But good transportation does not just happen. It takes a lot of work by elected officials, state, and local transportation agencies, community groups and individuals to see that the roads, pedestrian ways, and public transportation modes are planned, financed, built and maintained in the best possible manner. By getting involved in planning for transportation projects, you can help ensure that your needs are fairly considered when transportation decisions are made in your community.'
- Caltrans, Community Primer on Environmental Justice and Transportation Planning, April 2010

The involvement of the public is critical to successful regional transportation planning and programming. When the public is engaged in the process, the feedback gathered helps assure projects address community needs. Likewise, the public gains a better understanding of the tradeoffs and constraints associated with transportation planning.
The PPP was prepared to inform the public and other stakeholders about the overall StanCOG public participation process, how they can receive information from StanCOG, and how they can provide input into regional planning, policy, and decision-making efforts. It sets forth the StanCOG commitment to an open process that provides opportunities for input throughout the decision making continuum.
Transportation law is clear in that the public is to have access to, and participate in, the development of the long-range transportation plans (Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS)) and capital programs (Federal Transportation Improvement Program (FTIP) & State Transportation Improvement Program (STIP)), as well as the development of other planning studies. The "Moving Ahead for Progress in the 21st Century Act" (MAP-21), signed into law on July 6, 2012, and effective on October 1, 2012, contains specific language outlining federal requirements regarding public involvement processes and procedures. In general, the MAP-21 legislation built upon previous transportation legislation (ISTEA, TEA-21 and SAFETEA-LU) to provide states and metropolitan planning organizations specific direction in conducting and promoting broad-based public involvement activities. MAP-21 Legislation (Public Law 112-141) requires metropolitan planning organizations to provide citizens, affected public agencies, representatives of public transportation employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with a reasonable opportunity to comment on the transportation plan.
It is clearly in the best interest of the MPO to share information with the public, to make clear the technical aspects of issues and to listen to the thoughts and ideas of the citizens who use the transportation facilities and services, live and work in the communities in which projects are being considered, and are the neighbors of these facilities.
Good public participation rests on several basic premises—that there is open and timely sharing of information about choices before decisions are made, that the information is complete and clear, and that the agencies and the public are able to openly and honestly discuss the issues. The preparation and implementation of this Plan will ensure that StanCOG continues to improve on the way we provide

information and to ensure that we provide a venue for the public to openly discuss transportation related issues.

One challenge to effective public participation is the complexity of transportation related information provided as technical data. However, MPOs are required, to the maximum extent possible, to use visualization techniques—drawings, computer models, visual simulation, geographic information system (GIS) maps, and other state-of-the-art techniques—to help the public understand complex problems and projects, and their impacts in developing transportation plans and capital programs. These techniques should help clarify many of the issues in the plans and programs. Having more timely information with accompanying analysis will allow appropriate assessments of proposals or plan elements.

StanCOG is required to make information available pursuant to governing laws and depends on the public to provide feedback on what kind of information and analysis would be a better indicator of impacts by a project related to issues or areas of concern. StanCOG will continue our goal to provide easily accessible information to as much of the public as possible. Most information is made available electronically, via our website. Other ways to acquire information or to participate in the planning process are also available. These are further discussed in Chapter 2, Planning Process.

The planning process provides numerous instances in which information must be made available to the public for comment. Making information available and engaging the public in a meaningful discussion about the issues and choices may be two different exercises. Early public involvement and transparent information has a tendency for a successful outcome.

This Public Participation Plan (PPP) serves as a guide for the Stanislaus Council of Governments' (StanCOG) public involvement process as well as the continuing, comprehensive and coordinated planning process among the stakeholders to ensure the ongoing opportunity for broad-based participation in the development and review of regional plans and programs managed and produced by StanCOG.

Good transportation options are essential for travel to everyday needs. Transportation affects the economic well-being of an area through access to work and through the transport needs of local businesses. Transportation also affects air quality, water, noise, and general quality of life. It affects where you live and work, how you spend your time and even how much you spend for housing. In short, transportation affects nearly every part of your life for better or for worse. The public has indepth knowledge about the region and its transportation needs which is vital to making good transportation decisions. By working with StanCOG and the local agencies, the public can determine the best use of transportation resources to meet needs of all residents. The PPP outlines goals and procedures to ensure StanCOG is providing all interested parties with a reasonable opportunity to be involved in the planning process. The PPP also contains guidance to the public on how transportation decisions are made through the MPO process (Chapter 2).

Background

The Stanislaus Council of Governments (StanCOG) is the federally-mandated Metropolitan Planning Organization (MPO) and state-recognized Regional Transportation Planning Agency (RTPA) for the Stanislaus County region, consisting of Stanislaus County and the nine incorporated cities of Ceres, Hughson, Modesto, Newman, Oakdale, Patterson, Riverbank, Turlock and Waterford. StanCOG, which was originally named the Stanislaus Area Association of Governments (SAAG), was formed in 1971, through a Joint Powers Authority between the 10-members agencies listed above.

A MPO is a federally-mandated and federally-funded transportation policy-making organization that is made up of representatives from local governments. In 1962, the United States Congress passed legislation that led to the formation of a MPO for any urbanized area with a population greater than 50,000. The legislation ensures that designated federal funding for transportation projects and programs are channeled through the MPO regional planning process. MPOs were created to ensure that existing

and future expenditures of governmental funds for transportation projects and programs are based on a continuing, cooperative, and comprehensive ("3-C") planning process.
MPOs are primarily federally-funded; therefore federal policies serve as direction to the MPOs regarding intended functions and service improvements to the local agencies and the public. The following chart highlights key federal transportation policy milestones.

Federal Transportation Policy Milestones	
Year	Action
1962	Federal Highway Act (FHWA) focused on the need for transportation planning in urbanized areas; and led to the creation of Metropolitan Planning Organizations (MPO) for any area over 50,000 persons.
1964	Urban Mass Transportation Act (UMTA), the first U.S. government public transportation program.
1964	Civil Rights Act, Title VI prohibited discrimination in any program receiving federal funds.
1970	Surface Transportation Act was the first time Congress considered transit, highways, and safety in the same legislation.
1990	Americans with Disabilities Act (ADA) required virtually all public transportation service to be accessible to persons with disabilities.
1991	Intermodal Surface Transportation Efficiency Act (ISTEA), landmark transportation reform amended federal transportation law, created programs oriented toward community building, and strengthened public involvement and shared decision-making with localities.
1994	Executive Order 12898, Environmental Justice required that to the greatest extent practicable and permitted by law each agency receiving federal dollars should identify and address disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations.
1998	Transportation Equity Act for the 21st Century (TEA-21) continued and extended reforms of ISTEA, added some new programs, and designated special projects.
2000	Executive Order 13166, Limited English Proficiency (LEP) required the improvement of access to services for persons with limited English proficiency.
2005	Safe, Accountable, Flexible, Efficient Transportation Efficiency Act—A Legacy for Users (SAFETEA-LU) continued most ISTEA reforms; emphasized transportation safety and security, added requirements to coordinate transportation plans with environmental and land use plans; and supported special projects.
2012	Moving Ahead for Progress in the 21st Century (MAP-21) transforms policy and programmatic framework for investments to guide growth and development. MAP-21 also creates a streamlined and performance-based surface transportation program and builds on many of the highway, transit, bike, and pedestrian programs and policies established by the ISTEA.

The 1962 Federal Highway Act and subsequent 1970 update prescribe the five (5) core functions of an MPO: 1) Prepare a Regional Transportation Plan (RTP), 2) Prepare a Transportation Improvement Program (TIP), 3) Prepare an Overall Work Program (OWP), 4) establish a setting for regional decisionmaking, and 5) involve the public in all functions of the agency.
MPOs not only receive federal funding, but also receive state funding and therefore must also comply with State policies, for example Assembly Bill 32 (AB 32) which requires California to reduce Green House Gas (GHG) emissions, and Senate Bill 375 (SB 375) which supports the State's climate action goals to reduce GHG emissions through coordinated transportation and land use planning with the goal of more sustainable communities. These bills are further discussed in Chapter 2.

Organization of the PPP

The Public Participation Plan is organized into 5 sections: Introduction, Planning Process, Goals and Procedures, Public Involvement Evaluation and Appendix. The following is a brief description of each section.

1. **Introduction** provides background into the function of an MPO; introduces the intent of the PPP; and outlines the remaining sections of the document.

2. **Planning Process** further describes StanCOG and its function; identifies federal and state requirements for public participation.

3. **Goals and Procedures** outlines the specific goals of the PPP and the actions (procedures) used to accomplish these goals; and identifies the StanCOG outreach techniques and strategies.

4. **Public Involvement Evaluation** describes the evaluation techniques utilized by StanCOG to measure the effectiveness of the outreach program.

StanCOG has, since its formation in 1971, sought to include the public in the transportation planning process. Recently, state and federal agencies have placed a stronger emphasis on MPOs to actively seek input from all areas of the community, not just those that typically participate. StanCOG is constantly trying to improve our public involvement efforts to reach a wider portion of the public. We strive to not only meet state and federal requirements but to create an environment where public input leads to an interactive dialogue between the public, the regional government and the local governments. If the public better understands the process and the ramifications of transportation planning decisions, the entire process will run smoother and the resulting plans will better accommodate a wider range of needs.

Regional Planning Process

In total, there are four levels of government that make decisions on transportation issues in California: the federal government, the state of California, regional transportation planning agencies—of which StanCOG is one—and local governments. StanCOG staff works closely with the other three levels of transportation decision-makers and acts as a liaison to the state and federal agencies on behalf of the local governments in the Stanislaus County region.

Each MPO is a federally-mandated, primarily federally-funded agency. The federal government, which collects and distributes the largest amount of transportation-related dollars, establishes the basic rules and regulations of how MPOs are run and how dollars are distributed.

MPOs are primarily planning agencies; and are responsible for the preparation of numerous transportation planning documents. Plans at each geographical scale are intended to be both upward and downward consistent, meaning the MPO prepared Regional Transportation Plan /Sustainable Communities Strategies (RTP/SCS) should be consistent with both the California Transportation Plan (geographically upward) and local general plans (geographically downward).

Another key function assigned to StanCOG is the distribution of State and Federal dollars to the local agencies—referred to as programming. StanCOG receives various types of transportation related dollars intended for various parts of the transportation system. These monies have different restrictions or guidelines for their use depending on their intent. It is the role of StanCOG to work with the state and federal agencies in receiving the dollars and then the local governments in distributing the dollars.

StanCOG's primary requirement is the preparation of three documents: the Regional Transportation Plan /Sustainable Communities Strategies (RTP/SCS), the Federal Transportation Improvement Program

(FTIP) and the Overall Work Program (OWP). Put succinctly, StanCOG has two basic functions: Planning and Programming.

Planning is a process of analyzing data and trends and producing a long-range vision of the transportation system based on the analysis of this data. The key planning document is the RTP/SCS, which is a 25-year planning document utilizing regional and local data including population and traffic projections to set a transportation system vision for Stanislaus County. The transportation system includes all modes of transportation, including roadways, bicycle and pedestrian improvements, public transit and aviation.

Programming is the allocation of funding to local agencies to help accomplish the goals outlined in the RTP/SCS. The FTIP is a specific funding document, consisting of the first four years of the projects outlined in the RTP/SCS. These projects are the more immediate, higher priority projects. The FTIP states how the federal, state and local monies will be allocated to each project.

In addition, a StanCOG core function is the preparation of an OWP. The OWP outlines to our funding agencies and also to the public how we will utilize the transportation planning dollars we receive, i.e. the monies used to staff the agency and used to prepare the required plans.

StanCOG Planning Structure

StanCOG is governed by a decision-making body called the Policy Board. The Policy Board is comprised of 16 elected officials from the ten local jurisdictions within the Stanislaus County region, including, five Supervisors from Stanislaus County, three councilmembers from the City of Modesto, and one councilmember from each of the other eight jurisdictions. StanCOG staff prepares plans and programs for the Policy Board to ultimately approve, deny or modify.

To provide well-vetted information to the Policy Board, StanCOG has established a series of standing and ad-hoc advisory committees. This provides the opportunity for staff to work with the public and the local agencies to discuss issues and create solutions.

Standing Committees

The standing committee structure provides the local agencies and the public an opportunity to discuss issues prior to the Policy Board's decisions. StanCOG staff prepares a 'staff report' on all issues that need to be elevated to the Policy Board. These staff reports first go through the committee structure and recommendations are made to the Policy Board.

Executive Committee

The Executive Committee is comprised of five members of the Policy Board—two members from the County Board of Supervisors, one member from the Modesto City Council and two other representatives from among the other cities. The Chair and Vice-Chair of the Policy Board shall serve as members of the Executive Committee as representatives from their respective agencies. The primary function of the Executive Committee is to recommend the annual budget. In addition, the Committee makes recommendations on special matters that are referred for review by the Policy Board, such as personnel issues. The Committee is also responsible for appointing members of the Standing and Ad Hoc Committees, where appropriate.

The Executive Committee meetings are held the Monday of the week prior to the Policy Board meeting. These meetings are open to the public and there is an opportunity on every agenda for the public to offer comments.

More information is available on the StanCOG website:
http://www.stancog.org/exec-committee.shtm
or call our office at (209) 525-4600.

Management and Finance Committee (MFC)
The MFC is comprised of one City Management or Chief Executive Office staff member from each jurisdiction. This committee addresses each issue from a policy standpoint and makes recommendations directly to the Policy Board.

The MFC meetings are typically held the first Wednesday of the month at 3:00 pm in the StanCOG Board Room, 1111 I Street, 3rd floor, in downtown Modesto. These meetings are open to the public and there is an opportunity on every agenda for the public to offer comments.
More information is available on the StanCOG website:
http://www.stancog.org/manage-fin-committee.shtm *or call our office at (209) 525-4600.*

Citizens' Advisory Committee (CAC)
The CAC is made up of professional local government employees and is comprised of up to 15 residents from Stanislaus County, which are appointed by the Policy Board. The CAC makes recommendations directly to the Policy Board. The intent of the CAC is to provide the Policy Board with input on transportation related issues from a body of residents.

Get Involved
Join the StanCOG
Citizen's Advisory Committee (CAC)

The CAC meetings are typically held the first Wednesday of the month at 6 pm in the StanCOG Board Room, 1111 I Street, Suite 308 (3rd floor), in downtown Modesto. These meetings are open to the public and there is an opportunity on every agenda for the public to offer comments.
Member terms on a StanCOG advisory committee are usually for four years.
Go to the StanCOG website for an application
http://www.stancog.org/pdf/committees/tac-cpc/CAC-application.pdf *or call our office at (209) 525-4600.*

Valley Vision Stanislaus Steering Committee
The passage of California Senate Bill (SB) 375 calls for a new planning paradigm for the MPO, which has ramifications on the local governments. The Bill requires the regional transportation plan to integrate land uses, of which the local agencies still maintain control and authority, with the goal of reducing greenhouse gas emissions (GHG) and providing more sustainable communities. Therefore it is imperative to team up with the local agencies to determine how to best approach SB 375. StanCOG maintains a standing committee which is open to the public to address this requirement which revolves around every RTP/SCS cycle. The Committee includes a representative from the 10 local agencies, a representative from the Social Services Transportation Advisory Council, Bicycle/Pedestrian Advisory Committee and Citizen Advisory Committee, a member of the Policy Board and the Stanislaus Local Agency Formation Commission.

The VVS meetings are held the first Tuesday of the month at 1:00 pm in the StanCOG Board Room, 1111 I Street, 3rd floor, in downtown Modesto; meetings scheduled as needed. These meetings are open to the public and there is an opportunity on every agenda for the public to offer comments.
More information is available on the StanCOG website:

http://www.stancog.org/vvs-committee.shtm *or call our office at (209) 525-4600.*

Social Services Transportation Advisory Council (SSTAC)

In accordance with the California Transportation Development Act (TDA), StanCOG has established the Social Services Transportation Advisory Council (SSTAC) to identify and address Stanislaus County's transportation needs. The SSTAC, whose primary role is to identify the region's transit needs, consists of members representing various transit dependent groups and transit providers, including the elderly, persons with disabilities , private social service agencies, and public transit operators. Specifically, the SSTAC is responsible for overseeing StanCOG's annual Unmet Transit Needs (UTN) Assessment process. Any unmet transit needs that are identified as reasonable to meet through the UTN Assessment process must be addressed before TDA funds can be allocated to the region for non-transit purposes. Pursuant to TDA regulations, the SSTAC has the responsibility to advise StanCOG on any other major transit issues, including coordination and consolidation of specialized transportation services. The SSTAC currently meets every month at the StanCOG offices to discuss the region's transportation/transit needs. In addition, the Consolidated Transportation Services Agency (CTSA), which was formed in response to an unmet transit need identified in a previous UTN Assessment process, provides continued coordination between the region's existing social service agencies and public transit operators to address the unmet transit needs throughout the year. The CTSA works closely with the region's existing transit providers to establish regional transit programs, such as a travel training program and volunteer driver program, which greatly assist Stanislaus County's transit dependent populations.

The SSTAC meetings are typically held the first Tuesday of the month at 10:00 am in the StanCOG Board Room, 1111 I Street, 3rd floor, in downtown Modesto. These meetings are open to the public and there is an opportunity on every agenda for the public to offer comments.

More information is available on the StanCOG website:

http://www.stancog.org/sstac-committee.shtm

or call our office at (209) 525-4600.

Bicycle/Pedestrian Advisory Committee (BPAC)

The BPAC was created during the preparation of the first regional Non-Motorized Transportation Plan (NMTP) in 2008. At that time an ad-hoc committee was formed to assist in the preparation of the plan. However, the group has taken on a new form and adopted a set of by-laws to become a full standing committee. The BPAC is comprised of up to one citizen selected by each jurisdiction, which are confirmed by the Executive Committee.

The BPAC is charged with reviewing transportation plans in Stanislaus County and recommending projects that will enhance non-motorized transportation opportunities and encourage active transportation in the region. This body will continue to review and assist in the development of the StanCOG NMTP.

Get Involved Join the StanCOG Bicycle/Pedestrian Advisory Committee (BPAC)

The BPAC meetings are typically held the first Wednesday of every other month at 10:00 a.m in the StanCOG Board Room, 1111 I Street, 3rd floor, in downtown Modesto. These meetings are open to the public and there is an opportunity on every agenda for the public to offer comments.

Member terms on a StanCOG advisory committee are usually for four years. Go to the StanCOG website for an application

http://www.stancog.org/pdf/committees/bpac/BPAC-application.pdf *or call our office at (209) 525-4600.*

Ad Hoc Committees

Occasionally, there are issues that arise within the metropolitan planning framework that require additional consideration—for example, the NMTP, which led to the creation of the BPAC. On these occasions, StanCOG shall consider the formation of an ad hoc advisory committee to call together a specialized group of persons to work through an issue. The term ad hoc refers to a temporary committee. Ad-hoc committees provide a venue to forecast and discuss issues in the pipeline to prepare for upcoming events. These committees are typically comprised of professional planning or engineering staff and are typically not open to the public like the Standing Committees. StanCOG, through these committees continues to position the region to best accommodate the requirements of new and changing legislation.

Mobility Advisory Committee (MAC)

The Mobility Advisory Committee (MAC) was formed to provide ad hoc support to StanCOG's Consolidated Transportation Services Agency (CTSA). In coordination with the CTSA, the MAC is primarily focused on identifying and addressing the transit needs of Stanislaus County's senior and disabled populations. Representatives from local private social service and transit agencies, public transit operators, and the elderly and disabled communities make up the MAC. MAC meetings are held as needed.

Project Implementation Plan (PIP) Teams

A Project Implementation Plan team is a type of ad hoc committee. A PIP Team will be formed, when necessary, to address specific needs and/or to include representatives from a specific geographical area. Instances calling for this type of committee include corridor studies, major investment studies, access management strategies, and regional impact fee assessments among others. The purpose of the PIP team is to form a public-private partnership to address the region's most critical transportation issues. One PIP team is currently active to address improvements to the SR-99/State Route 132 Interchange. These teams are comprised of elected officials, representatives from state level elected offices, Chamber of Commences, affected business owners, Caltrans representatives, neighborhood associations, business representatives, and other interested citizens. The objective of the PIP is to compile a diverse group of interests to focus efforts on a specific project to expedite project delivery and reduce project related concerns of the general public.

In conclusion, StanCOG has created a series of standing and ad-hoc advisory committees to better meet the intended responsibilities of the agency. StanCOG is in essence a planning and programming agency created to involve the public in the transportation planning process; the committee structure is an essential tool for these two functions.

Senate Bill 375

Senate Bill 375 (SB 375) requires the development of a regional Sustainable Communities Strategy (SCS) with each future Regional Transportation Plan (RTP) update. The SCS integrates transportation planning with land use planning outlining goals and strategies for reducing greenhouse gas (GHG) emissions. SB 375 creates major changes to the way MPOs plan, coordinate with local agencies and how they reach out to the public. StanCOG, in conjunction with the Valley Vision Stanislaus Steering Committee, has developed a supplemental Public Participation Plan (PPP) for the SCS process (See Appendix G). The

intent of the new RTP/SCS PPP is to establish a process and outline specific activities for communicating with the public during the development of regional transportation plans and projects. The StanCOG RTP/SCS PPP is rooted in the principles that are included in this document, the federally required agency-wide PPP. The overall concept of the RTP/SCS PPP is to promote an open, transparent process that encourages the ongoing and active participation of local governments and a broad range of stakeholders.

MPO Guidelines

As the Metropolitan Planning Organization (MPO), StanCOG is responsible for preparing and utilizing a participation plan which is developed in consultation with all interested parties and provides reasonable opportunities for interested parties to comment on the content of the: Regional Transportation Plan /Sustainable Communities Strategies (RTP/SCS) and the Federal Transportation Improvement Program (FTIP). Because these two documents are part of our five core functions, the Federal government requires that these documents be developed in consultation with all stakeholders, including the public, federal, state, regional and local agencies, tribal governments, local businesses and others.

The legislation that dictates the responsibilities of regional governments and the allocation of federal dollars to the MPOs is the Moving Ahead for Progress in the 21st Century Act (MAP-21) transportation bill. MAP-21 was signed into law on July 6, 2012 and supersedes the Safe, Accountable, Flexible, Efficient, Surface Transportation Equity Act: a Legacy for Users (SAFETEA-LU) in 2005. MAP-21 is a milestone for the U.S. economy and the surface transportation program through its ability to guide the system's growth and development. MAP-21 creates a streamlined and performance-based surface transportation program and builds on many of the highway, transit, bicycle, and pedestrian programs and policies that were established in 1991. It is based on the principles of creating jobs, simplifying programs, supporting safety, promoting innovation, strengthening systems, and establishing a performance based federal program. It establishes seven (7) fundamental national goals: 1) safety; 2) infrastructure condition; 3) congestion reduction; 4) system reliability; 5) freight movement and economic vitality; 6) environmental sustainability; and 7) reduced project delivery delays.

StanCOG is specifically required to consult with stakeholders which are agencies and officials for other planning activities within the region that are affected by the RTP/SCS and FTIP, including land management agencies, natural resource agencies, environmental protection agencies, and conservation and historic preservation agencies—referred to as Resource Agencies, local governments, organizations and the public. As part of developing other plans and programs for which StanCOG is responsible, StanCOG carries out additional participation activities, including but not limited to: collaboration with transportation partners in development of the OWP, scoping meetings and public review of the Draft Environmental Impact Report (DEIR) for the RTP/SCS as required by the California Environmental Quality Act (CEQA), and public participation for the development of the Regional Housing Needs Assessment (RHNA) Plan—which is a state requirement to ensure that each local agency is supplying their fair share of housing.

Partnerships

StanCOG staff has developed 'coordination partnerships' as a way to maximize resources. Since transportation affects nearly every aspect of daily life, the MPO goes beyond simply a transportation planning agency. And while we may not have the expertise in some of these related areas, we can rely on our coordination partners for their expertise. We feel that these partnerships are critical to the success of many of StanCOG's functions and we will continue to expand and strengthen these partnerships.

StanCOG staff maintains regular contact with a number of coordination partners. Our coordination partners include federal, state, regional and local agencies, air districts, private companies, public

institutions and others. StanCOG plans to further expand our coordination partners list to include education institutions, health agencies, water purveyors, national transit providers, environmental protection agencies, and others. StanCOG also incorporates all interested individuals, groups and/or organizations; this combined with the Coordination Partners makes up the Stakeholders List. Please refer to Appendix B for the Stakeholders List. We have also included a contact list of the Resource Agencies as Appendix C.

The following goals and procedures are designed to encourage participation and provide opportunities to comment on the development and approval of StanCOG's planning and programming documents, including the RTP/SCS, FTIP, and other products prepared by StanCOG.

Goals

The four primary goals of StanCOG's Public Participation Plan are:

Goal 1: Strive for a balanced representation of all groups of the public, including the typically underrepresented in the planning process; while providing ample opportunities for public review and input of all planning and programming documents.

Goal 2: Promote a culture of dialogue and partnership among residents, property owners, the business community, organizations and public officials; while educating local officials and the public in the transportation planning process.

Goal 3: Make both technical information and meeting notices involved in the planning process available in accessible formats; while providing communications and agency reports that are understandable and timely.

Goal 4: Demonstrate explicit consideration and response to public input received during the planning and programming process; while treating all interested participants fairly and respectfully.

Meeting these goals, through the 'procedures' described below, will improve our region's ability to reach consensus on all transportation planning related decisions. StanCOG staff will implement all procedures to the greatest extent possible.

Procedures

StanCOG has developed a set of procedures to accomplish each goal. For each procedure, StanCOG will...

Goal 1: *Strive for a balanced representation of all sectors of the public in the planning process; while providing ample opportunities for public review and input of all planning and programming documents*

Procedures

- *Hold all public meetings at convenient and accessible locations.*
- *Provide opportunity for the public to comment on any relevant subject, whether on the agenda or not at all public meetings.*
- *Provide 14-45 day notice of all plan and/or program specific public meetings and 3 day notice for all Policy Board meetings.*
- *Provide notice of all public meetings via one of the following methods: the StanCOG website, notice posted outside the office building and available by contacting Staff. The Public can also request to be added to our distribution list to receive notice of all meetings either through email or ground mail.*
- *Provide a contact list for all interested members of the public who would like to be mailed or emailed information when appropriate.*

- *Interact and seek input from a broad spectrum of interested stakeholders through various committees that meet on a regular, on-going basis to review, discuss and provide feedback on various StanCOG initiatives, plans and programs.*
- *To the extent possible, hold meetings accessible to public transit and located and scheduled to maximize citizen participation.*
- *To the extent possible, hold meetings in different communities in the County to solicit comments from new areas of the County.*
- *To the extent possible, attend public events throughout the county to inform the public of who we are and what we do.*
- *Provide an interpreter for anyone wishing to address the Policy Board given a 72 hour notice).*
- *Provide additional translation accommodations, as needed, at public meetings.*
- *Make all agendas available upon request in appropriate alternative formats to persons with disabilities as required by ADA.*

Goal 2: Promote a culture of dialogue and partnership among residents, property owners, the business community, organizations and public officials; while educating the public and local officials in the transportation planning process

Procedures

- *To the extent possible, attend public events throughout the county to inform the public of who we are and what we do.*
- *Utilize visualization techniques to describe planning and programming concepts to nontransportation planning professionals in a comprehensible manner.*
- *Continue to hold and add, as appropriate, advisory committees to the Policy Board relating to various portions of the planning process and/or county demographic; for example the Social Services Transportation Advisory Council, the Bicycle Pedestrian Advisory Committee, and the Valley Vision Stanislaus Steering Committee.*
- *Continue adding to the expanding Stakeholder List; a list of all interested members of the public and other interested groups who would like to be contacted during future planning processes.*
- *Provide opportunity for the public to comment on any relevant subject, whether on the agenda or not at all public meetings.*
- *Update as appropriate the Public Participation Plan and provide other informational material to not only inform the public of opportunities to comment on planning and project specific information, but also to inform the public of the impacts of decisions made by making the transportation planning process as clear as possible.*
- *To the greatest extent possible, provide a comfortable atmosphere at all meetings for the public, to gather comments from those that are traditionally uncomfortable speaking in public.*
- *Encourage proponents and opponents of plans/programs to participate in the planning process by providing opportunities to discuss and debate issues of concern and acknowledge the value of all input.*

Goal 3: Make both technical information and meeting notices pertaining to the planning process available in accessible formats; while providing communications and agency reports that are understandable and timely

Procedures

- *Make public information available in electronically accessible format and means as appropriate to afford reasonable opportunity for consideration of public information.*
- *Provide informational materials, including one-page fact sheets of plans and programs, explaining the transportation planning process to better inform the public of the impacts of decisions made.*

- *Continue to update the StanCOG website www.stancog.org to provide informational material, meeting notices, agendas and minutes, announce draft and final plan releases, make plans available for review and encourage feedback and comments from the public.*
- *Seek input from local agencies, organizations, committees and the public on additional methods of providing information to those that cannot access the internet.*
- *Utilize visualization techniques to describe planning and programming concepts to nontransportation planning professionals in a comprehensible manner.*
- *Provide clear, consistent and concise primary messages for media and public involvement interaction.*
- *Keep interested parties informed with progress reports, when applicable, during document development, review and adoption phases.*

Goal 4: Demonstrate consideration and timely response to public input received during the planning and programming process; while treating all interested participants fairly and respectfully

Procedures

- *To the extent possible, respond to every relevant letter, fax or email submitted by individual members of the public.*
- *Hold public hearings and workshops regarding planning and programming activities to allow enough time for comments received, as appropriate, to be fully incorporated into the activity.*
- *Continue to include all public comments received on planning documents, as an appendix of that document.*
- *Provide opportunity for the public to comment on any relevant subject, whether on the agenda or not at all public meetings.*
- *To the extent possible, regard commenting participants as working partners.*

Public Outreach Process

The following describes the StanCOG planning and public outreach structure—our planning process and how the public can be involved in the process. Also these sections outline recent improvements to involve the public. It is our belief that the better aware and knowledgeable the public is in the process, the better the opportunity they have to provide comments that will achieve real improvement to the region. One of the overall purposes of this document is to provide the most transparent planning process to elicit further public participation.

As described in Chapter 2, the Stanislaus Council of Governments is governed by a Policy Board. Each month StanCOG staff takes critical and informational items (via Staff Reports) to the Policy Board for review and approval. First these issues are vetted through a series of Advisory Committees. This information is all made available to the public; and meetings are open to the public.

Advisory Committees and Policy Board

Advisory Committees

The series of advisory committees are held during the first week of each month, with the exception of the Executive Committee which has a scheduled meeting the Monday of the week prior to the standing Policy Board meeting. All meetings are held at the StanCOG offices, located at 1111 I Street, Suite 308 in downtown Modesto, California.

The agendas for the advisory committees are posted outside the StanCOG offices at least 72 hours before the meeting. Also, the agenda and the staff report package is posted on our website at www.stancog.org and copies are made available at the StanCOG office during typical business hours.

The meeting notice/agenda is provided to the local Spanish language newspaper, *Vida en el Valle*, which has a weekly circulation of approximately 30,000 papers, covering Stanislaus and San Joaquin Counties.
Time is allotted to any person wishing to address the committees for an item relating to transportation planning not on the agenda at the beginning of each meeting.

Policy Board

Ultimately, all policy decisions are made by the StanCOG Policy Board. The Policy Board is comprised of 16 elected officials from each jurisdiction within Stanislaus County, including five County Supervisors, three City of Modesto councilmembers and one councilmember from each of the remaining eight agencies. The Policy Board meetings are held on the third Wednesday of each month at 6:00 pm at the StanCOG offices.
An agenda is available for these meetings and is posted in the same manner as the Advisory Committee agendas described above. The Policy Board meetings are held outside of typical business hours to provide the greatest opportunity for members of the public to participate. As with the Advisory Committee meetings, time is available at the beginning of each Policy Board meeting to address issues not on the agenda. In addition, the public is provided the opportunity to address the Board on each agenda item after staff has provided the staff report.
A list of the Policy Board members is provided on the StanCOG website. Also, previous agenda and staff report packages for each meeting dating back to 2006 are available on the StanCOG website for review. Copies of the packages can be made available upon request.

Public Meetings, Conferences, Workshops and Forums

StanCOG staff will, at times, hold events outside of the Advisory Committee and Policy Board structure to solicit input from the public on key issues or documents. Most prominently, such events are held during the preparation of the RTP/SCS, but meetings on specific issues are held as needed.
StanCOG also conducts workshops, forums, conferences and other events to keep the public and/or local officials informed and involved in various key transportation projects and plans, and to elicit feedback from the public and StanCOG's partners. StanCOG holds meetings throughout Stanislaus County to solicit comments on major plans and programs. Meetings are located and scheduled to maximize public participation (including evening meetings).
StanCOG typically provides notice of such events through press releases, postings on the StanCOG website, and if appropriate through mailed notices, flyers, email notices.

Federal and State Outreach Requirements

In accordance with guidelines established by both federal and state regulations, StanCOG has established its responsibility in providing an opportunity for public participation, education, input, and involvement which includes the regions residents and stakeholders in the regional planning and project development process. Through this process, StanCOG satisfies these regulations including the Federal Transit Administration's Circular 9030.1 E Program of Projects (POP) requirement. These guidelines and requirements are all addressed below.

Federal Highway Administration (FHWA) and Federal Transit Administration (FTA)

Federal regulations for metropolitan transportation planning (23 CFR 450.316) and FHWA guidelines assert that the Metropolitan Planning Organizations (MPOs) shall develop and use a documented participation plan that defines a process for providing citizens, affected public agencies, representatives of public transportation employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other

interested parties with reasonable opportunities to be involved in the metropolitan transportation planning process.

Moving Ahead for Progress in the 21st Century (MAP-21)

MAP-21, follows the direction of the FHWA guidance, citing requirements for the MPO to comply with the direction of 23 CFR 450.316. In addition, MAP-21 requires StanCOG to develop a participation plan in consultation with all interested parties and provide all interested parties with reasonable opportunities to comment. MAP-21 further provides that MPOs, to the maximum extent practicable: (i) hold any public meetings at convenient and accessible locations and times; (ii) employ visualization techniques to describe plans; and (iii) make public information available in electronically accessible format and means, such as the Word Wide Web, as appropriate to afford reasonable opportunity for consideration of public information.

Brown Act (Government Code sections 54950-54962)

The Policy Board and the standing advisory committee meetings must comply with the Ralph M. Brown Act (Brown Act), which governs all public meetings and actions of governing boards or local and regional public agencies and their created bodies. Requirements of the Brown Act also apply to any committee or other subsidiary body of a local or regional agency, whether permanent or temporary, decisionmaking or advisory, which is created by such a governing board.

The Brown Act sets minimum standards for open meetings relative to access to the public, location of meetings, notice posting, agenda distribution, and public input. It is StanCOG's aim to achieve and exceed these minimum requirements.

California Environmental Quality Act (CEQA) / National Environmental Policy Act (NEPA)

Both CEQA and NEPA define the minimum standards for reasonable public access to the decisionmaking process for 'projects'. A 'project' is defined as the whole of an action which has the potential for resulting in either direct or indirect physical change in the environment. Because StanCOG is primarily a planning agency, most of StanCOG's actions do not fall under CEQA/NEPA as they are not 'projects', but StanCOG must abide by the statutory requirements as outlined in these acts should we act on a 'project'. In addition, StanCOG must complete some form of environmental analysis for the Regional Transportation Plan /Sustainable Communities Strategies (RTP/SCS) per CEQA.

Other Requirements

A number of other federal and state laws require StanCOG to involve and notify the public in its decisions. StanCOG complies with all other public notification requirements of the California Public Records Act, Disadvantaged Business Enterprise Plan and other applicable laws.

Outreach to Resource Agencies and Tribal Governments

Resource Agencies

StanCOG engages resource agencies in the development of all plans, and specifically the RTP/SCS, to elicit their input into the planning process. StanCOG will distribute notifications to state, local and tribal agencies responsible for planned growth, economic development, environmental protection, airport operations, freight movement, land use management, natural resources, conservation and historic preservation. A state and federal resource agencies listing is maintained by the California State Department of Transportation, Division of Transportation Planning and updated periodically. StanCOG has also developed working relationships with other agencies and distributes information to local organizations and contacts. A complete list of all StanCOG stakeholders, including resource agencies, is included in the appendices.

Tribal Governments

Although there are no federally-recognized Native American Tribal Governments located in Stanislaus County, StanCOG will outreach to the following Northern California Native American organizations:

- US Indian Affairs Bureau

- Tuolumne Band Me-Wuk Indians of the Tuolumne Rancheria
- Calaveras Band of Me-Wuk
- Central California Indian Tribal Council
- Native American Heritage Commission

Regional Transportation Plan /Sustainable Communities Strategies (RTP/SCS) & Federal Transportation Improvement Program (FTIP)

There are two key initiatives of StanCOG's that are specifically called out in federal law as needing early and continual opportunities for public participation—development of the RTP/SCS and the FTIP. These two documents are linked; the FTIP is the programming document that identifies funding for only those programs and projects that are included in the RTP/SCS. The following is a description of each document.

Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS)

The RTP/SCS provides the earliest and the best opportunity for interested persons and public agencies to influence StanCOG's policy and investment priorities for the transportation network. This plan presents a strategy to accommodate the significant expected growth in the region while promoting economic vitality, providing more housing and transportation choices, promoting healthy living, and improving communities through an efficient and well-maintained transportation network. It is at this stage where investment priorities and major planning-level project design concepts are established, and broad, regional impacts of transportation on the environment are addressed.

The RTP/SCS prioritizes and guides all of the region's transportation development over 25 years. The RTP/SCS is the comprehensive blueprint for transportation investment (transit, highway, local roads, bicycle and pedestrian projects), and establishes the financial foundation for how the region invests in its surface transportation system by identifying how much money is available to address critical transportation needs and setting the policy on how projected revenues are to be spent. The RTP/SCS is updated at least every four years to reflect reaffirmed or new planning priorities and changing projections of growth and travel demand based on a reasonable forecast of future revenues available to the region.

Under state law, Senate Bill (SB) 375 requires that RTPs include a Sustainable Communities Strategy (SCS) which is intended to achieve a regional target for reducing greenhouse gases for cars and light trucks and identifying specific areas in the region to accommodate the entire region's projected population growth for a 25-year timeframe. The legislation requires that StanCOG develop and maintain an RTP/SCS that integrates planning for growth and housing with long-range transportation investments.

SB 375 requires each Metropolitan Organization to adopt a Public Participation Plan for the development of the Sustainable Communities Strategy. StanCOG developed a separate RTP/SCS PPP, adopted January 2012 (See Appendix G), which includes the following public outreach strategies:

- Outreach efforts to encourage the active participation of a broad range of stakeholder groups in the planning process;
- Workshops throughout the region to provide the public with the information and tools necessary to provide a clear understanding of the issues and policy choices;
- Preparation and circulation of a Draft SCS not less than 55 days before adoption of a Final RTP and SCS;
- At least 3 public hearings on the Draft SCS, held in different parts of the region;
- At least 2 informational meetings within the region for members of the Board of Supervisors and

City Councils on the SCS; and

- A process for enabling members of the public to provide a single request to receive notices, information and updates.

In association with the RTP/SCS update, StanCOG prepares other companion documents, including a program-level Environmental Impact Report (EIR), per CEQA guidelines; a transportation air quality conformity analysis, per the federal Clean Air Act and an environmental justice analysis, per Title VI of the Civil Rights Act and federal policies on environmental justice.

Federal Transportation Improvement Program (FTIP)

The federally required Transportation Improvement Program (TIP) is known as the Federal Transportation Improvement Program (FTIP) in the Stanislaus Region. It is a short-term listing of surface transportation projects that receive federal funds, are subject to a federally required action, or are regionally significant. All regionally significant transportation projects and federally funded capital projects are part of the FTIP. This means that many-but not all-transit, highway, local roadway, bicycle and pedestrian investments are included in the FTIP. The Stanislaus Council of Governments (StanCOG), as the federally designated Metropolitan Planning Organization (MPO) prepares and adopts the FTIP about every two years. Only projects included in with the Regional Transportation Plan /Sustainable Communities Strategies may be incorporated into the FTIP. The FTIP derives all its projects either directly from the RTP or indirectly from the policies and lump sums within it. The RTP/SCS is the long range policy and planning document while the FTIP is the short range implementing document that enables those planned projects to begin work. Specifically, the FTIP lists those projects from the RTP/SCS that have committed or reasonably available funding and intend to begin a phase of work during the 4 years of the FTIP.

The FTIP must comply with three key tests. First, it must give the public the opportunity to comment. The public notice of involvement activities and time established for public review on the FTIP satisfies many regulations including the Federal Transit Administration's Section 5307 Program of Projects (POP) requirements per Circular 9030.1 E. Second, it must demonstrate that the amount of dollars programmed (committed) to the projects does not exceed the amount of dollars estimated to be available. Therefore the FTIP includes a financial summary that demonstrates financial constraint, namely that sufficient financial capacity exists for programmed projects to be implemented. Third, it must conform to the State Implementation Plan for the region with consideration to federal Clean Air Act.

Updating and Revising the FTIP

There are three processes for the various ways to change/update the FTIP:

1. Adoption
2. Revision

a. Administrative Modification

b. Formal Amendment

3. Technical Corrections and Use of the Expedited Project Selection Procedures (EPSP)

Federal regulations require that the FTIP be updated at least once every four years. StanCOG adopts a new FTIP every two years and revises it periodically to keep projects current. A project sponsor may only proceed with a federal phase of work once the FTIP lists its project correctly. Due to the fluctuating nature of transportation projects nearing implementation, the FTIP requires periodic updates and revisions. StanCOG will consider such revisions when the circumstances prompting the change are compelling, and the change will not adversely affect transportation-air quality conformity or negatively impact the financial constraint findings of the FTIP. Federal regulations allow for two types of revisions to the FTIP: Administrative Modifications and Amendments. StanCOG has broken these revisions down further into five revision types (see below).

1. Adoption

StanCOG adopts a new FTIP every two years, although federal guidelines only require a new FTIP every four years. As part of the adoption, StanCOG removes the two prior years and adds two additional year of funding. The FTIP is accompanied by either a new air quality conformity determination and analysis or a determination that relies on a previous analysis. FTIP updates will be subject to the conformity and interagency consultation procedure.

2. Revision

a. Administrative Modification

Federal regulations describe this action as a minor revision to the FTIP and regulations do not require it undergo public review. An Administrative Modification may take one or two weeks to process and may include minor changes to the cost of a project or phase, and changes to funding sources of projects. StanCOG has defined an Administrative Modification as a "Type 1" revision.

See below for types of FTIP revisions and also see table on page 25 for the breakdown of requirements for each revision type.

b. Formal Amendment

Regulations describe this action as a significant change to the FTIP. An amendment is a revision that involves a major change to a project included in a regional transportation plan (RTP) or FTIP. A Formal Amendment may take several months to process.

3. Technical Corrections and Use of Expedited Project Selection Procedures (EPSP)

No public review is necessary for edits to parts of the FTIP that are shown for informational purposes only or for fixing obvious typographical errors. Similarly, no public review is necessary for StanCOG to use agreed-upon EPSP. EPSP is used to advance projects from later years of the FTIP and delay the implementation of other projects from earlier years. These changes occur without modification or amendment, based on agreements between StanCOG, Caltrans, local transit operators, and local transportation agencies including cities and the county.

Types of Revisions

StanCOG has ranked Administrative Modifications and Amendments into five different revision types which require different levels of public review and processing actions:

- **Type 1:** This is an Administrative Modification. The criteria for Administrative Modifications and Amendments are defined in Title 23, CFR part 450.104. Also, the Federal Highway Administration, Federal Transit Administration, and Caltrans agreed on California specific administrative modification procedures on June 7, 2011. Those procedures are posted online at http://www.dot.ca.gov/hq/transprog/federal/fedfiles/res_publications/rev_amend_proc.pdf. StanCOG received delegated approval authority from Caltrans for Administrative Modifications, such that no other action is required once StanCOG has approved an Administrative Modification; approval required by the StanCOG Executive Director.
- **Type 2:** This is a Formal Amendment that makes a funding change that is greater than what is allowed as an Administrative Modification. The projects in a Type 2 revision do not change in design concept or scope and the conformity analysis years as assumed for the regional emissions analysis of the currently conforming RTP/SCS and FTIP remain unaltered. Approval is required by the StanCOG Policy Board, Caltrans and Federal Department of Transportation.
- **Type 3:** This is a Formal Amendment that significantly revises, or adds, or deletes an exempt or non-regionally significant project or project phases to/from the FTIP. Approval is required by the StanCOG Policy Board, Caltrans and Federal Department of Transportation.
- **Type 4:** This is a Formal Amendment that requires a conformity determination but relies on a previous regional emissions analysis. This type of amendment is used when adding a regionally significant project to the FTIP when the project itself has already been appropriately accounted for in the regional emissions analysis. Approval required by the StanCOG Policy Board, Caltrans and Federal Department of Transportation.

- **Type 5**: This type of amendment requires a conformity determination and a new regional emissions analysis. This type of amendment is used when adding a non-exempt, regionally significant project that has not been accounted for in the regional emissions analysis. This type of amendment is also used when a non-exempt, regionally significant project makes a change to either the design concept or scope or conformity analysis completion year which is not consistent with the existing regional emissions analysis. Approval is required by the StanCOG Policy Board, Caltrans and Federal Department of Transportation.

Purpose & Objective for Public Involvement for the FTIP

The purpose and objective for public involvement at this late stage, the FTIP stage, is different than in earlier stages in the long range planning process. It is beneficial to involve the public in the development of the Federal Transportation Improvement Program (FTIP) as early as possible. The FTIP is an administrative document which reflects transportation decisions developed in the RTP/SCS process. The FTIP is a program management tool used to show the schedule, scope, and constrained funding of intended transportation improvements (or continuations of current activities). Unlike the planned projects in the RTP/SCS, the projects in the FTIP have committed or reasonably available funding and are phased to begin construction.

Involvement in the Funding of Projects Stage

The priorities of the RTP/SCS shape the guidelines for determining which projects the StanCOG Policy Board chooses to fund. These projects are then programmed in the FTIP. StanCOG funds projects that support smart growth; air quality improvements; transportation demand management; bicycle and pedestrian improvements; transit operations, maintenance and expansion; and roadway rehabilitation, operations and expansion. Only public agencies may apply for these funds. The public is encouraged to contact the appropriate jurisdictions and participate in the prioritization of their projects. Jurisdictions rely on their local plans, such as the General Plan, Short Range Transit Plan, and Bicycle Master Plan, to decide which projects to prioritize for funding. Often, jurisdictions will vote on a list of projects for which to apply for funding.

Another opportunity for the public to participate is during the development of the funding guidelines. The public may comment to the StanCOG Standing Committees and Policy Board on the methods for how projects are selected for funding.

Following the setting of the guidelines, the next opportunity for the public to comment is when the draft list of projects for funding is presented to the Standing Committees and Policy Board. Once the Policy Board has approved projects for funding, StanCOG programs the projects in the FTIP.

Involvement in the Final Stage of FTIP Development

The Public Participation Plan describes the public involvement required preceding the FTIP adoption or an Amendment to the FTIP. This review period is the final opportunity for public comment on the FTIP StanCOG continues to involve the public at all stages in the development of the FTIP.

At the adoption or amendment stage, StanCOG specifically invites the public to comment on:

1. Project Schedules
2. Air Quality Analysis
3. Financial Constraint
4. Project consistency with the RTP/SCS and funding programs
5. Revisions made to project cost, scope, schedule, or funding.

Consultation and Coordination

StanCOG, the Metropolitan Planning Organization (MPO) for the Stanislaus area region, needs to consult with groups responsible for other types of planning activities that are affected by transportation in the area (i.e. state and local planned growth, economic development, environmental protection, land use management, conservation and historic preservation, airport operations, and freight interests) and other agencies such as Indian Tribal governments, federal land management agencies and project

sponsors. These provisions address both the MPO's preparation of the RTP/SCS and the FTIP. Crucial decisions whether or not to support or fund a transportation program or project in the region are made in the development of the RTP/SCS. In contrast, the FTIP defines project budgets, schedules and phasing for those programs and projects that are already part of the RTP/SCS. The FTIP does not provide any additional information regarding environmental impacts beyond those found in the program level environmental analysis prepared for the RTP/SCS. Further environmental review occurs at the project delivery agency or jurisdiction with project specific environmental impacts report.
Starting at the RTP/SCS development stage, StanCOG staff concurrently consults with appropriate agencies regarding the FTIP. StanCOG consults extensively with many agencies in the preparation of the RTP/SCS. For the FTIP, this consultation includes:

- communication of the schedule of upcoming amendments and FTIP adoption;
- special workshops;
- coordination with agencies for review of preliminary draft documents to agencies before releasing draft documents for public review;
- presentations on the Draft Formal Amendments to the Standing Committees and the Policy Board.

Annual Listing of Obligated Projects

By federal requirement, StanCOG publishes at the end of each calendar year an annual listing of obligated projects, which is a record of project delivery for the previous year. The listing also is intended to increase the awareness of government spending on transportation projects to the public. Copies of this annual listing may be obtained from StanCOG's web site at www.stancog.org; hard copies are also available upon request by contacting the StanCOG office at (209) 525-4600

Congestion Management Process

Under new Federal MAP-21 legislation, StanCOG is required to prepare a congestion management process (CMP) document for Stanislaus County. The CMP is a guideline of strategies for managing travel demand, analyzing traffic operational improvements, analyzing public transportation improvements, and provide traffic counting mechanisms for major streets and roads within the county. StanCOG's most current CMP was released in 2014 with the conjunction of the Regional Transportation Plan. Those interested in this document may obtain copies via StanCOG's website www.stancog.org, or by contacting the StanCOG office.

Air Quality Conformity and Interagency Consultation

A dialogue between agencies over transportation-air quality conformity considerations must take place in certain instances prior to adoption of its RTP/SCS or FTIP. These consultations are conducted through the San Joaquin Valley Interagency Consultation Group which includes representatives of the U.S. Environmental Protection Agency, the Federal Highway Administration (FHWA), Federal Transit Administration (FTA), the California Air Resources Board (CARB), Caltrans, the San Joaquin Valley Unified Air Pollution Control District, the 8 San Joaquin Valley MPOs, and Caltrans. These agencies review updates and, in certain instances, amendments to the RTP/SCS and FTIP to ensure they conform to federal transportation conformity regulations via transportation-air quality conformity analysis.

- **Intergovernmental Review via Regional and State Information Clearinghouses**

The intent of intergovernmental review, per Executive Order 12372, is to ensure that the Stanislaus Council of Governments 2015 Draft Public Participation Plan federally funded or assisted projects do not inadvertently interfere with state and local plans and priorities. Applicants in Stanislaus County with programs/projects for inter-governmental review may submit documentation to StanCOG and/or the State Clearinghouse in Sacramento, which are responsible for coordinating state and local review of applications for federal grants or

loans.

OTHER STANCOG DOCUMENTS

Overall Work Program (OWP)

The OWP is a critical document for the scheduling and distribution of work, especially the allocation of resources needed to address each task required of StanCOG. In effect, the OWP constitutes a set of instructions for the planning and programming work to be carried out by staff or consultants each year. Throughout the course of each year, StanCOG staff works with the local agencies, Caltrans, other transportation planning agencies, other public and private associations and the general public independently and through StanCOG committees to develop the program for the year. A draft of the OWP is taken through the committees and the Policy Board, typically around March, to gather public input prior to the adoption of the Final OWP.

Unmet Transit Needs (UTN) Assessment

Each year, pursuant to the Transportation Development Act (TDA) requirements, StanCOG, as the RTPA and MPO for Stanislaus County, is required to identify any unmet transit needs that may exist in the Stanislaus County region. Should any unmet transit needs be identified, a further determination must be made to establish whether or not those needs are reasonable to meet. In accordance with state law, TDA funds must be allocated first to unmet transit needs, which are found to be reasonable to meet, before any remaining funds can be distributed to local jurisdictions for non-transit purposes. At the conclusion of each UTN process, the StanCOG Policy Board must adopt a resolution making one of the following three findings: there are no unmet transit needs; there are no unmet transit needs that are reasonable to meet; or there are unmet transit needs, including transit needs that are reasonable to meet.

Under TDA regulations, the UTN Assessment must include the following elements:

1. An annual assessment of the size and location of identifiable groups likely to be transit dependent or transit disadvantaged, including, but not limited to, the elderly, the handicapped, including individuals eligible for paratransit and other special transportation services, and persons of limited means, including, but not limited to, recipients under the CalWORKs program;
2. An analysis of the adequacy of existing public transportation services and specialized transportation services, including privately and publicly owned services; and
3. An analysis of the potential alternative public transportation services and specialized transportation services, including privately and publicly owned services.

To further implement the UTN Assessment process, the StanCOG Policy Board has adopted definitions for both "unmet transit need" and "reasonable to meet" which are reviewed every five years in compliance with the TDA requirements. All unmet transit needs received during the UTN Assessment process are reviewed by the Social Services Transportation Advisory Council (SSTAC).

Public participation is an important component in the UTN Assessment process. The TDA requires StanCOG to hold at least one public hearing for the purpose of receiving public input regarding potential unmet transit needs in the region. Although the TDA only requires StanCOG to hold one public hearing, staff makes the effort to go beyond the minimum requirements to provide public hearings throughout the region as well as to make presentations about the unmet transit needs process to seniors at congregate meal sites, community groups, and the legislative bodies of local jurisdictions. Public hearings are typically held during a regularly scheduled meeting of the Policy Board. Public notice of the hearing, including the date, time, location, and specific purpose is provided at least 30-days in advance of the meeting through publication in one or more newspapers of general circulation, including a Spanish language publication. Written notification is also provided to those persons and organizations

that have indicated an interest in the unmet transit needs process, including the private social service agencies and public transit operators that are represented on the SSTAC.

Public hearings are held to give members of the public the opportunity to identify potential unmet transit needs in the region. After the conclusion of a hearing(s), a report is prepared that addresses the three required UTN Assessment elements listed above, analyzes any identified unmet transit need for reasonableness to meet, and provides a recommended finding for the Policy Board to adopt. Any new comments received after the public hearing, or during the Policy Board's hearing to adopt the UTN finding, are assessed during the subsequent year's UTN Assessment process.

Air Quality Conformity Analysis (AQCA)

The Clean Air Act and U.S. Environmental Protection Act (EPA) transportation conformity regulations require that each new RTP/SCS and FTIP be demonstrated to conform to the State Implementation Plan (SIP) before the RTP/SCS and FTIP are approved by the MPO or accepted by FHWA. This analysis demonstrates that the criteria specified in the transportation conformity regulations for a conformity determination are satisfied by the RTP/SCS and FTIP; a finding of conformity is therefore supported. SB375 mandates that MPO's must meet certain greenhouse gas reductions standards set by the Air Resources Board. StanCOG, along with other MPO's in the valley have worked diligently on meeting those targets through the use an integrated land use, transportation, and housing plan. The goal is to have greenhouse gas emissions reduced to 2012 levels by 2040.

Air quality conformity findings are distributed for a 30-day public comment period, and a public hearing is held by the StanCOG Policy Board to elicit public input. All applicable posting requirements will be followed.

Regulatory and Planning Context for Environmental Justice

StanCOG is committed to effectively performing environmental justice analysis and consideration as required for all programs receiving federal and state funding. StanCOG seeks to engage minority, lowincome, various age groups, persons with disabilities, and non-English speaking communities in transportation planning, technical studies and to ensure environmental justice issues and analysis are specifically documented in the RTP/SCS and other projects.

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) on environmental justice, as part of the planning process, requires the following from MPOs:

- Enhance analytical capabilities to ensure that the long-range transportation plan and transportation improvement program comply with Title VI.
- Identify residential, employment and transportation patterns of low-income and minority populations, identify and address needs, and assure that benefits and burdens of transportation related investments are fairly distributed.
- Improve public involvement processes to eliminate participation barriers and engage minority and low-income populations in transportation decisions.

StanCOG carries out each of these directives through the public outreach process of the RTP/SCS and other major documents and through the development of standalone environmental justice analyses or those tied to the RTP/SCS.

In the development of the RTP/SCS and other major documents, StanCOG seeks input and feedback from low-income and minority groups, especially those that are considered underrepresented. Environmental justice communities are to be actively engaged throughout the RTP/SCS development process. These communities are encouraged to participate in the planning process and provide feedback, and StanCOG is committed to providing materials in different languages.

Compliance with Federal Requirements

As illustrated in the Table on Page 4, the Federal Government has enacted several pieces of legislation regarding the involvement of all sectors of the population and removal of discrimination in the planning process, referred to as Environmental Justice (EJ).

Title VI

Title VI is a statue provision of the Civil Rights Act of 1964. Under this statute, each federal agency or agency receiving federal dollars is required to ensure that no person is excluded from participation in, denied the benefit of, or subject to discrimination under any program or activity receiving federal financial assistance on the basis of race, color, national origin, age, sex, disability, or religion. StanCOG is committed to a policy of nondiscrimination in the conduct of its business, including its Title VI responsibilities. Any person who believes that he or she has been subjected to discrimination under Title VI may file a complaint with StanCOG within 180 days from the date of the alleged discrimination. To ensure that any member of the public has the ability to submit a formal complaint, StanCOG staff has created a Title VI Complaint Form (Appendix F), which can be found on our website. This form is provided in both English and Spanish. The Title VI report can be viewed on the StanCOG website using the following link http://www.stancog.org/title-vi.shtm .

Executive Order 12898

Federal Action to Address Environment Justice in Minority Populations and Low Income Populations

Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations," was signed by President Clinton on February 11, 1994. This order requires that disproportionately high and adverse human health or environmental effects on minority and lowincome populations be identified and addressed in order to achieve environmental justice. The Order defines minority populations as Black/African-American, Hispanic, Asian/Pacific Islander, American Indian and Alaskan Native. Low-income populations are defined in the order as persons whose household income (or in the case of a community or group, whose median household income) is at or below the U.S. Department of Health and Human Services poverty guidelines, with those at 80 percent of median income classified as low income and those at 50 percent of median income classified as verylow income. While Title VI and EJ have often been raised during the project development process, it is important to recognize that the law also applies equally to the process and products of planning.

Executive Order 13166

Improving Access to Services for Persons with Limited English Proficiency

Executive Order 13166 states that people who speak limited English should have meaningful access to federally-conducted and federally-funded programs and activities. It requires that all federal and federally-funded agencies identify any need for services to those with limited English proficiency and develop and implement a system to provide services so all persons can have meaningful access to services.

Americans with Disabilities (ADA)

The Americans with Disabilities Act of 1990 stipulates involving the community, particularly those with disabilities, in the development and improvement of services. All events held for programs with federal funding and open to the public must be made accessible to everyone, including people with disabilities.

Public Participation/Involvement Activities

For members of the public to provide input about StanCOG projects and programs, they must be aware of what StanCOG is and what issues are under consideration. To raise public awareness, and encourage participation, StanCOG conducts the following outreach activities.

Written Materials

Written information about StanCOG activities is available on an ongoing basis. StanCOG encourages interested individuals to attend the StanCOG Committee and Policy Board meetings to express their views. Items on the Policy Board agenda usually come in the form of recommendations from the StanCOG Committees. All StanCOG meetings are open to the public. The public is encouraged to participate in the Policy Board and committee meetings.

Agendas and meeting packets for all of StanCOG's standing committees and the Policy Board are posted on the StanCOG website at least 72 business hours prior to each meeting including all written materials that accompany the agenda items. Notices of these meetings, complete with the date, time, location are also posted on StanCOG's website and mailed out at least 72 hours prior to each meeting. Individuals can also contact the StanCOG office and agenda notifications for the various committees. StanCOG notifies subscribers via e-mail whenever it posts a committee meeting agenda.
Agendas for public meetings containing reports and updates on a multitude of transportation topics are also sent to the 13 public libraries in the Stanislaus region each month for the availability and accessibility of the public. When preparing these documents, StanCOG's goal is to make the information understandable to the public, to make the documents as concise as possible, to explain acronyms, and to provide the information in a visually legible and appealing format. Staff reports always include brief background and discussion sections to provide proper context on an issue. Plans, handouts, and other documents available for public review include pictures, graphs, maps and/or visual aids to make them more reader-friendly.

Executive Order 13166, Limited English Proficiency

Executive Order 13166 directs Federal agencies, recipients and sub-recipients of federal financial assistance to examine services they provide, identify any need for services to those with limited English proficiency (LEP), and develop and implement a system to provide services so LEP persons have meaningful access to them. To develop the Limited English Proficiency Plan (LEP Plan), StanCOG undertook DOT's four-factor LEP analysis. The analysis identified the most significant group requiring language assistance as the Hispanic/Latino population. StanCOG publicizes many of its reports and documents such as the RTP/SCS and FTIP in English and Spanish. Media releases are sent to non-English language media outlets. Public meetings and workshops are advertised in English and Spanish. In addition, StanCOG regularly secures Spanish translation support for public meetings and workshops in areas with a high concentration of Spanish-speakers. However, translation services are available upon request for all public meetings. StanCOG also uses an over-the-phone interpretation service for LEP persons who might call or come into the office with questions. As for public meetings, Staff also works with community-based organizations that serve LEP populations to support outreach and participation. Additionally, the StanCOG website has the capability of being translated into over 30 languages using a tool called Google Translate. By clicking on a particular language, the web page is refreshed into the selected language, although this step is not the full extent to which StanCOG goes to provide website content in languages other than English. Google Translate is useful for basic translation for the website, but StanCOG recognizes there may be limitations for the tool and can provide more accurate translation on a case by case basis. The LEP Plan can be viewed on the StanCOG website using the following link http://www.stancog.org/pdf/stancog-lep-plan.pdf .

Summary of Outreach Efforts				
Event	Date	Populations Represented	Items of Discussion	Outcome
StanCOG Citizens Advisory Committee- monthly meetings open to the public	monthly	Local government representatives and area residents	Agendas include transit funding decisions, impact of local projects, and transit service changes.	Forum provides opportunity for additional community oversight of decisions, presentation of more planning detail, and opportunity to address coordination issues across projects.
StanCOG Social Services Transportation Advisory Council - monthly meetings, open for public comment, which connect transportation planning staff, transit providers, and area social services.	monthly	Local government representatives, social service agency staff, advocacy group staff, and area residents	Agendas include public comment, transit impact on social programs, transit performance and policy changes, and discussion of funding opportunities.	Forum provides opportunity to discuss change impacts with local social services, coordinate changes with other transit providers, coordinate projects with other agencies, and address service issues.
Modesto Transit ADA Advisory Meeting - open meeting generally held twice per year. Meeting is promoted on board MAX and MADAR buses and letters sent to social service agencies, advocacy groups, and all individuals requesting notification. Notices are also posted in City Hall. Meetings have initial topics to address and are open to any area of concern brought up in the meeting.	7/16/2013	Attendees included representatives of social service agencies, disabled passengers, and low income passengers	Topics included Transit Administrative staff changes, MAX Secret Rider Program for additional compliance oversight, and Travel Training opportunities.	Forum provides for regular flow of information between transit staff, community service providers, and transit passengers concerned about ADA issues.
Table at the Transit Center- the TC sees approximately 10,00 visitors each day. Many of these individuals are unable or unwilling to make any additional trips to events apart from their normal, known destinations. Providing a day of transit planning staff at the TC to discuss planned or potential changes ensures these program consumers are aware of changes and their opportunities to be part of the process.	11/13/2013	All bus passengers with origins, destinations, or transfers at the downtown. T6 and EJ populations attending include Hispanics, African Americans, and low income individuals.	Primary topics are the proposed fare increase for summer of 2014, a proposed new express route to assist travelers on the heaviest route get downtown faster, and minor schedule changes on Routes 22,28, and 32.	Many passengers objected to the fare increase but were more supportive upon learning that it was necessary for the system to meet fare recovery standards required to maintain eligibility for state funding. Passengers also did not want to consider the service cuts that would have been the alternative to fare increases. All table visitors were encouraged to attend the Open House the following week and the Public Hearing in December.

Open House - Transit planning staff hosted a drop in open house at the City Administration building on the second floor next to where many customers come to pay their water bill.	11/19/2013	Attendees included representatives of social service agencies, disabled passengers, and low income passengers.	Primary topics are the proposed fare increase for summer of 2014, a proposed new express route to assist travelers on the heaviest route get downtown faster, and minor schedule changes on Routes 22,28, and 32.	No written comments were received. Many attendees objected to the fare increase but were more supportive upon learning that it was necessary for the system to meet fare recovery standards required to maintain eligibility for state funding. Passengers also did not want to consider the service cuts that would have been the alternative to fare increases.
Unmet Transit Needs- Modesto Public Hearing- hearing to receive potential unmet transit needs from the public.	11/20/2013	Attendees included representatives of social service agencies, local advocacy groups, disabled passengers, and low income passengers.	Concerns raised were: 1) there were various areas within the urbanized area with bus service but without sidewalks or shade at stops, and 2) A neighborhood near the edge of the service area complained that the nearest bus stop was 1/2 mile away and requested closer service.	By the Unmet Transit Needs Assessment process definition neither of these issues were determined to be un unmet need reasonable to meet. For the first issue, street and sidewalk infrastructure is beyond the ability of the transit operator to address. However, in the two years subsequent to this complaint Transit staff worked with local groups to prioritize bus pads and accessible paths in many of the unincorporated areas within the service boundaries to improve access and service conditions. For the second issue, the neighborhood was found to be within approximately 1/2 mile of two bus stops along route 42 and therefore not requiring any additional service.
Modesto Transit ADA Advisory Meeting - open meeting generally held twice per year. Meeting is promoted on board MAX and MADAR buses and letters sent to social service agencies, advocacy groups, and all individuals requesting notification. Notices are also posted in City Hall. Meetings have initial topics to address and are open to any area of concern brought up in the meeting.	1/21/2014	Attendees included representatives of social service agencies, disabled passengers, and low income passengers.	Topics included discussion of the MAX ADA assessment report, review of the MADAR No Show policy, and summer 2014 fare increases.	Forum provides for regular flow of information between transit staff, community service providers, and transit passengers concerned about ADA issues.
Public Hearing - Formal public hearing at Council meeting to consider Proposed Route changes	3/4/2014	Attendees included representatives of social service agencies, disabled passengers, and low income passengers.	Topic was MAX service changes proposed for summer of 2014: new route 21 RX to assist travelers on the most heavily used route reach downtown more quickly, minor schedule changes on routes 22,28, and 32, and new service offered on President's Day.	There were no public comments. Council approved the proposed changes.

Public Hearing - Formal public hearing at Council meeting to consider fare increases	3/11/2014	Attendees included representatives of social service agencies, disabled passengers, and low income passengers.	Topic was fare increases for all transit services.	There were statements in objection to and statements in support of the fare increase. Council approved the proposed changes. Staff discussed concerns with those objecting and made some referrals to area programs that offer qualified clients assistance with the purchase of bus passes.
Earth Day in the Park- Approximately 15,000 people each year attend this large community event focused on personal practices that can help sustain healthy communities and a healthy planet. Transit staff host a booth promoting MAX buses over the use of personal cars and have a MAX bus onsite for people to tour and build a comfort level with the workings of a transit bus.	4/19/2014	All local groups and ethnicities represented in this large community event. T6 and EJ populations attending include Hispanics, African Americans, and low income individuals.	Primary topics are basic transit use topics - how to plan a ride, how to locate stops, how to ride the bus. Those new to the idea of transit are encouraged to practicing boarding and deboarding the bus on site. This year staff also handed out brochures for the fare and route changes coming in the summer.	Staff handed out Ride Guides and guided members of the public in how to get questions answered, how to find a bus stop, and how to be part of future planning.
Family Cycling Festival- Approximately 2,500 people attended this large community event. Because the event activities are free and children receive a free bicycle helmet fitted by local nurses this event is heavily attended by families with limited resources.	5/17/2014	All local groups and ethnicities represented in this large community event. T6 and EJ populations attending include Hispanics, African Americans, and low income individuals.	Primary topics are basic transit use topics - how to plan a ride, how to locate stops, how to ride the bus. Those new to the idea of transit are encouraged to practicing boarding and deboarding the bus on site. This year staff also handed out brochures for the fare and route changes coming in the summer.	Staff handed out Ride Guides and trip planner brochures and guided members of the public in how to get questions answered, how to find a bus stop, and how to be part of future planning. Since this was a bike focused event, many individuals were also able to learn more about the bike racks on the MAX buses and how to use them.
Modesto Transit ADA Advisory Meeting - open meeting generally held twice per year. Meeting is promoted on board MAX and MADAR buses and letters sent to social service agencies, advocacy groups, and all individuals requesting notification. Notices are also posted in City Hall. Meetings have initial topics to address and are open to any area of concern brought up in the meeting.	8/12/2014	Attendees included representatives of social service agencies, disabled passengers, and low income passengers.	Topics included Passenger Conduct Policy, Transit Center Island Supervisors, and review of the route changes	Forum provides for regular flow of information between transit staff, community service providers, and transit passengers concerned about ADA issues.
Open House - Transit planning staff hosted a drop in open house at the City Administration building on the second floor next to where many customers come to pay their water bill.	10/14/2014	Attendees included representatives of social service agencies, disabled passengers, and low income passengers.	Topic was proposed route changes for summer of 2016: the elimination of route 21 RX, an increase in service frequency on Route 21 to every 15 minutes, and a new Route 23 which would make it easier to travel up McHenry and reach Walmart. The combination of existing route 22 and the new route 23 would provide 15 minute service on the most heavily travelled segment of McHenry.	No written comments were received. Attendees were in support of the changes and excited about having another way to get to Walmart. Social Service representatives particularly supported the fact that doubling service along the McHenry corridor would provide better travel for their consumers using wheelchairs.

Unmet Transit Needs- Modesto Public Hearing- hearing to receive potential unmet transit needs from the public. (In addition to the hearing, StanCOG hosted a website dedicated to the Unmet Needs Assessment process).	11/19/2014	There were no public comments offered on the topic	There were no public attendees to the hearing, however there were other comments made in other venues of the assessment: 1) Not all of MAX's stops are wheelchair accessible, 2) the MADAR 30 minute pickup window is too long; 3) MADAR is too expensive; 3) A charter school in Empire requested that MAX stop at the nearest bus stop at 3:30 to match their schedule and MAX did not provide the requested service; and 4) Maxi service times do not accommodate riders who have evening and weekend appointments assigned to them by social security, probation, and parole offices.	By the Unmet Transit Needs Assessment process definition none of these issues were determined to be an unmet need reasonable to meet. Transit staff were able to work with groups to ensure they were aware of inaccessibility of a needed stop as a qualification for MADAR and provided a review of complementary paratransit requirements. Other service requests are noted for future adjustments if supported by ridership demand and available funding.
Earth Day in the Park- Approximately 15,000 people each year attend this large community event focused on personal practices that can help sustain healthy communities and a healthy planet. Transit staff host a booth promoting MAX buses over the use of personal cars and have a MAX bus onsite for people to tour and build a comfort level with the workings of a transit bus.	4/13/2015	All local groups and ethnicities represented in this large community event. T6 and EJ populations attending include Hispanics, African Americans, and low income individuals.	Primary topics are basic transit use topics - how to plan a ride, how to locate stops, how to ride the bus. Those new to the idea of transit are encouraged to practicing boarding and deboarding the bus on site. This year staff also promoted the CTSA travel training program available free to seniors and those with disabilities.	Staff introduced a new Trip planner on our website, handed out Ride Guides and guided members of the public in how to get questions answered, how to find a bus stop, and how to be part of future planning.
Family Cycling Festival- Approximately 2,500 people attended this large community event. Because the event activities are free and children receive a free bicycle helmet fitted by local nurses this event is heavily attended by families with limited resources.	5/16/2015	All local groups and ethnicities represented in this large community event. T6 and EJ populations attending include Hispanics, African Americans, and low income individuals.	Primary topics are basic transit use topics - how to plan a ride, how to locate stops, how to ride the bus. Those new to the idea of transit are encouraged to practicing boarding and deboarding the bus on site. This year staff also promoted the CTSA travel training program available free to seniors and those with disabilities.	Staff handed out Ride Guides and trip planner brochures and guided members of the public in how to get questions answered, how to find a bus stop, and how to be part of future planning. Since this was a bike focused event, many individuals were also able to learn more about the bike racks on the MAX buses and how to use them.
Modesto Transit ADA Advisory Meeting - open meeting generally held twice per year. Meeting is promoted on board MAX and MADAR buses and letters sent to social service agencies, advocacy groups, and all individuals requesting notification. Notices are also posted in City Hall. Meetings have initial topics to address and are open to any area of concern brought up in the meeting.	6/16/2015	Attendees included representatives of social service agencies, disabled passengers, and low income passengers.	Topics included wheelchair securement on new buses, recent changes to ADA discussion, review of MADAR pick up and drop off policies	Forum provides for regular flow of information between transit staff, community service providers, and transit passengers concerned about ADA issues.

Unmet Transit Needs- Modesto Public Hearing- hearing to receive potential unmet transit needs from the public.	10/21/2015	Attendees included representatives of social service agencies, local advocacy groups, disabled passengers, and low income passengers.	Public Hearing comments were: 1) MADAR is too expensive for senior on fixed incomes; and 2) more services are needed for seniors to make social trips. Comments in other venues of the assessment were: 1) too many passengers have to wait because the bike racks are full; 2) not enough transit service before 7 am when he VA shuttle leaves the TC, 3) it's too hard to use MADAR for grocery shopping because of the bag limit; 4) MADAR should provide same day service for emergencies; 5) Buses from Empire to Modesto do not accommodate students taking MJC classes; 6) MAX route 39 should run until 10 pm; 6) the Airport neighborhood should have buses more frequently than 30 minutes; 7) McHenry Ave buses are too full and should have more service; 8)Transit buses should have seatbelts; 9) the MAX stop on Tenaya is "on-call" only and should be on every run; 10) More benches and shelters should be put the Airport Neighborhood; 11) Bus stops should be moved away from locations where property owners don't like people waiting in front of their homes; 12) MADAR should let the general public ride when hey need to; 13)MAX should run until 11 pm; 13) Bus drivers should assist passengers with loading bikes onto the bike racks; and 14) MADAR should provide more same day rides.	By the Unmet Transit Needs Assessment process definition neither of these issues were determined to be an unmet need reasonable to meet. The service comments that are within the scope and purpose of the transit programs, as well as within the regulatory framework of public transit, are noted for future adjustments if supported by ridership demand and available funding. Comment #7 helped to shape the new route 23 to begin service in July of 2016.
Public Hearing - Formal public hearing at Council meeting to consider route and schedule changes	12/8/2015	There were no public comments offered on the topic	Topic was proposed route changes for summer of 2016: the elimination of route 21 RX, an increase in service frequency on Route 21 to every 15 minutes, and a new Route 23 which would make it easier to travel up McHenry and reach Walmart. The combination of existing route 22 and the new route 23 would provide 15 minute service on the most heavily travelled segment of McHenry.	No comments were made by the public. Council approved the changes as the 21RX elimination would pay for the route 21 service increase and the new route 23 would be supported by a new state LCTOP grant.

Modesto Transit ADA Advisory Meeting - open meeting generally held twice per year. Meeting is promoted on board MAX and MADAR buses and letters sent to social service agencies, advocacy groups, and all individuals requesting notification. Notices are also posted in City Hall. Meetings have initial topics to address and are open to any area of concern brought up in the meeting.	2/9/2016	Attendees included representatives of social service agencies, disabled passengers, and low income passengers.	Topics included paratransit eligibility study, MADAR on time performance, and TC bay changes	Forum provides for regular flow of information between transit staff, community service providers, and transit passengers concerned about ADA issues.
Earth Day in the Park- Approximately 15,000 people each year attend this large community event focused on personal practices that can help sustain healthy communities and a healthy planet. Transit staff host a booth promoting MAX buses over the use of personal cars and have a MAX bus onsite for people to tour and build a comfort level with the workings of a transit bus.	4/26/2016	All local groups and ethnicities represented in this large community event. T6 and EJ populations attending include Hispanics, African Americans, and low income individuals.	Primary topics are basic transit use topics - how to plan a ride, how to locate stops, how to ride the bus. Those new to the idea of transit are encouraged to practicing boarding and deboarding the bus on site. This year staff also promoted the new route starting in the summer.	Staff handed out Ride Guides and trip planner brochures and guided members of the public in how to get questions answered, how to find a bus stop, and how to be part of future planning.
Family Cycling Festival- Approximately 3,000 people attended this large community event. Because the event activities are free and children receive a free bicycle helmet fitted by local nurses this event is heavily attended by families with limited resources.	5/21/2016	All local groups and ethnicities represented in this large community event. T6 and EJ populations attending include Hispanics, African Americans, and low income individuals.	Primary topics are basic transit use topics - how to plan a ride, how to locate stops, how to ride the bus. Those new to the idea of transit are encouraged to practicing boarding and deboarding the bus on site. This year staff also promoted the new route starting in the summer.	Staff handed out Ride Guides and trip planner brochures and guided members of the public in how to get questions answered, how to find a bus stop, and how to be part of future planning. Since this was a bike focused event, many individuals were also able to learn more about the bike racks on the MAX buses and how to use them.

Appendix E

Language Assistance Plan

Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English, can be Limited English Proficient (LEP) and, therefore, are entitled to language assistance under Executive Order 13166 and Title VI of the Civil Rights Act of 1964.

Language for LEP individuals can be a barrier to accessing important benefits or services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information provided by federally funded programs and activities. As a recipient of FTA funds, Modesto Transit is obligated to reduce language barriers that can preclude meaningful access by LEP persons to transit services.

This plan establishes guidance for Modesto Transit's LEP plan. It is Modesto Transit's policy to provide meaningful access to its programs and services to persons who, as a result of national origin, are limited in English proficiency. This plan is established pursuant to and in accordance with Executive Order 13166 for "Improving Access to Services for Persons with Limited English Proficiency."

Modesto Transit is required to take reasonable action to ensure LEP meaningful access to its transit services. In order to determine the appropriate mix of LEP services to offer, Modesto Transit performed an analysis of the following four factors:

1) The number of or proportion of LEP Persons served or encountered in the Modesto Transit service population:
   Modesto transit relied upon educational demographics data from California Department of Education of the school districts in the service area. The tables included at the end of this report show that the one LEP Population in our service area with a numerically significant demand for language support services is our Spanish speaking LEP population. Census data state that Modesto has a population of 30,439 individuals over the age of for which the language spoken at home is Spanish. Of these, 13,987 census respondents reported that they speak English less than "very well."
2) The frequency with which LEP individuals come in contact with the program:
   Modesto Transit serves LEP persons daily through MAX fixed route and MADAR paratransit services. MAX customer service receives multiple requests daily for service information in Spanish both at the customer service windows and on the phone. Similarly, MADAR receives multiple daily information and reservation calls from passengers requiring support in Spanish. MADAR estimates 5% of the reservations are made in Spanish only conversations.

3) The nature and importance of the program, activity, or service provided by the recipient to people's lives:
   Modesto Transit provides important transit services to the public through its fixed route and paratransit services. Modesto Transit is the primary resource for transit dependent individuals for daily life tasks such as medical appointments, shopping, and commuting to school and work.
4) The resources available to the recipients and costs:
   Modesto Transit currently provides almost all information in Spanish, including the Ride Guide, applications, information brochures, and all route or schedule changes. Both MAX and MADAR have bilingual staff providing verbal assistance to LEP individuals who may also have limited reading skills in their native language. Modesto Transit utilizes City staffing for document translation services and consolidates printing orders whenever possible.

Modesto Transit is committed to making its services and programs available to LEP persons and recognizes the need to continue providing language services in Modesto. Modesto Transit is committed to continuing the following practices:

- Providing customer services staff members who are bi-lingual and are trained to assist persons with limited English language proficiency
- Providing bi-lingual supervisors and customer service representatives to assist Spanish speaking riders
- Providing the MAX Pass Outlet Program, which utilizes a variety of community-based organizations and small businesses to provide similar access to bus passes throughout the MAX service area. This program provides an additional opportunity to obtain written and verbal information about MAX services, as well as opportunities to purchase MAX passes in the language most common to the neighborhood.
- In addition, Modesto Transit will work with community organizations to determine other areas of need and coordinate with other agencies to reach any additional LEP populations.
- To support infrequent language supports needs other than Spanish, Modesto Transit has arranged for LanguageLine services which are able to provide real time phone translation services in over 200 languages.

Modesto Transit Vital Documents

Document Title	Spanish Version	English/ Spanish Version	Comments
Application for ***MAX*** Senior/Disabled Discount Card	Yes		
Modesto Area Dial-A-Ride (MADAR) Certification Application	Yes		
Modesto Area Dial-A-Ride (MADAR) Brochure	Yes		
Modesto Area Dial-A-Ride *CONSUMER GUIDE*	Yes		
Modesto Area Express (***MAX***) Ride Guide		Yes	
Modesto Area Express (***MAX***) System Route Map	No		The limited text portions on the map contain information that is available in Spanish in the Ride Guide and on the website
Service Announcement Notices (Route/ Schedule /Fare, etc.)	Yes		
Title VI Complaint Procedures	Yes		
Dial-A-Ride Comment Form		Yes	
MAX Bus Signs		Yes	

California Department of Education
Data Reporting Office
Data as of: 2015-03-13

English Learner Students by Language by Grade

5071167 Modesto City Elementary

2014-15

Subgroup:Socioeconomically Disadvantaged, Gender:All

Language Code	Language Name	Kindergarten	Grade 1	Grade 2	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Grade 9	Grade 10	Grade 11	Grade 12	Ungraded	Total	Percent of Total
01	Spanish	640	745	794	809	816	571	425	359	293	0	0	0	0	0	5,452	93.61%
09	Khmer (Cambodian)	12	30	13	19	22	17	12	10	7	0	0	0	0	0	142	2.44%
11	Arabic	12	7	7	12	11	3	6	5	2	0	0	0	0	0	65	1.12%
10	Lao	4	2	10	6	6	4	3	8	2	0	0	0	0	0	45	0.77%
22	Hindi	4	4	1	4	4	2	2	3	1	0	0	0	0	0	25	0.43%
23	Hmong	3	3	1	1	3	5	0	1	2	0	0	0	0	0	19	0.33%
42	Assyrian	3	1	2	2	1	0	1	2	1	0	0	0	0	0	13	0.22%
05	Filipino (Pilipino or Tagalog)	2	0	3	1	2	0	0	0	1	0	0	0	0	0	9	0.15%

16	Farsi (Persian)	0	2	0	0	2	2	0	1	1	0	0	0	0	0	8	0.14%
28	Punjabi	1	2	1	0	3	0	0	1	0	0	0	0	0	0	8	0.14%
29	Russian	0	2	2	1	2	1	0	0	0	0	0	0	0	0	8	0.14%
02	Vietnamese	3	0	0	2	1	1	0	0	0	0	0	0	0	0	7	0.12%
30	Samoan	0	0	1	2	0	1	1	0	0	0	0	0	0	0	5	0.09%
99	Other non-English languages	0	1	0	0	0	0	2	0	2	0	0	0	0	0	5	0.09%
03	Cantonese	2	1	0	0	1	0	0	0	0	0	0	0	0	0	4	0.07%
08	Japanese	0	1	0	1	0	0	0	0	0	0	0	0	0	0	2	0.03%
17	French	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1	0.02%
18	German	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1	0.02%
13	Burmese	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1	0.02%
40	Pashto	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1	0.02%
06	Portuguese	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1	0.02%
32	Thai	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1	0.02%
38	Ukrainian	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0.02%

Agency	Language Name	Kindergarten	Grade 1	Grade 2	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Grade 9	Grade 10	Grade 11	Grade 12	Ungraded	Total
Modesto City Elementary Total	All Languages	687	802	836	861	874	609	453	390	312	0	0	0	0	0	5,824

English Learner Students by Language by Grade

5071290 Sylvan Union Elementary

2014-15

Subgroup:Socioeconomically Disadvantaged, Gender:All

Language Code	Language Name	Kindergarten	Grade 1	Grade 2	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Grade 9	Grade 10	Grade 11	Grade 12	Ungraded	Total	Percent of Total
01	Spanish	98	103	86	95	88	57	67	45	42	0	0	0	0	0	681	71.16%
42	Assyrian	4	11	11	9	11	5	6	4	3	0	0	0	0	0	64	6.69%
11	Arabic	8	7	6	12	4	10	2	3	6	0	0	0	0	0	58	6.06%
02	Vietnamese	3	2	4	4	6	1	1	1	2	0	0	0	0	0	24	2.51%
22	Hindi	3	4	2	5	2	2	2	1	0	0	0	0	0	0	21	2.19%
16	Farsi (Persian)	2	3	0	1	3	0	5	2	3	0	0	0	0	0	19	1.99%
99	Other	1	4	3	3	2	2	3	0	0	0	0	0	0	0	1	1.8

	non-English languages															8	8%
09	Khmer (Cambodian)	3	2	1	1	1	0	2	1	3	0	0	0	0	0	14	1.46%
07	Mandarin (Putonghua)	2	2	5	3	0	0	0	0	0	0	0	0	0	0	12	1.25%
29	Russian	1	1	1	1	3	1	2	0	2	0	0	0	0	0	12	1.25%
28	Punjabi	1	0	1	4	0	1	1	0	0	0	0	0	0	0	8	0.84%
40	Pashto	0	1	1	0	1	1	0	2	2	0	0	0	0	0	8	0.84%
12	Armenian	0	1	0	2	1	1	0	0	0	0	0	0	0	0	5	0.52%
05	Filipino (Pilipino or Tagalog)	0	0	0	0	1	0	1	1	0	0	0	0	0	0	3	0.31%
10	Lao	1	1	1	0	0	0	0	0	0	0	0	0	0	0	3	0.31%
23	Hmong	1	1	0	0	0	0	0	0	0	0	0	0	0	0	2	0.21%
13	Burmese	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0.10%
03	Cantonese	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1	0.10%
06	Portuguese	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1	0.10%
45	Rumanian	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1	0.10%
34	Tongan	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1	0.10%

Agency	Language Name	Kindergarten	Grade 1	Grade 2	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Grade 9	Grade 10	Grade 11	Grade 12	Ungraded	Total
Sylvan Union Elementary Total	All Languages	129	143	123	141	125	81	92	60	63	0	0	0	0	0	957

English Learner Students by Language by Grade

5071175 Modesto City High

2014-15

Subgroup:Socioeconomically Disadvantaged, Gender:All

Language Code	Language Name	Kindergarten	Grade 1	Grade 2	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Grade 9	Grade 10	Grade 11	Grade 12	Ungraded	Total	Percent of Total
01	Spanish	0	0	0	0	0	0	5	4	3	370	325	302	307	0	1,316	87.67%
09	Khmer (Cambodian)	0	0	0	0	0	0	0	0	0	9	11	8	11	0	39	2.60%
42	Assyrian	0	0	0	0	0	0	0	0	0	16	7	6	8	0	37	2.47%
11	Arabic	0	0	0	0	0	0	0	1	0	9	6	6	4	0	26	1.73%
28	Punjabi	0	0	0	0	0	0	1	0	0	6	1	1	7	0	16	1.07%
22	Hindi	0	0	0	0	0	0	0	0	0	3	3	2	4	0	12	0.80%
02	Vietnamese	0	0	0	0	0	0	0	0	0	3	2	1	6	0	12	0.80%
23	Hmong	0	0	0	0	0	0	0	0	0	2	2	1	2	0	7	0.47%
16	Farsi (Persian)	0	0	0	0	0	0	0	0	0	1	1	2	3	0	7	0.47%
10	Lao	0	0	0	0	0	0	0	0	0	1	1	1	3	0	6	0.40%
07	Mandarin	0	0	0	0	0	0	0	0	0	0	2	0	2	0	4	0.27%

	(Putonghua)																
32	Thai	0	0	0	0	0	0	0	0	0	1	1	0	2	0	4	0.27%
35	Urdu	0	0	0	0	0	0	0	0	1	1	0	1	1	0	4	0.27%
05	Filipino (Pilipino or Tagalog)	0	0	0	0	0	0	0	0	0	0	0	1	2	0	3	0.20%
19	Greek	0	0	0	0	0	0	0	0	0	1	0	0	0	0	1	0.07%
43	Gujarati	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1	0.07%
61	Bengali	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	0.07%
38	Ukrainian	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1	0.07%
30	Samoan	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1	0.07%
99	Other non-English languages	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1	0.07%
40	Pashto	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1	0.07%
06	Portuguese	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	0.07%

Agency	Language Name	Kindergarten	Grade 1	Grade 2	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Grade 9	Grade 10	Grade 11	Grade 12	Ungraded	Total
Modesto City High Total	All Languages	0	0	0	0	0	0	6	5	4	423	366	333	364	0	1,501

MEMORANDUM OF UNDERSTANDING
between the CITY OF
MODESTO and the
CITY OF RIPON

"Regarding the Coordination of Ongoing Federal Transportation Administration (FTA) ·Section 5307 Funded Activities for the Modesto Urbanized Area"

This **Memorandum of Understanding (MOU)** is entered into between the City of Modesto, hereinafter referred to as "Modesto" and the City of Ripon, hereinafter referred to as "Ripon", this *22* day of September, 2009.

This MOU is made with reference to the following recitals:

1. The Stanislaus Council of Governments (StanCOG) has been designated by the Federal Transit Administration (FTA) to receive Section 5307 federal transit funds, which are made available to the Modesto Urbanized Area.
2. The San Joaquin Council of Governments (SJCOG) is the Metropolitan Planning Organization for the San Joaquin County region.
3. SJCOG and StanCOG entered into an MOU March 15, 2004 to define the roles and responsibilities of the two Metropolitan Planning Organizations in the transit planning and programming of federal funds for the Modesto Urbanized Area. This MOU between SJCOG and StanCOG is attached to this MOU as Attachment A.
4. Modesto, as designated by the U.S. Census Bureau, is the major population center in the federally defined Modesto Urbanized Area. Modesto is currently the designated applicant for FTA Section 5307 funds within the Modesto Urbanized Area.
5. Located in San Joaquin County, Ripon is included in the Modesto Urbanized Area, as designated by the U.S. Census Bureau. Ripon has current and future eligible activities for FTA Section 5307 federal transit funds that have and will be included in the StanCOG and SJCOG transit planning and programming documents.
6. Modesto and Ripon must enter into an MOU to define roles and responsibilities of the two cities in the FTA Section 5307 grant application and grant management process to ensure the smooth and equitable distribution of funds and ensure compliance with all federal grant regulations and requirements.•
7. Ripon and Modesto mutually agree that the responsibilities outlined in this MOU foster healthy collaboration for the purpose of transit planning and programming federal funds within the Modesto Urbanized Area.

NOW, THEREFORE, in consideration of the mutual covenants, promises, and agreements herein contained, the parties hereto mutually agree as follows:

SECTION 1: Purpose

1.1 Purpose

The purpose of this MOU is to set forth the basic structure for FTA. Section 5307 grant application and administration in the Modesto Urbanized Area. This MOU builds upon an existing MOU between SJCOG and StanCOG. The existing MOU between SJCOG and StanCOG is attached to this MOU as Attachment A.

SECTION 2: Cooperative Relationship

2.1 Communication

Modesto and Ripon shall rely upon a cooperative relationship to facilitate the application for and administration of FTA Section 5307 funds. A critical component of this relationship involves open and productive communication, which leads to setting transit project priorities and following all federal funding requirements.

The Modesto Transit Manager and the Ripon City Engineer are the primary individuals responsible for ensuring implementation of the provisions of this MOU.

SECTION 3: FTA Section 5307 Requirements

3.1 Grantee Role

Modesto, as the grantee, will review proposed projects to help ensure that all FTA supported activities in which Ripon engages comply with all applicable Federal regulations, Grant Agreements and FTA circulars. Ripon shall cooperate with Modesto to provide supporting documents, data and other information as may be reasonably requested by Modesto to ensure said compliance.

Modesto, will make a good faith effort to provide Ripon an annual allocation amount reflecting estimated Ripon's funding share, including related methodology and technical calculations that were used to identify the allocation figure. Ripon shall review the allocation and provide comments to Modesto within thirty days on the methodology and calculation.

Within 30 calendar days of publication of the apportionments in the Federal Register, Modesto will calculate and furnish Ripon with their allocation amount. Modesto will track the amount of the Modesto Urbanized Area's total apportionment, the cumulative amount of said apportionment that is allocated to Ripon, and the cumulative amount of Ripon's allocation that has been obligated by the

FTA in approved grants. Modesto will provide Ripon with a report on these amounts within 30 days of Ripon's request for information

3.2 Annual Certifications and Assurances

Modesto shall annually submit Certifications and Assurances to the FTA that detail the federal requirements with which it must comply to be eligible to receive federal transit assistance. The annual submission of these Certifications and Assurances is required by Federal law prior to the submission of any grant application.

Federal regulations require that Modesto, as a grant applicant, secure sufficient documentation from subrecipients such as Ripon to ensure the subrecipient's compliance with all the requirements included in the Certifications and Assurances. To ensure that Ripon is aware of all federal regulations, Ripon shall submit to Modesto, within thirty (30) days of Modesto's request, a signed copy of the FTA's Annual Certifications and Assurances. Ripon shall comply with all requirements set forth in the annual Certifications and Assurances.

3.3 Civil Rights Requirements

Modesto and Ripon agree to comply with all applicable civil rights statutes and implementing regulations including, but not limited to, the following: non discrimination in Federal Public Transportation Programs; non discrimination following the requirements of Title VI of the Civil Rights A<;t of 1964; Equal Employment Opportunity; non discrimination on the basis of sex; non discrimination on the basis of age; non discrimination on the basis of disability; and, Disadvantaged Business Enterprise.

3.4 Federal Transportation Improvement Program

SJCOG is responsible for the periodic development, adoption, and amendment of a Federal Transportation Improvement Program (FTIP) for San Joaquin County. Federally funded projects are programmed by SJCOG on behalf of Ripon to provide for Ripon's receipt of federal funds through the FTIP. Ripon will be responsible to ensure that its Federal Section 5307 projects are programmed into SJCOG's FTIP in addition to being included in the StanCOG FTIP as an information item only. Ripon shall request the inclusion of its projects in the triennial FTIP's prepared by StanCOG and SJCOG.

The SJCOG FTIP will be prepared and coordinated with StanCOG per the MOU between SJCOG and StanCOG. Ripon shall be eligible to receive FTA funding only for projects that are included in said FTIP's when properly adopted by both SJCOG and StanCOG, in accordance with regulations promulgated by the U.S. Department of Transportation, and approved by the FTA. Projects not included in both the SJCOG and StanCOG FTIP's will not be included in Modesto's Section 5307 grant application.

3.5 Annual Review and Request for Funding

Modesto and Ripon shall meet annually for the purpose of reviewing the transit needs in the Modesto Urbanized Area and defining the apportionment amounts for eligible transit activities in Ripon. The meeting shall be held after the FTA publishes the annual apportionments in the Federal Register.

Requests submitted to Modesto by October 1st will be included in an application that Modesto will .submit to the FTA by June 30th of the following year. Said written notification shall include copies of the SJCOG and StanCOG FTIP's as approved by Caltrans, the FHWA and the FTA. Ripon shall notify Modesto in writing if it has an FTA eligible project that it desires Modesto to include in its annual Section 5307 grant application.

In the event that application requests are filed after October 1st, Modesto will amend its annual grant application to include Ripon's FTA eligible project, if time permits.

If Ripon does not submit a project annually, Ripon's annual apportionment shall be carried over automatically into the next year and the next year(s), if applicable. The apportionment balance shall be cumulatively tracked by Modesto. Ripon's annual apportionments will not be expended by Modesto without Ripon's express written approval. Ripon will be able to submit an eligible project based upon its cumulative unexpended apportionment balance. Modesto will provide Ripon the cumulative balance within thirty (30) calendar days of Ripon's request.

All parties agree that Ripon's share of the Modesto Urbanized Area's annual Section 5307 allocation shall be based on the percentage of the population (according to the most recent federal census) of the Modesto Urbanized Area that resides within San Joaquin County. This percentage shall be applied to the portion of the Modesto Urbanized Area's Section 5307 apportionment that is calculated on population alone and the portion that is calculated using population multiplied by population density. The remainder of the apportionment shall be distributed to Modesto. Ripon shall not receive any portion of the FTA Section 5307 apportionment that is determined, in whole or in part, on the basis of bus revenue miles or other data obtained through the National Transit Database process, unless Ripon submits NTD reporting data as specified in Section 4.3 of this MOU.

SECTION 4: Grant Application and Management

4.1 Federal Transit Administration Section 5307 Funding Application .

Modesto shall complete the application for Section 5307 funding for the Modesto Urbanized Area and include funding requested by Ripon in the manner prescribed in Sections 3.4 and 3.5 of this MOU. Modesto shall submit the application to the Federal Transit Administration for processing.

Ripon shall provide Modesto with project information on a timely basis to ensure that grant application deadlines are met. This information shall include a project description, budget and budget detail, project milestones and environmental findings. Modesto may submit the annual

application without funding for Ripon if it does not receive the necessary project information within thirty (30) calendar days of notifying Ripon in writing of the deadline for receipt of project information.

After the grant has been approved by the FTA, StanCOG has completed the Supplemental Agreement approval and Modesto has executed the grant, Modesto will notify Ripon of the final approval of FTA grant funding. A flow chart detailing the grant application process is attached to the MOU as Attachment B.

4.2 Federal Transit Administration Section 5307 Grant Reporting Requirements

Financial Status Reports (FSR) and Milestone Progress Reports (MPR) are due to the FTA within 30 days after the end of each quarter. These reports are used by the FTA to determine if the purposes of the grant are being achieved, if the project is progressing on time and within budget, if the grantee is demonstrating competence in executing the project, if the project meets program requirements and if any future problems are anticipated. The FTA may withhold payment for failure to submit FSR or MPR reports on time.

The FSR is to provide a current, complete and accurate financial picture of the grant on an accrual basis as specified in FTA Circular 5010.1D, as that circular may be subsequently updated or amended.

The MPR is the narrative portion of the quarterly report. Information-in the MPR includes status reports and progress on the milestones included in the grant application. FTA Circular 5010.1D describes the MPR.

Modesto will combine the information on Modesto's projects with Ripon's projects for these quarterly reports. To meet the quarterly reporting deadline, by the 10th day of the month following the end of each quarter Ripon will provide Modesto with the finance and milestone information needed for Modesto to properly complete the reports.

4.3 Federal Transit Administration National Transit Database (NTD) Reporting

If Ripon does not receive a waiver from the FTA for NTD reporting, Ripon will submit NTD reports that have been compiled in the manner prescribed by the FTA. If Ripon desires to receive FTA funding based on services provided, or any factor other than population and population density, Ripon must submit NTD information to the FTA. This would require Ripon to provide adequate and properly trained staff resources to collect and compile the information. In addition, a Ripon staff member would need to regularly attend FTA training on NTD reporting. If Ripon submits NTD reports, hard copies of the reports will be sent to Modesto.

FTA grantees and sub recipients are required by law to submit monthly and annual NTD reports to the FTA. There are three types of NTD reports; annual, monthly and safety and security incidents. The largest of the three is the annual report which includes information on transit operations including ridership, miles, hours and vehicles with details on actual expenditures. The FTA uses this information to calculate the Modesto Urbanized Area's annual apportionment. Data collection

methodologies and reporting procedures are highly technical and annual training is required to complete the reports accurately.

During an FTA Triennial Review, Modesto is required to provide the NTD reporting identification number for all sub recipients of FTA Section 5207 funds. As a sub recipient, Ripon shall provide Modesto with a copy of its NTD reports that includes Ripon's reporting identification number or a letter from the FTA waiving the requirement.

Modesto will not be available to assist in the collection and assimilation of NTD data for Ripon. Modesto will not be able to enter into its NTD database information on Ripon's behalf. It shall be Ripon's responsibility to accurately collect and enter information into the NTD reporting system.

Section 5: Reimbursements for Grant Activities

Thirty days after Modesto's submission of the Quarterly reports to the FTA, Ripon will submit a detailed expense report and invoice based on the FSR (Section 4.2, Reports) to Modesto for reimbursement. The expense report will be submitted by the first day of March, June, September and December following any quarter in which Ripon has incurred reimbursable expenses. Modesto will reimburse Ripon for eligible activities within 30 days after the receipt of the expense invoice. Ripon will maintain all original invoices for a period of ten years for future FTA audits and reviews.

Ripon shall reimburse Modesto for fully allocated labor expenses for activities related to FTA grants that benefit Ripon. To receive reimbursement for routine activities constituting less than 20 hours of labor, Modesto shall submit an invoice to Ripon within 30 days of the end of each six-month period in which costs were incurred. To receive reimbursement for activities beyond the routine activities, or in excess of 20 hours of labor, Modesto shall provide Ripon with written notice of the labor expenditures prior to undertaking the non-routine activities. Any invoice submitted by Modesto to Ripon shall list labor hours by employee, the fully allocated expense rate per labor hour and the cost by employee and a total for all Modesto employees and must be approved, in writing, by the Ripon
City Engineer. Ripon shall remit payment to Modesto within 30 days of receipt of said invoice. FTA
funds may not be used for this payment.

Section 6: Errors and Omissions

Ripon and Modesto agree that neither party shall hold the other responsible for errors, omissions or other negligence that might result in the loss of funding or a delay in receiving funding.

Section 7: MOU
Amendment

This MOU may be amended by the written consent of both parties.

Section 8: MOU Termination

Either party upon thirty days written notification to the other may terminate this MOU.

Section 9: Authorization of MOU

IN WITNESS WHEREOF, the City of Modesto, a municipal corporation, has authorized the execution of this MOU in duplicate by its City Manager and attestation by its City Clerk under authority of Resolution No. 2009-444, adopted by the Council of the City of Modesto on the 22 day of September, 2009.

CITY OF MODESTO,
A California municipal corporation

By: _____
GREG NYHORP, City Manager

ATTEST:
By: _____
STEPHANIE LOPEZ, City Clerk

CITY OF RIPON
A California municipal corporation

By: _____
CHUCK WINN, Mayor

ATTEST:
By: _____
LYNETTE VAN LAAR, City Clerk

(SEAL)

APPROVED AS TO FORM:
SUSANA ALCALA WOOD, City Attorney

By: _____
ROLAND R. STEVENS, Assistant City Attorney

APPROVED AS TO FORM:
THOMAS H. TERPSTRA, City Attorney

By: _____
THOMAS H. TERPSTRA

APPROVED AS TO FORM:

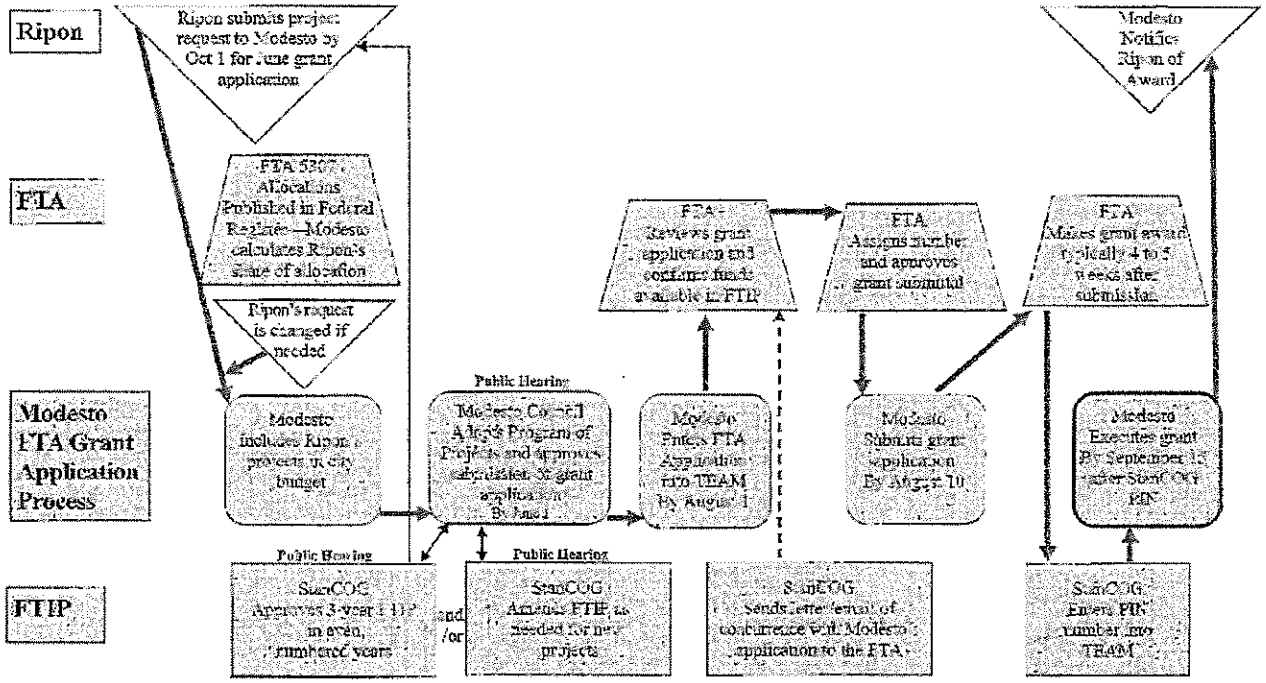
By: _____
MARY AKIN, Risk Manager

* Corporations -- signature of two (2) officers required or one (1) officer plus corporate seal.

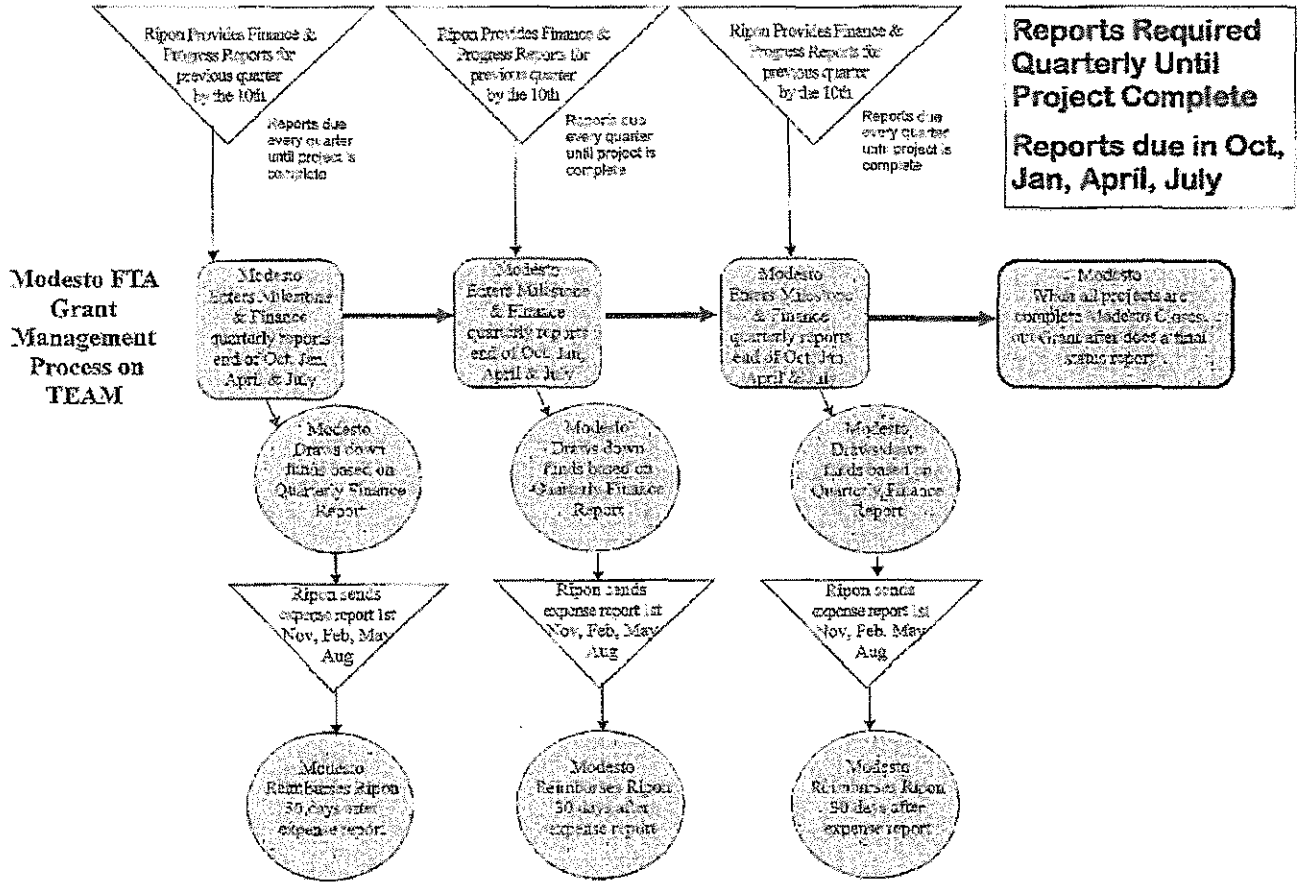
Partnership -- signature of a partner required

Sole proprietorship -- signature of proprietor required

Attachment B — FTA Section 5307 Grant Process Flow Chart



Attachment C — Quarterly FTA Grant Reporting



APPENDIX G

Approval of Governing Board

(Copy of City Council Resolution to be attached after approval)

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-299

Print

RESOLUTION APPROVING THE PROTECTED - PERMISSIVE TRAFFIC SIGNALS REPORT FOR 2015

WHEREAS, Traffic Engineering staff periodically analyzes the safety record at each intersection where protected-permissive traffic signals are in service, and

WHEREAS, protected-permissive traffic signal operation was removed based on traffic collisions at Dale Road at Veneman Avenue, and

WHEREAS, the City now has protected-permissive signal phasing at 52 intersections, and

WHEREAS, protected-permissive phasing provides important non-tangible benefits, such as reduced driver anxiety and a second chance to turn left during the same cycle, and

WHEREAS, based upon the findings of the report, staff recommends continuing the use of protected-permissive phasing at appropriate locations and monitoring these installations for improvements and/or modifications based on periodic technical analysis, and

WHEREAS, all 52 protected-permissive signalized intersections have acceptable safety records these reporting cycles.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Protected-Permissive Traffic Signals Report for 2015.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of July, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-300

RESOLUTION AUTHORIZING THE AWARD OF BID AND CONTRACT SERVICES FOR THE PURCHASE OF CEMENT CONCRETE FOR THE PUBLIC WORKS DEPARTMENT TO CENTRAL VALLEY CONCRETE INC. OF TURLOCK, CA AS A "PRIMARY" CONTRACTOR, AND ALLIED CONCRETE OF MODESTO, CA AS A "SECONDARY" CONTRACTOR, AND AUTHORIZING THE PURCHASING MANGER, OR HIS DESIGNEE, TO ISSUE ANNUAL PURCHASE AGREEMENTS FOR A PERIOD OF ONE YEAR, WITH FOUR ONE-YEAR EXTENSION OPTIONS AT THE DISCRECTION OF THE CITY, FOR AN ESTIMATED ANNUAL COST OF $178,4000 TOTALING $892,000 OVER A FIVE YEAR PERIOD

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids for the purchase of cement concrete, and

WHEREAS, the bid from Allied Concrete, which was within 5% of the Central Valley Concrete bid in base price, also included a much higher short load fee and a premium delivery fee. Therefore, staff determined it did not qualify for price match under Modesto Municipal Code Section 8-3.206 Support of Local Vendors (SLV), and

WHEREAS, on March 30, 2016, the Purchasing Division issued Request for Bids (RFB) No. 1516-35 for cement concrete on the City's website under the commodity codes for Concrete, Concrete Raising and Undersealing Services. Prospective bidders, one being a local company, were notified online of the bid opportunity. Eleven companies chose to download the RFB document, and

WHEREAS, on May 3, 2016, bids were formally opened in the City Clerk's Office. Four companies chose to respond, one of which was a local company. Three of the four companies who responded provided responsive and responsible bids, and

WHEREAS, based on providing the lowest responsive and responsible bid, City staff recommends the award of bid and contracts for the purchase of cement concrete for

the Public Works Department to Central Valley Concrete Inc., Turlock, CA as a "primary" contractor, and Allied Concrete, Modesto, CA as a "secondary" contractor for a one-year agreement with four one-year extension options at the sole discretion of the City, for an estimated annual cost of $178,400, totaling $892,000 over a five year period, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of bid and contracts to Central Valley Concrete Inc., Turlock, CA as a primary contractor and Allied Concrete, Modesto, CA as a "secondary" contractor conforms to Modesto Municipal Code 8-3.203, and

WHEREAS, funds are budgeted in Curb, Gutter and Sidewalks account: 1700-53142-53150.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid and contracts to Central Valley Concrete Inc., Turlock, CA as a "primary" contractor, and Allied Concrete, Modesto, CA as a "secondary" contractor for the Public Works Department for a one-year agreement with four one-year extension options at the sole discretion of the City.

BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, is hereby authorized to issue individual annual purchase agreements for both contractors for an estimated annual combined cost of $178,400, totaling $892,000 over a five year period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of July, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-301

Print

CONSIDER REJECTING BIDS FOR THE RIVER TRUNK REHABILITATION PROJECT (GALLO SECTION), AND AUTHORIZING STAFF TO RE-ADVERTISE THE PROJECT AT A FUTURE DATE WITH AN AMENDED SCOPE OF WORK.

WHEREAS, the bids received for the River Trunk Rehabilitation project were opened at 11:00 a.m. on May 17, 2016, and later tabulated by the Director of Utilities for the consideration of the Council, and

WHEREAS, the three bids ranged from 1.92% below to 19.78% above the engineer's estimate, and

WHEREAS, a bid protest was filed causing delays during the appeal process, and,

WHEREAS, the Utilities Department staff determined that it would be in the best interest of the City to reject bids and re-advertise the project to avoid further delays, and,

WHEREAS, staff recommends rejecting all bids and re-advertising the project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby rejects all bids received for the River Trunk Rehabilitation project.

BE IT FURTHER RESOLVED that staff is hereby authorized to re-advertise the project with an amended scope of work.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of July, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-302

RESOLUTION APPROVING THE ALLOCATION OF $45,000 IN HOME INVESTMENT PARTNERSHIP PROGRAM COMMUNITY HOUSING DEVELOPMENT ORGANIZATION OPERATING FUNDS TO GREAT VALLEY HOUSING DEVELOPMENT CORPORATION AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE NECESSARY AGREEMENTS AND RELATED DOCUMENTS.

WHEREAS, the City of Modesto, as an entitlement community, receives HOME Investment Partnership Program (HOME) funds annually, and

WHEREAS, the City reserves five (5%) percent of these HOME funds for eligible Community Housing Development Organizations (CHDO) for administration and operating expenses associated with running a CHDO program, and

WHEREAS, to be eligible for HOME CHDO Operating funds, a CHDO must receive HOME CHDO Set-Aside funds within 24 months of receiving HOME CHDO operating funds, and

WHEREAS, authorized HOME CHDO operating expenses include organizational support, housing education, administrative and operating expenses, and

WHEREAS, the City has approximately $105,000 available in carryover HOME CHDO operating funds to allocate, and

WHEREAS, on May 4, 2016, the Citizens Housing & Community Development Committee (CH&CDC) approved staff's recommendation to solicit a Requests for Proposals (RFP) for HOME CHDO Operating and Set-Aside funds, and

WHEREAS, the RFP was released on May 5, 2016 and proposals were due on May 24, 2016, and

WHERAS, both Great Valley Housing Development Corporation (GVHDC) and Stanislaus County Affordable Housing Corporation (STANCO) submitted proposals for HOME CHDO Operating funds, and

WHEREAS, an initial review of the proposals was completed by City staff and a three-member sub-committee of the CH&CDC, and

WHEREAS, both GVHDC and STANCO met with the three-member sub-committee and provided an overview of their respective organizations and current HOME-funded projects, and

WHEREAS, staff recommended awarding $60,000 in HOME CHDO Operating funds to STANCO and $45,000 to GVHDC, and

WHEREAS, on June 23, 2016, the CH&CDC met and unanimously approved to forward staff's recommendation to the City Council for review and approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that it hereby authorizes the allocation of $45,000 in Home Investment Partnership Program Community Housing Development Organization Operating Funds to Great Valley Housing Development Corporation and authorizes the City Manager, or his designee, to execute the necessary agreements and related document.

BE IT FURTHER RESOLVED that final approval is dependent upon successful completion of the Environmental Review that demonstrates compliance with NEPA and 24 CFR Part 5.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of July, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-303

RESOLUTION APPROVING THE ALLOCATION OF $60,000 IN HOME INVESTMENT PARTNERSHIP PROGRAM COMMUNITY HOUSING DEVELOPMENT ORGANIZATION OPERATING FUNDS TO STANSISLAUS COUNTY AFFORDABLE HOUSING COPORATION AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE NECESSARY AGREEMENTS AND RELATED DOCUMENTS.

WHEREAS, the City of Modesto, as an entitlement community, receives HOME Investment Partnership Program (HOME) funds annually, and

WHEREAS, the City reserves five (5%) percent of these HOME funds for eligible Community Housing Development Organizations (CHDO) for administration and operating expenses associated with running a CHDO program, and

WHEREAS, to be eligible for HOME CHDO Operating funds, a CHDO must receive HOME CHDO Set-Aside funds within 24 months of receiving HOME CHDO operating funds, and

WHEREAS, authorized HOME CHDO operating expenses include organizational support, housing education, administrative and operating expenses, and

WHEREAS, the City has approximately $105,000 available in carryover HOME CHDO operating funds to allocate, and

WHEREAS, on May 4, 2016, the Citizens Housing & Community Development Committee (CH&CDC) approved staff's recommendation to solicit a Requests for Proposals (RFP) for HOME CHDO Operating and Set-Aside funds, and

WHEREAS, the RFP was released on May 5, 2016 and proposals were due on May 24, 2016, and

WHERAS, both Great Valley Housing Development Corporation (GVHDC) and Stanislaus County Affordable Housing Corporation (STANCO) submitted proposals for HOME CHDO Operating funds, and

WHEREAS, an initial review of the proposals was completed by City staff and a three-member sub-committee of the CH&CDC, and

WHEREAS, both GVHDC and STANCO met with the three-member sub-committee and provided an overview of their respective organizations and current HOME-funded projects, and

WHEREAS, staff recommended awarding $60,000 in HOME CHDO Operating funds to STANCO and $45,000 to GVHDC, and

WHEREAS, on June 23, 2016, the CH&CDC met and unanimously approved to forward staff's recommendation to the City Council for review and approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that it hereby authorizes the allocation of $60,000 in Home Investment Partnership Program Community Housing Development Organization Operating Funds to Stanislaus County Affordable Housing Corporation and authorizes the City Manager, or his designee, to execute the necessary agreements and related document.

BE IT FURTHER RESOLVED that final approval is dependent upon successful completion of the Environmental Review that demonstrates compliance with NEPA and 24 CFR Part 5.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of July, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-304

RESOLUTION AMENDING THE FY 2016-2017 MULTI-YEAR BUDGET TO ADD $105,000 IN PRIOR YEAR HOME INVESTMENT PARTNERSHIP PROGRAM COMMUNITY HOUSING DEVELOPMENT ORGANIZATION OPERATING FUNDS TO PROJECT 100887 (HOME CHDO OPERATING FUNDS) AND AUTHORIZING THE FINANCE DIRECTOR, OR HER DESIGNEE, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVSIONS OF THIS RESOLUTION.

WHEREAS, the City of Modesto, as an entitlement community, receives HOME Investment Partnership Program (HOME) funds annually, and

WHEREAS, the City reserves five (5%) percent of these HOME funds for eligible Community Housing Development Organizations (CHDO) for administration and operating expenses associated with running a CHDO program, and

WHEREAS, the City has approximately $105,000 available in carryover HOME CHDO Operating funds to allocate, and

WHEREAS, staff recommended awarding $60,000 in HOME CHDO Operating funds to Stanislaus County Affordable Housing Corporation and $45,000 to Great Valley Housing Development Corporation, and

WHEREAS, on June 23, 2016, the Citizens' Housing & Community Development Committee met and unanimously approved to forward staff's recommendation to the City Council for review and approval,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes amending the FY 2016-2017 Multi Year Budgets to add $105,000 in Home Investment Partnership Program Community Housing Development

Organization Operating Funds to Project 100887, and authorizes the Finance Director, or her designee, to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of July, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-305

Print

RESOLUTION APPROVING THE SECOND AMENDMENT TO THE HOME INVESTMENT PARTNERSHIPS PROGRAM LOAN AGREEMENT WITH STANISLAUS COUNTY AFFORDABLE HOUSING CORPORATION FOR THE CONSTRUCTION OF FOUR ONE-BEDROOM PERMANENT SUPPORTIVE UNITS FOR PERSONS WITH MENTAL HEALTH DISABILITIES, INCREASING THE HOME INVESTMENT PARTNERSHIP PROGRAM ENTITLEMENT FUNDING FROM $490,000 TO $513,383 THEREBY INCREASING THE OVERALL HOME FUNDING FROM $540,000 TO $563,383, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT AND RELATED DOCUMENTS

WHEREAS, the City of Modesto, as an entitlement community, receives HOME Investment Partnership Program (HOME) funds annually, and

WHEREAS, under HOME regulations, a minimum of fifteen (15%) percent of HOME entitlement funds must be allocated to qualified Community Housing Development Organizations (CHDO) for housing development activities in which the CHDO is the owner, developer and/or sponsor, and

WHEREAS, these funds, referred to as HOME CHDO Set-Aside funds, may be used to acquire and/or rehabilitate rental housing and homebuyer properties or to construct rental or homebuyer properties, and

WHEREAS, on June 3, 2015, the City issued a Request for Qualifications for Affordable Housing Developers and a Request for Proposals for Community Housing Development Organizations (CHDOs), and

WHEREAS, on August 19, 2015, the City of Modesto's Citizens' Housing & Community Development Committee (CH&CDC) reviewed, discussed and approved a final funding recommendation to the City Council, and

WHEREAS, on September 8, 2015, the City Council, by Resolution No. 2015-344, approved the allocation of $490,000 in HOME entitlement funds and $50,000 in HOME CHDO Set-Aside funds to Stanislaus County Affordable Housing Corporation (STANCO) for the construction of four one-bedroom permanent supportive units for persons with mental health disabilities at 522 Granger Avenue (Project 100918), and

WHEREAS, on September 22, 2015, the City Council, by Resolution No. 2015-349, approved a HOME Loan Agreement with STANCO in the amount of $540,000, and

WHEREAS, on April 26, 2016, the City Council, by Resolution No. 2016-160, approved the First Amendment to the HOME Loan Agreement with STANCO reduced the default interest rate, clarified repayment obligations, clarified marketing and tenant selection obligations and adjusted insurance requirements, and

WHEREAS, City staff recently learned that there is an additional $23,383 in HOME entitlement funds that need to be committed by July 31, 2016, and

WHEREAS, in the event the funds are not committed by this date, $23,383 in HOME entitlement funds would revert to the U.S. Department of Housing and Urban Development, and

WHEREAS, the proposed Second Amendment to the HOME Loan Agreement with STANCO would increase the amount of HOME entitlement funds from $490,000 to $513,383 and HOME CHDO Set-Aside Funds would remain at $50,000, and

WHEREAS, the overall HOME Loan Agreement would increase from $540,000 to $563,383,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that it hereby authorizes the Second Amendment to the HOME Investment Partnerships Program Loan Agreement with Stanislaus County Affordable Housing Corporation for the construction of four one-bedroom permanent supportive units for persons with mental health disabilities, increases the HOME Investment Partnership Programs entitlement funding from $490,000 to $513,383, thereby increasing the overall HOME funding from $540,000 to $563,383, and authorizes the City Manager, or his designee, to execute the amendment and related documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of July, 2016, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-306

RESOLUTION AMENDING THE FY 2016-2017 MULTI-YEAR BUDGET TO ADD $23,383 IN PRIOR YEAR HOME INVESTMENT PARTNERSHIP PROGRAM ENTITLEMENT FUNDS TO 522 GRANGER HOUSING PROJECT (PROJECT 100918) AND AUTHORIZING THE FINANCE DIRECTOR, OR HER DESIGNEE, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVSIONS OF THIS RESOLUTION

WHEREAS, the City of Modesto, as an entitlement community, receives HOME Investment Partnership Program (HOME) funds annually, and

WHEREAS, City staff recently learned that there is an additional $23,383 in HOME entitlement funds that need to be committed by July 31, 2016, and

WHEREAS, in the event the funds are not committed by this date, $23,383 in HOME entitlement funds will revert to the U.S. Department of Housing and Urban Development, and

WHERAS, the proposed Second Amendment to the HOME Loan Agreement with STANCO would increase the amount of HOME entitlement funds from $490,000 to $513,383 and HOME CHDO Set-Aside Funds would remain at $50,000, and

WHEREAS, the overall HOME Loan Agreement would increase from $540,000 to $563,383.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that it hereby authorizes the Second Amendment to the HOME Investment Partnerships Program Loan Agreement with Stanislaus County Affordable Housing Corporation for the construction of four one-bedroom permanent supportive units for persons with mental health disabilities; amends the Multi-Year Budget by increasing the HOME Investment

Partnership Programs entitlement funding in Granger Housing Project (Project 100918) by $23,383 from $490,000 to $513,383 thereby increasing the overall HOME funding from $540,000 to $563,383 and authorizes the Finance Director, or her designee, to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of July, 2016, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-307

Print

RESOLUTION APPROVING ADJUSTMENTS TO THE MAXIMUM RATE SCHEDULE FOR CITY RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL SOLID WASTE COLLECTION SERVICES, TO BECOME EFFECTIVE JULY 1, 2016, AND RESCINDING RESOLUTION NO. 2015-116

WHEREAS, with the adoption of Ordinance No. 3068-C.S. in November of 1997, the City no longer sets rates for the collection of garbage in Modesto, and instead performs a comprehensive review of cost information submitted by the contract garbage haulers, and

WHEREAS, the City sets the maximum rate that the haulers may charge for the various types of services provided under the contracts based on cost data provided by the lowest cost hauler, and

WHEREAS, Section f (2) of the City's Service Agreements with its solid waste collectors requires that when the City makes adjustments to the collection services provided under the Agreements, any additional costs should be covered by adjustments to the maximum rates, and

WHEREAS, in addition, maximum rates for solid waste collection services are reviewed annually as requested by the City's garbage collection companies, and

WHEREAS, the City conducted an analysis using the audited financial statements provided by the garbage haulers, supplemental data provided by the garbage haulers, and fuel price information and forecast prices developed by the United States Department of Energy, and

WHEREAS, staff has adjusted the fuel component and billing components of the maximum rates, and has incorporated these adjustments into the schedule of Maximum

Charges for Garbage Service **attached** hereto, marked **Attachment A** and incorporated herein by reference, and

WHEREAS, on June 26, 2012, the Board of Supervisors and Council approved a New Service Agreement with Covanta Stanislaus, Inc., for the operation of the Waste-to-Energy (WTE) facility, and

WHEREAS, the New Service Agreement approved by the Board of Supervisors and Council included an annual escalator in the base disposal fee at the facility, and

WHEREAS, when the annual escalator is added to the current base disposal fee, the new disposal fee would be $40.08 per ton, a $0.43 per ton increase from the current disposal fee of $39.65 per ton, and

WHEREAS, this equates to an increase of $0.06 per month on residential rates and $0.12 cubic yard on commercial bin rates (drop box rates are not affected by this increase, since most drop box waste does not get taken to the Waste-to-Energy Facility), and

WHEREAS, composting green waste and forestry materials keeps them from being disposed of in landfills, thus reducing greenhouse gas emissions, and

WHEREAS, without the harvesting, collection and diversion of these materials, the City would not be able to meet the current diversion mandates of AB 939, or the increased diversion mandates under AB 341 and AB 1826, and

WHEREAS, on July 12, 2016, the Council approved the tip fees at the Compost Facility of $26.00 per ton for green waste and $15.00 per ton for forestry/green waste materials, and

WHEREAS, this equates to an increase of $0.56 per month on residential rates, and

WHEREAS, the City of Modesto operated the Carpenter Road Landfill from 1956 to 1968, and the landfill includes fill sites on both the west and east sides of Carpenter Road, between Kenneth and Robertson Roads and the Tuolumne River, and

WHEREAS, on December 4, 2007, by Resolution No. 2007-730, the Council established a Carpenter Road Landfill Fund (Fund 1360), and a Carpenter Road Landfill mitigation fee was assessed on the garbage collection companies, and

WHEREAS, the collection companies were allowed to recover this fee as part of their maximum rates for residential, commercial, and industrial customers, and

WHEREAS, on June 3, 2014, by Resolution No. 2014-207, the Carpenter Road Landfill mitigation fee was suspended from residential and commercial maximum rates, and

WHEREAS, a Cleanup and Abatement Order was issued by the State in March 2015, and

WHEREAS, at the June 27, 2016, the Effective Government Committee it was recommended to reinstate the Carpenter Road Landfill Mitigation Fee, and

WHEREAS, this equates to $0.50 per month on residential rates, and $0.91 per cubic yard per month on commercial rates, and

WHEREAS, this is an administrative action to adjust maximum rates for existing services and therefore does not require environmental review, and

WHEREAS, a Council Agenda report dated June 24, 2016, from the Public Works Department, a copy of which is on file in the office of the City Clerk, sets forth said recommendations, and

WHEREAS, a public hearing of the City Council was held at 5:30 p.m. on July 12, 2016, in the Tenth Street Place Chambers, located at 1010 Tenth Street, Modesto,

California, during which this matter was discussed and at which time evidence, both oral and documentary, was received and heard by Council, and

WHEREAS, it was found and determined by the Council of the City of Modesto that the existing schedules of rates and charges for garbage service in the City of Modesto should be revised as recommended.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Maximum Charges for Garbage Service as **attached** hereto, marked **Attachment A** and incorporated herein by reference. Said Maximum Charges for Garbage Service shall include all other services as stipulated in the Service Agreements and shall become effective July 1, 2016, and shall remain in effect until revised or rescinded by Council.

BE IT FURTHER RESOLVED that Resolution No. 2015-116 is hereby rescinded effective July 1, 2016.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of July, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:
ADAM U. LINDGREN, City Attorney

ATTACHMENT A
July 1, 2016

MAXIMUM CHARGES FOR GARBAGE SERVICE

STANDARD CONTAINERS

Maximum Monthly Rates (Once a Week Pickup Service)

Standard container service maximum rates shall include the following:

- One 96-gallon container for garbage and one 96-gallon container for organics recycling
- Two bulky item collections per year by appointment
- Maintenance of City trees, including collection & composting of Green Waste/Forestry materials
- Removal of illegally dumped items in streets and alleys
- Drop off program for Household Hazardous Waste at the HHW Facility

Standard container service customers may opt for smaller containers; however, maximum rates apply. Containers must be placed in a location set forth in Section 5-5.111 of the Municipal Code.

1. **Standard container service**
   a. The maximum rate for new sign-ups for service or changes in service that occur after July 1, 1996, shall be **$30.59 per month** regardless of size of container. A fuel component of $.90 per month is included in the maximum rate for April 2015 thru April 2016. The fuel component may be adjusted quarterly as needed.
   b. The maximum rate for each additional garbage container shall be **$21.44 per month, and $10.27 per month** for each additional organics recycling container.

2. **60-gallon container service (grandfathered customers)**
   a. The maximum rate for customers with 60-gallon containers who subscribed to service at an address prior to July 1, 1996 and who have not changed their service address shall be **$24.14 per month**. A fuel component of $.90 per month is included in the maximum rate for April 2015 thru April 2016. The fuel component may be adjusted quarterly as needed
   b. The maximum rate for each additional 60-gallon garbage container shall be **$20.90 per month.**

3. **Fuel Component adjustments** - The fuel component will be analyzed quarterly and adjustments shall be made as needed. The adjustment shall be based on the average price of fuel for a preceding quarter as follows: July 1/January-March; October 1/April-June; January 1/July-September; April 1/October-December. Average prices shall be determined based on published prices for California from the Department of Energy, Energy Information Agency.

DETACHABLE CONTAINERS
Maximum Monthly Rates

Container Size	Regular Container Maximum Rates					
	NUMBER OF COLLECTIONS PER WEEK					
	1	2	3	4	5	6
1 CY	$39.31	$78.62	$117.93	$157.24	$196.55	$235.86
2 CY	$78.62	$157.24	$235.86	$314.48	$393.10	$471.72
3 CY	$117.93	$235.86	$353.79	$471.72	$589.65	$707.58
4 CY	$157.24	$314.48	$471.72	$628.96	$786.20	$943.44
5 CY	$196.55	$393.10	$589.65	$786.20	$982.75	$1,179.30
6 CY	$235.86	$471.72	$707.58	$943.44	$1,179.30	$1,415.16

Organic Recycling Participants signed prior to 2016 Container Maximum Rates						
Container	NUMBER OF COLLECTIONS PER WEEK					
Size	1	2	3	4	5	6
2 CY	$58.97	$117.93	$176.90	$235.86	$294.83	$353.79
3 CY	$88.45	$176.90	$265.34	$353.79	$442.24	$530.69
4 CY	$117.93	$235.86	$353.79	$471.72	$589.65	$707.58
5 CY	$147.41	$294.83	$442.24	$589.65	$737.06	$884.48
6 CY	$176.90	$353.79	$530.69	$707.58	$884.48	$1,061.37
90-gallon	$22.94	$45.89	$68.83	$91.77	$114.71	$137.66

1. **Weekly rental/Detachable Containers** - Shall not exceed the rate for 1 pick-up per week for each size container.

2. **Fuel Component** - A fuel component of $.78 per cubic yard per month per pick-up is included in the maximum rate for April 2015 thru April 2016. The fuel component shall be analyzed quarterly and adjustments shall be made as necessary. The adjustment shall be based on the average price of fuel for a preceding quarter as follows: July 1/January-March; October/April-June; January 1/July-September; April 1/October-December. Average prices shall be determined based on published prices for California from the Department of Energy.

DROP BOX CONTAINERS

1. **Pick up charge** - $248.22 per pick-up
2. **Rental** - $0.85 per day up to 7 day maximum rental
   - $3.00 per day for boxes kept 7 or more days without servicing
   - $10.00 per day for boxes kept 21 or more days without servicing
3. **Disposal charge** - Actual charge to be paid by customer. Garbage company will provide up to 40 CY Drop Box containers for above stated charges subject only to load limit of transfer vehicle. An AB 939 Green Waste Diversion Fee of $14 per ton is added to the disposal charges.

COMPACTORS

Front Loader Type:

Compactor Rates						
Container	NUMBER OF COLLECTIONS PER WEEK					
Size	1	2	3	4	5	6
3 CY	$353.79	$707.58	$1,061.37	$1,415.16	$1,768.95	$2,122.74
4 CY	$471.72	$943.44	$1,415.16	$1,886.88	$2,358.60	$2,830.32
6 CY	$707.58	$1,415.16	$2,122.74	$2,830.32	$3,537.90	$4,245.48

Roll-Off Types:

1. **6 CY to 40 CY** — $248.22 per pick-up
2. **Medical waste compactors** — $265.00 per pick-up
3. **Washing compactor** — $30.00
4. **Disposal Charge:** — Actual charge to be paid by customer
5. **AB 939 Green Waste Diversion Fee** — $14.00 per ton

EXTRA PICKUPS

1. **Standard containers or equivalent** — $3.50 plus $1.38/container
2. **Detachable containers** — $12.00 plus $2.75/cubic yard

SPECIAL SERVICE CONDITIONS

In situations where none of the above maximum rates reasonably apply, the cost of service is to be negotiated between the garbage company and the customer.

DETACHABLE CONTAINER ONLY REPLACEMENT AND CLEANING SERVICE

1 CY	1½ CY	2 CY	3 CY	4 CY	5 CY	6 CY
$10.12	$11.00	$12.10	$15.40	$20.24	$25.08	$29.92

NOTATIONS

1. The above maximum rates include a $0.25 per month residential recycling fee; a $0.05 per cubic yard ($0.22/cubic yard/month) commercial recycling fee; and a $5.00 per pull ($0.25 per ton) industrial recycling fee; a $0.05 per cubic yard ($0.22/cubic yard/month) commercial litter abatement fee.
2. The above residential maximum rates include a $4.26 per month per household AB 939 Green Waste Diversion Fee.
3. The above commercial bin and front-loader compactor maximum rates include an AB 939 Green Waste Diversion Fee of $7.79 per yard/month.
4. Carpenter Road Landfill Mitigation Fees for residential shall be $.50 per household per month and commercial wastes shall be $.91 per month for 1 cubic yard collected 1 time per week. Carpenter Road Landfill Mitigation fees on Industrial wastes shall be $5.00 per pull on industrial wastes.
5. Pursuant to Section 11-6.16(c)(2) of the Modesto Municipal Code, the garbage company may require a deposit equivalent to two (2) months service charge from customers prior to beginning service. The deposit will be credited back to the customer after 18 months under specified conditions.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-308

RESOLUTION APPROVING ADJUSTMENTS TO THE TIP FEES AT THE MODESTO COMPOSTING FACILITY, TO BECOME EFFECTIVE JULY 1, 2016, AND RESCINDING RESOLUTION NO. 2008-483

WHEREAS, the City of Modesto owns and operates a compost facility, Modesto Composting, at the Secondary Wastewater Treatment Facility on Jennings Road, and

WHEREAS, composting is a critical component of the City's solid waste diversion programs, and without it the City would be unable to meet the AB 939 50% diversion rate, the AB 341 75% statewide diversion goal, or the AB 1826 mandatory organics recycling mandate, and

WHEREAS, since the facility opened, it has processed more than 750,000 tons of materials and has saved ratepayers approximately $6,000,000 by keeping this material out of more costly disposal facilities, and

WHEREAS, on July 13, 2004, by Resolution No. 2004-367, the City Council authorized the creation of a separate Compost Enterprise Fund and established tip fees for materials received, and

WHEREAS, a combination of tip fees for residential green waste/organics, forestry/green waste, biosolids, and revenues from the sale of the compost and co-compost products is used to offset operations costs, and

WHEREAS, on August 12, 2008, by Resolution No. 2008-483, the City Council set a tip fee of $20.35 per ton for green waste/organics and $6.50 per ton for forestry/green waste and $18.71 for biosolids, and

WHEREAS, said tip fees have not been adjusted since 2008, and revenues from tip fees charged for green waste/organics and forestry/green waste, are no longer sufficient to cover costs, replace aging equipment, meet changes in State regulations and maintain permit compliance, and

WHEREAS, no recommendation is being made to adjust the tip fee for biosolids at $18.71 per ton, and

WHEREAS, the Modesto City Council must approve changes to the tip fees charged at Modesto Composting, and

WHEREAS, on June 27, 2016, this item was presented at the Effective Government Committee and was recommended to Council for approval, and

WHEREAS, a public hearing of the City Council was held at 5:30 p.m. on July 12, 2016, in the Tenth Street Place Chambers, located at 1010 Tenth Street, Modesto, California, during which this matter was discussed and at which time evidence, both oral and documentary, was received and heard by Council, and

WHEREAS, it was found and determined by the Council of the City of Modesto that the tip fees at Modesto Composting should be revised as recommended.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that the tip fees at Modesto Composting will be set at $26.00 per ton for green waste/organics, and $15.00 per ton for forestry/green waste, and shall become effective July 1, 2016, and shall remain in effect until revised by Council.

BE IT FURTHER RESOLVED that Resolution No. 2008-483 is hereby rescinded effective July 1, 2016.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of July, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-309

Print

RESOLUTION APPROVING A PROPOSED AGREEMENT INCLUDING LANGUAGE CHANGES FOR A SUCCESSOR MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF MODESTO AND THE MODESTO CONFIDENTIAL AND MANAGEMENT ASSOCIATION (MCMA) FOR A TERM OF MARCH 8, 2016 TO JUNE 30, 2019; AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO TAKE THE NECESSARY ADMINISTRATIVE ACTION TO IMPLEMENT THE AGREEMENT

WHEREAS, the current Memorandum of Understanding (MOU) between the City of Modesto (CITY) and the Modesto Confidential and Management Association (MCMA) expired on March 7, 2016, and

WHEREAS, representatives of the CITY and the MCMA have met and conferred in good faith concerning wages, hours, terms and conditions of employment for employees in said bargaining unit, and

WHEREAS, the CITY and MCMA have reached agreement on language changes for a successor MOU which, upon execution, shall be **attached** hereto and made a part hereof, and

WHEREAS, the MOU provides as follows:

Article 1. TERM. The term of the MOU shall be from March 8, 2016 to June 30, 2019.

Article 5. SALARY. Amend to include 2.0% salary increase effective July 12, 2016, following ratification of this MOU by MCMA and adoption by the City Council. Effective June 27, 2017, employees will receive an additional 2.0% salary increase. Effective June 26, 2018, employees will receive an additional 2.0% salary increase. In addition, based on the results of the City's most recent labor market study, the salary range for each of the benchmark classes listed in **Exhibit X**, along with any related

classes, shall increase in accordance with the schedules set forth in **Exhibits A through E attached** hereto.

Article 7. PROBATION. Amend language to extend probation based on mutual agreement.

Article 17. ACTING AND OUT-OF-CLASS PAY. For employees who have been in an acting assignment for twelve (12) months or more at the time of separation, all leave cash outs will be paid at the acting assignment rate.

Article 18. EXEMPT MANAGEMENT LEAVE. Twenty-four (24) hours of the forty (40) management leave hours granted annually will be available for cash out in December of each year of this agreement and is payable upon separation.

Article 27. UNIFORM ALLOWANCE. Amend language to provide "me-too" language to be equivalent to Modesto City Employees Association (MCEA) allowances and increases.

Article 30. HEALTH, DENTAL, VISION INSURANCE. Four percent (4%) increase to City contributions (excluding opt out) each year as follows:

	Current	2017	2018	2019
Opt-out of City Medical Coverage	$450.00	$450.00	$450.00	$450.00
Employee only	$621.00	$645.00	$670.00	$700.00
Employee plus 1	$858.00	$900.00	$930.00	$965.00
Employee plus family	$1214.00	$1260.00	$1310.00	$1365.00

City contributions will continue for both employees who elect a City sponsored medical plan and for employees who Opt-out of City Medical Coverage during any covered leave of absence, including leave without pay.

Article 31. RETIREE HEALTH INSURANCE. $500 Cash/Health Reimbursement Arrangement (HRA) contribution in lieu of H&W increase, to be paid first pay period after Council approval. Increase City HRA contributions all employees regardless of date of hire by January 1, 2019 as follows:

a. An additional $10.00 monthly per employee effective January 1, 2017

b. An additional $10.00 monthly per employee effective January 1, 2018

c. An additional $5.00 monthly per employee effective January 1, 2019

Article 32. PAYCHECK ADVICES. All employees who are on direct deposit will no longer be receiving hard-copy pay advices for. Employees will now utilize the Employee self-service tool available via Oracle under the CoM Employee Self Service responsibility to view their pay advices including their annual W-2s. For any employees who currently are still receiving a payroll pay check, they will continue to receive a hard copy check with their **attached** payroll remittance. Pay advices will be available anytime during payday Friday and payslips can be printed utilizing city computer workstation.

CONTINUATION OF REMAINING PROVISIONS. Except as provided above, the remaining provisions of the September 24, 2013 through March 7, 2016 MOU between the CITY and MCMA shall continue in the new MOU. The exact language of all provisions shall be set forth in the MOU between the CITY and MCMA.

WHEREAS, the Council considered this matter at its meeting of July 12, 2016,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the language changes for a successor Memorandum of Understanding between the City of Modesto and the Modesto Confidential and Management Association, which covers a term from March 8, 2016 through June 30, 2019, and upon execution of same, a copy of the MOU will be on file in the office of the City Clerk.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of July, 2016, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MCMA Market Labor Adjusted Classes

Title	Union	% Adjusted upon Council Adoption	% Adjusted on March 7, 2017
FULLTIME REGULAR POSITIONS:			
Account Technician (Confidential)	MCMA	5.00%	5.00%
Administrative Office Assistant II (Confidential)	MCMA	5.00%	2.50%
Administrative Office Assistant III (Confidential)	MCMA	5.00%	2.50%
Senior Administrative Office Assistant (Confidential)	MCMA	5.00%	2.50%
Office Supervisor	MCMA	5.00%	2.50%
Administrative Services Technician I (Confidential)	MCMA	2.50%	
Administrative Services Technician II (Confidential)	MCMA	2.50%	
Customer Services Supervisor	MCMA	2.50%	
Customer Services Manager	MCMA	2.50%	
Deputy City Clerk	MCMA	2.50%	
Assistant City Clerk	MCMA	2.50%	
City Engineer	MCMA	2.50%	2.50%
Assistant Surveyor	**MCMA**	**2.50%**	
Associate Land Surveyor	MCMA	2.50%	
Senior Land Surveyor	**MCMA**	**2.50%**	
Assistant Planner	MCMA	2.50%	
Associate Planner	MCMA	2.50%	
Senior Planner	MCMA	2.50%	
Principal Planner	MCMA	2.50%	
Planning Manager	MCMA	2.50%	
Information Technology Manager	MCMA	2.50%	
Deputy Fire Marshal	MCMA	7.50%	5.00%
Electrical Supervisor	MCMA	2.50%	
Electrical Supervisor Utilities	MCMA	2.50%	
Employee Benefits Coordinator	MCMA	2.50%	
Environmental Services Supervisor	MCMA	2.50%	2.50%
Environmental Regulatory Compliance Manager	MCMA	2.50%	2.50%
Executive Assistant (Represented)	MCMA	2.50%	
Laboratory Supervisor	MCMA	5.00%	2.50%
Legal Secretary I	MCMA	2.50%	
Legal Secretary II	MCMA	2.50%	
Senior Legal Secretary	MCMA	2.50%	
Parking Services Supervisor	MCMA	2.50%	2.50%
Parks Project Coordinator	MCMA	2.50%	
Parks Planning and Development Manager	MCMA	2.50%	
Recreation Supervisor	MCMA	2.50%	
Recreation Program Manager	MCMA	2.50%	2.50%
Operations Supervisor	MCMA	5.00%	
Compost Facility Supervisor	MCMA	5.00%	
Integrated Waste Specialist	MCMA	5.00%	
Materials Management Superintendent/City Arborist	MCMA	5.00%	
Operations Manager	MCMA	7.50%	
Water Systems Manager	MCMA	7.50%	
Wastewater Collections Systems Manager	MCMA	7.50%	
Water Quality Control Plant Manager	MCMA	7.50%	

CITY OF MODESTO
CLASS RANGE TABLE
REPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES
Effective **July 12, 2016**

RANGE	TITLE
409	**Administrative Office Assistant II (Confidential)**
412	Police Clerk II (Confidential)
413	**Administrative Office Assistant III (Confidential)**
417	**Legal Secretary I** **Senior Administrative Office Assistant (Confidential)**
418	Systems Technician I
420	Workers' Compensation Claims Assistant
421	**Account Technician (Confidential)** **Administrative Services Technician I (Confidential)** **Legal Secretary II** **Executive Assistant**
422	**Deputy City Clerk** Systems Technician II
423	Custodian Supervisor **Senior Legal Secretary** Workers' Compensation Claims Examiner I
424	Buyer **Office Supervisor**
425	**Administrative Services Technician II (Confidential)**
426	Central Stores Supervisor **Employee Benefits Coordinator** Financial Analyst I Senior Systems Technician
427	Administrative Analyst I Technology Solutions Analyst I Utility Dispatch Supervisor
428	Animal Control Supervisor Human Resources Analyst I

RANGE	TITLE
	Parking Services Supervisor
	Workers' Compensation Claims Examiner II
429	**Assistant Planner**
	Parking Adjudication Program Coordinator
	Police Range and Training Center Coordinator
430	**Assistant City Clerk**
	Financial Analyst II
	Senior Buyer
	Software Analyst I
	Systems Engineer I
431	Administrative Analyst II
	Events Coordinator
	Police Civilian Supervisor
	Technology Solutions Analyst II
432	Human Resources Analyst II
	Junior Engineer
	Neighborhood Preservation Supervisor
	Senior Workers' Compensation Claims Examiner
433	**Assistant Surveyor**
	Associate Planner
	Water Resources Analyst
434	**Compost Facility Supervisor**
	Financial Analyst III
	Operations Supervisor
	Recreation Supervisor
	Recycling Program Coordinator
	Software Analyst II
	Systems Engineer II
435	Assistant Transportation Planner
	Business Analyst
	Cultural Services Program Manager
	Customer Services Supervisor
	Emergency Medical Services Coordinator
	Management Analyst
	Organizational Development Coordinator
	Parks Project Coordinator

RANGE	TITLE
	Transit Analyst
	Weed and Seed Program Coordinator
436	Assistant Engineer
	Housing Rehabilitation Supervisor
	Senior Crime and Intelligence Analyst
438	Economic Development Marketing Specialist
	Electrical Supervisor
	Plant Maintenance Supervisor
	Property Agent
	Public Safety Business Services Analyst
	Risk and Loss Control Coordinator
	Senior Community Development Program Specialist
	Senior Financial Analyst
	Senior Human Resources Analyst
	Senior Software Analyst
	Senior Systems Engineer
439	Administrative Services Officer
	Associate Land Surveyor
	Associate Transportation Planner
	Electrical Supervisor – Utilities
	Environmental Services Supervisor
	Senior Business Analyst
	Senior Planner
440	Associate Engineer
	Integrated Waste Specialist
	Laboratory Supervisor
	Materials Management Superintendent/City Arborist
	Public Information Coordinator
	Utilities Services Supervisor
	Utilities Plant Operations Supervisor
441	Housing and Urban Development Supervisor
	Infrastructure Financing Program Supervisor
	Police Civilian Manager
442	Centre Plaza Manager
	Construction Inspection Supervisor
	Principal Information Technology Administrator

RANGE	TITLE
	Purchasing Manager
443	Associate Civil/Traffic Engineer **Customer Services Manager** **Deputy Fire Marshal** **Environmental Regulatory Compliance Manager** **Parks Planning and Development Manager** **Recreation Program Manager** Senior Transportation Planner
444	Building Safety Program Coordinator Building Inspection Supervisor Plant Maintenance Superintendent Water Superintendent
445	Airport Manager Fleet Manager **Senior Land Surveyor** Streets Manager
446	Accounting Manager
447	**Principal Planner** Traffic Operations Engineer
448	Recreation and Neighborhoods Services Manager Transit Manager Solid Waste Program Manager
449	Assistant Chief Building Official **Information Technology Manager**
450	Business Center Manager Community Development Manager Senior Civil Engineer **Wastewater Collections Systems Manager** **Water Quality Control Plant Manager** **Water Systems Manager**
451	**Operations Manager** **Planning Manager**

RANGE	TITLE
452	Parks Recreation & Neighborhoods Operations Manager Traffic Engineer
453	Chief Building Official
455	Engineering Division Manager
458	**City Engineer**

CITY OF MODESTO
CLASS RANGE TABLE
REPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES
Effective **March 7, 2017**

RANGE	TITLE
410	**Administrative Office Assistant II (Confidential)**
412	Police Clerk II (Confidential)
414	**Administrative Office Assistant III (Confidential)**
417	Legal Secretary I
418	Systems Technician I **Senior Administrative Office Assistant (Confidential)**
420	Workers' Compensation Claims Assistant
421	Administrative Services Technician I (Confidential) Legal Secretary II Executive Assistant
422	Deputy City Clerk Systems Technician II
423	**Account Technician (Confidential)** Custodian Supervisor Senior Legal Secretary Workers' Compensation Claims Examiner I
424	Buyer
425	Administrative Services Technician II (Confidential) **Office Supervisor**
426	Central Stores Supervisor Employee Benefits Coordinator Financial Analyst I Senior Systems Technician
427	Administrative Analyst I Technology Solutions Analyst I Utility Dispatch Supervisor
428	Animal Control Supervisor Human Resources Analyst I

RANGE	TITLE
	Workers' Compensation Claims Examiner II
429	Assistant Planner
	Parking Adjudication Program Coordinator
	Parking Services Supervisor
	Police Range and Training Center Coordinator
430	Assistant City Clerk
	Financial Analyst II
	Senior Buyer
	Software Analyst I
	Systems Engineer I
431	Administrative Analyst II
	Events Coordinator
	Police Civilian Supervisor
	Technology Solutions Analyst II
432	Human Resources Analyst II
	Junior Engineer
	Neighborhood Preservation Supervisor
	Senior Workers' Compensation Claims Examiner
433	Assistant Surveyor
	Associate Planner
	Water Resources Analyst
434	Compost Facility Supervisor
	Financial Analyst III
	Operations Supervisor
	Recreation Supervisor
	Recycling Program Coordinator
	Software Analyst II
	Systems Engineer II
435	Assistant Transportation Planner
	Business Analyst
	Cultural Services Program Manager
	Customer Services Supervisor
	Emergency Medical Services Coordinator
	Management Analyst
	Organizational Development Coordinator
	Parks Project Coordinator

RANGE	TITLE
	Transit Analyst
	Weed and Seed Program Coordinator
436	Assistant Engineer
	Housing Rehabilitation Supervisor
	Senior Crime and Intelligence Analyst
438	Economic Development Marketing Specialist
	Electrical Supervisor
	Plant Maintenance Supervisor
	Property Agent
	Public Safety Business Services Analyst
	Risk and Loss Control Coordinator
	Senior Community Development Program Specialist
	Senior Financial Analyst
	Senior Human Resources Analyst
	Senior Software Analyst
	Senior Systems Engineer
439	Administrative Services Officer
	Associate Land Surveyor
	Associate Transportation Planner
	Electrical Supervisor – Utilities
	Senior Business Analyst
	Senior Planner
440	Associate Engineer
	Environmental Services Supervisor
	Integrated Waste Specialist
	Materials Management Superintendent/City Arborist
	Public Information Coordinator
	Utilities Services Supervisor
	Utilities Plant Operations Supervisor
441	Housing and Urban Development Supervisor
	Infrastructure Financing Program Supervisor
	Laboratory Supervisor
	Police Civilian Manager
442	Centre Plaza Manager
	Construction Inspection Supervisor
	Principal Information Technology Administrator

RANGE	TITLE
	Purchasing Manager
443	Associate Civil/Traffic Engineer Customer Services Manager Parks Planning and Development Manager Senior Transportation Planner
444	Building Safety Program Coordinator Building Inspection Supervisor **Environmental Regulatory Compliance Manager** Plant Maintenance Superintendent **Recreation Program Manager** Water Superintendent
445	Airport Manager **Deputy Fire Marshal** Fleet Manager Senior Land Surveyor Streets Manager
446	Accounting Manager
447	Principal Planner Traffic Operations Engineer
448	Recreation and Neighborhoods Services Manager Transit Manager Solid Waste Program Manager
449	Assistant Chief Building Official Information Technology Manager
450	Business Center Manager Community Development Manager Planning Manager Senior Civil Engineer Wastewater Collections Systems Manager Water Quality Control Plant Manager Water Systems Manager
451	Operations Manager
452	Traffic Engineer

RANGE	TITLE
453	Chief Building Official Parks Recreation & Neighborhoods Operations Manager
455	Engineering Division Manager
459	**City Engineer**

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 16/17
EFFECTIVE: JULY 12, 2016

MCMA

	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
0403	14.73	15.47	16.24	17.06	17.91	1,178.40	1,237.60	1,299.20	1,364.80	1,432.80	2,561.84	2,690.54	2,824.46	2,967.08	3,114.91
0404	15.10	15.86	16.65	17.48	18.36	1,208.00	1,268.80	1,332.00	1,398.40	1,468.80	2,626.19	2,758.37	2,895.77	3,040.12	3,193.17
0405	15.48	16.25	17.07	17.92	18.82	1,238.40	1,300.00	1,365.60	1,433.60	1,505.60	2,692.28	2,826.20	2,968.81	3,116.65	3,273.17
0406	15.87	16.66	17.49	18.37	19.29	1,269.60	1,332.80	1,399.20	1,469.60	1,543.20	2,760.11	2,897.51	3,041.86	3,194.91	3,354.92
0407	16.26	17.08	17.93	18.83	19.77	1,300.80	1,366.40	1,434.40	1,506.40	1,581.60	2,827.94	2,970.55	3,118.39	3,274.91	3,438.40
0408	16.67	17.50	18.38	19.30	20.26	1,333.60	1,400.00	1,470.40	1,544.00	1,620.80	2,899.25	3,043.60	3,196.65	3,356.66	3,523.62
0409	17.09	17.94	18.84	19.78	20.77	1,367.20	1,435.20	1,507.20	1,582.40	1,661.60	2,972.29	3,120.12	3,276.65	3,440.14	3,612.32
0410	17.51	18.39	19.31	20.27	21.29	1,400.80	1,471.20	1,544.80	1,621.60	1,703.20	3,045.34	3,198.39	3,358.40	3,525.36	3,702.76
0411	17.95	18.85	19.79	20.78	21.82	1,436.00	1,508.00	1,583.20	1,662.40	1,745.60	3,121.86	3,278.39	3,441.88	3,614.06	3,794.93
0412	18.40	19.32	20.29	21.30	22.37	1,472.00	1,545.60	1,623.20	1,704.00	1,789.60	3,200.13	3,360.13	3,528.84	3,704.50	3,890.59
0413	18.86	19.80	20.79	21.83	22.92	1,508.80	1,584.00	1,663.20	1,746.40	1,833.60	3,280.13	3,443.62	3,615.80	3,796.67	3,986.25
0414	19.33	20.30	21.31	22.38	23.50	1,546.40	1,624.00	1,704.80	1,790.40	1,880.00	3,361.87	3,530.58	3,706.24	3,892.33	4,087.12
0415	19.82	20.81	21.85	22.94	24.08	1,585.60	1,664.80	1,748.00	1,835.20	1,926.40	3,447.09	3,619.28	3,800.15	3,989.72	4,187.99
0416	20.31	21.33	22.39	23.51	24.69	1,624.80	1,706.40	1,791.20	1,880.80	1,975.20	3,532.32	3,709.71	3,894.07	4,088.86	4,294.08
0417	20.82	21.86	22.95	24.10	25.30	1,665.60	1,748.80	1,836.00	1,928.00	2,024.00	3,621.01	3,801.89	3,991.46	4,191.47	4,400.18
0418	21.34	22.41	23.53	24.70	25.94	1,707.20	1,792.80	1,882.40	1,976.00	2,075.20	3,711.45	3,897.55	4,092.34	4,295.82	4,511.48
0419	21.87	22.97	24.11	25.32	26.58	1,749.60	1,837.60	1,928.80	2,025.60	2,126.40	3,803.63	3,994.94	4,193.21	4,403.65	4,622.79
0420	22.42	23.54	24.72	25.95	27.25	1,793.60	1,883.20	1,977.60	2,076.00	2,180.00	3,899.29	4,094.08	4,299.30	4,513.22	4,739.32
0421	22.98	24.13	25.33	26.60	27.93	1,838.40	1,930.40	2,026.40	2,128.00	2,234.40	3,996.68	4,196.69	4,405.39	4,626.27	4,857.59
0422	23.55	24.73	25.97	27.26	28.63	1,884.00	1,978.40	2,077.60	2,180.80	2,290.40	4,095.82	4,301.04	4,516.70	4,741.06	4,979.33
0423	24.14	25.35	26.62	27.95	29.34	1,931.20	2,028.00	2,129.60	2,236.00	2,347.20	4,198.43	4,408.87	4,629.75	4,861.06	5,102.81
0424	24.75	25.98	27.28	28.64	30.08	1,980.00	2,078.40	2,182.40	2,291.20	2,406.40	4,304.52	4,518.44	4,744.54	4,981.07	5,231.51
0425	25.36	26.63	27.96	29.36	30.83	2,028.80	2,130.40	2,236.80	2,348.80	2,466.40	4,410.61	4,631.49	4,862.80	5,106.29	5,361.95
0426	26.00	27.30	28.66	30.09	31.60	2,080.00	2,184.00	2,292.80	2,407.20	2,528.00	4,521.92	4,748.02	4,984.55	5,233.25	5,495.87
0427	26.65	27.98	29.38	30.85	32.39	2,132.00	2,238.40	2,350.40	2,468.00	2,591.20	4,634.97	4,866.28	5,109.77	5,365.43	5,633.27
0428	27.31	28.68	30.11	31.62	33.20	2,184.80	2,294.40	2,408.80	2,529.60	2,656.00	4,749.76	4,988.03	5,236.73	5,499.35	5,774.14
0429	28.00	29.40	30.87	32.41	34.03	2,240.00	2,352.00	2,469.60	2,592.80	2,722.40	4,869.76	5,113.25	5,368.91	5,636.75	5,918.50
0430	28.70	30.13	31.64	33.22	34.88	2,296.00	2,410.40	2,531.20	2,657.60	2,790.40	4,991.50	5,240.21	5,502.83	5,777.62	6,066.33
0431	29.41	30.88	32.43	34.05	35.75	2,352.80	2,470.40	2,594.40	2,724.00	2,860.00	5,114.99	5,370.65	5,640.23	5,921.98	6,217.64
0432	30.15	31.66	33.24	34.90	36.64	2,412.00	2,532.80	2,659.20	2,792.00	2,931.20	5,243.69	5,506.31	5,781.10	6,069.81	6,372.43
0433	30.90	32.45	34.07	35.77	37.56	2,472.00	2,596.00	2,725.60	2,861.60	3,004.80	5,374.13	5,643.70	5,925.45	6,221.12	6,532.44
0434	31.67	33.26	34.92	36.67	38.50	2,533.60	2,660.80	2,793.60	2,933.60	3,080.00	5,508.05	5,784.58	6,073.29	6,377.65	6,695.92
0435	32.47	34.09	35.79	37.58	39.46	2,597.60	2,727.20	2,863.20	3,006.40	3,156.80	5,647.18	5,928.93	6,224.60	6,535.91	6,862.88
0436	33.28	34.94	36.69	38.52	40.45	2,662.40	2,795.20	2,935.20	3,081.60	3,236.00	5,788.06	6,076.76	6,381.12	6,699.40	7,035.06
0437	34.11	35.81	37.61	39.49	41.46	2,728.80	2,864.80	3,008.80	3,159.20	3,316.80	5,932.41	6,228.08	6,541.13	6,868.10	7,210.72
0438	34.96	36.71	38.55	40.47	42.50	2,796.80	2,936.80	3,084.00	3,237.60	3,400.00	6,080.24	6,384.60	6,704.62	7,038.54	7,391.60
0439	35.84	37.63	39.51	41.48	43.56	2,867.20	3,010.40	3,160.80	3,318.40	3,484.80	6,233.29	6,544.61	6,871.58	7,214.20	7,575.96
0440	36.73	38.57	40.50	42.52	44.65	2,938.40	3,085.60	3,240.00	3,401.60	3,572.00	6,388.08	6,708.09	7,043.76	7,395.08	7,765.53
0441	37.65	39.53	41.51	43.58	45.76	3,012.00	3,162.40	3,320.80	3,486.40	3,660.80	6,548.09	6,875.06	7,219.42	7,579.43	7,958.58
0442	38.59	40.52	42.55	44.67	46.91	3,087.20	3,241.60	3,404.00	3,573.60	3,752.80	6,711.57	7,047.24	7,400.30	7,769.01	8,158.59
0443	39.56	41.53	43.61	45.79	48.08	3,164.80	3,322.40	3,488.80	3,663.20	3,846.40	6,880.28	7,222.90	7,584.65	7,963.80	8,362.07
0444	40.54	42.57	44.70	46.93	49.28	3,243.20	3,405.60	3,576.00	3,754.40	3,942.40	7,050.72	7,403.77	7,774.22	8,162.07	8,570.78
0445	41.56	43.64	45.82	48.11	50.51	3,324.80	3,491.20	3,665.60	3,848.80	4,040.80	7,228.12	7,589.87	7,969.01	8,367.29	8,784.70
0446	42.60	44.73	46.96	49.31	51.78	3,408.00	3,578.40	3,756.80	3,944.80	4,142.40	7,408.99	7,779.44	8,167.28	8,576.00	9,005.58
0447	43.66	45.84	48.14	50.54	53.07	3,492.80	3,667.20	3,851.20	4,043.20	4,245.60	7,593.35	7,972.49	8,372.51	8,789.92	9,229.93
0448	44.75	46.99	49.34	51.81	54.40	3,580.00	3,759.20	3,947.20	4,144.80	4,352.00	7,782.92	8,172.50	8,581.21	9,010.80	9,461.25
0449	45.87	48.17	50.57	53.10	55.76	3,669.60	3,853.60	4,045.60	4,248.00	4,460.80	7,977.71	8,377.73	8,795.13	9,235.15	9,697.78
0450	47.02	49.37	51.84	54.43	57.15	3,761.60	3,949.60	4,147.20	4,354.40	4,572.00	8,177.72	8,586.43	9,016.01	9,466.47	9,939.53
0451	48.19	50.60	53.13	55.79	58.58	3,855.20	4,048.00	4,250.40	4,463.20	4,686.40	8,381.20	8,800.35	9,240.37	9,703.00	10,188.23
0452	49.40	51.87	54.46	57.18	60.04	3,952.00	4,149.60	4,356.80	4,574.40	4,803.20	8,591.65	9,021.23	9,471.68	9,944.75	10,442.16
0453	50.63	53.17	55.82	58.61	61.54	4,050.40	4,253.60	4,465.60	4,688.80	4,923.20	8,805.57	9,247.33	9,708.21	10,193.45	10,703.04
0454	51.90	54.49	57.22	60.08	63.08	4,152.00	4,359.20	4,577.60	4,806.40	5,046.40	9,026.45	9,476.90	9,951.70	10,449.11	10,970.87
0455	53.20	55.86	58.65	61.58	64.66	4,256.00	4,468.80	4,692.00	4,926.40	5,172.80	9,252.54	9,715.17	10,200.41	10,709.99	11,245.67
0456	54.53	57.25	60.11	63.12	66.28	4,362.40	4,580.00	4,808.80	5,049.60	5,302.40	9,483.86	9,956.92	10,454.33	10,977.83	11,527.42
0457	55.89	58.68	61.62	64.70	67.93	4,471.20	4,694.40	4,929.60	5,176.00	5,434.40	9,720.39	10,205.63	10,716.95	11,252.62	11,814.39
0458	57.29	60.15	63.16	66.32	69.63	4,583.20	4,812.00	5,052.80	5,305.60	5,570.40	9,963.88	10,461.29	10,984.79	11,534.37	12,110.05
0459	58.72	61.65	64.74	67.97	71.37	4,697.60	4,932.00	5,179.20	5,437.60	5,709.60	10,212.58	10,722.17	11,259.58	11,821.34	12,412.67
0460	60.19	63.20	66.36	69.67	73.16	4,815.20	5,056.00	5,308.80	5,573.60	5,852.80	10,468.24	10,991.74	11,541.33	12,117.01	12,723.99

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 17/18
EFFECTIVE: JUNE, 27 2017

MCMA

	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
0403	15.03	15.79	16.58	17.40	18.27	1,202.40	1,263.20	1,326.40	1,392.00	1,461.60	2,614.02	2,746.20	2,883.59	3,026.21	3,177.52
0404	15.41	16.18	16.99	17.84	18.73	1,232.80	1,294.40	1,359.20	1,427.20	1,498.40	2,680.11	2,814.03	2,954.90	3,102.73	3,257.52
0405	15.80	16.59	17.41	18.28	19.20	1,264.00	1,327.20	1,392.80	1,462.40	1,536.00	2,747.94	2,885.33	3,027.95	3,179.26	3,339.26
0406	16.19	17.00	17.85	18.74	19.68	1,295.20	1,360.00	1,428.00	1,499.20	1,574.40	2,815.76	2,956.64	3,104.47	3,259.26	3,422.75
0407	16.60	17.42	18.30	19.21	20.17	1,328.00	1,393.60	1,464.00	1,536.80	1,613.60	2,887.07	3,029.69	3,182.74	3,341.00	3,507.97
0408	17.01	17.86	18.75	19.69	20.67	1,360.80	1,428.80	1,500.00	1,575.20	1,653.60	2,958.38	3,106.21	3,261.00	3,424.48	3,594.93
0409	17.44	18.31	19.22	20.18	21.19	1,395.20	1,464.80	1,537.60	1,614.40	1,695.20	3,033.16	3,184.48	3,342.74	3,509.71	3,685.36
0410	17.87	18.76	19.70	20.69	21.72	1,429.60	1,500.80	1,576.00	1,655.20	1,737.60	3,107.95	3,262.74	3,426.22	3,598.40	3,777.54
0411	18.32	19.23	20.19	21.20	22.26	1,465.60	1,538.40	1,615.20	1,696.00	1,780.80	3,186.21	3,344.48	3,511.44	3,687.10	3,871.46
0412	18.78	19.71	20.70	21.73	22.82	1,502.40	1,576.80	1,656.00	1,738.40	1,825.60	3,266.22	3,427.96	3,600.14	3,779.28	3,968.85
0413	19.24	20.21	21.22	22.28	23.39	1,539.20	1,616.80	1,697.60	1,782.40	1,871.20	3,346.22	3,514.92	3,690.58	3,874.94	4,067.99
0414	19.73	20.71	21.75	22.83	23.98	1,578.40	1,656.80	1,740.00	1,826.40	1,918.40	3,431.44	3,601.88	3,782.76	3,970.59	4,170.60
0415	20.22	21.23	22.29	23.40	24.57	1,617.60	1,698.40	1,783.20	1,872.00	1,965.60	3,516.66	3,692.32	3,876.68	4,069.73	4,273.21
0416	20.72	21.76	22.85	23.99	25.19	1,657.60	1,740.80	1,828.00	1,919.20	2,015.20	3,603.62	3,784.50	3,974.07	4,172.34	4,381.04
0417	21.24	22.30	23.42	24.59	25.82	1,699.20	1,784.00	1,873.60	1,967.20	2,065.60	3,694.06	3,878.42	4,073.21	4,276.69	4,490.61
0418	21.77	22.86	24.00	25.20	26.46	1,741.60	1,828.80	1,920.00	2,016.00	2,116.80	3,786.24	3,975.81	4,174.08	4,382.78	4,601.92
0419	22.32	23.43	24.60	25.83	27.13	1,785.60	1,874.40	1,968.00	2,066.40	2,170.40	3,881.89	4,074.95	4,278.43	4,492.35	4,718.45
0420	22.87	24.02	25.22	26.48	27.80	1,829.60	1,921.60	2,017.60	2,118.40	2,224.00	3,977.55	4,177.56	4,386.26	4,605.40	4,834.98
0421	23.45	24.62	25.85	27.14	28.50	1,876.00	1,969.60	2,068.00	2,171.20	2,280.00	4,078.42	4,281.91	4,495.83	4,720.19	4,956.72
0422	24.03	25.23	26.50	27.82	29.21	1,922.40	2,018.40	2,120.00	2,225.60	2,336.80	4,179.30	4,388.00	4,608.88	4,838.45	5,080.20
0423	24.63	25.86	27.16	28.52	29.94	1,970.40	2,068.80	2,172.80	2,281.60	2,395.20	4,283.65	4,497.57	4,723.67	4,960.20	5,207.16
0424	25.25	26.51	27.84	29.23	30.69	2,020.00	2,120.80	2,227.20	2,338.40	2,455.20	4,391.48	4,610.62	4,841.93	5,083.68	5,337.60
0425	25.88	27.17	28.53	29.96	31.46	2,070.40	2,173.60	2,282.40	2,396.80	2,516.80	4,501.05	4,725.41	4,961.94	5,210.64	5,471.52
0426	26.53	27.85	29.25	30.71	32.24	2,122.40	2,228.00	2,340.00	2,456.80	2,579.20	4,614.10	4,843.67	5,087.16	5,341.08	5,607.18
0427	27.19	28.55	29.98	31.48	33.05	2,175.20	2,284.00	2,398.40	2,518.40	2,644.00	4,728.88	4,965.42	5,214.12	5,475.00	5,748.06
0428	27.87	29.26	30.73	32.26	33.87	2,229.60	2,340.80	2,458.40	2,580.80	2,709.60	4,847.15	5,088.90	5,344.56	5,610.66	5,890.67
0429	28.57	29.99	31.49	33.07	34.72	2,285.60	2,399.20	2,519.20	2,645.60	2,777.60	4,968.89	5,215.86	5,476.74	5,751.53	6,038.50
0430	29.28	30.74	32.28	33.89	35.59	2,342.40	2,459.20	2,582.40	2,711.20	2,847.20	5,092.38	5,346.30	5,614.14	5,894.15	6,189.81
0431	30.01	31.51	33.09	34.74	36.48	2,400.80	2,520.80	2,647.20	2,779.20	2,918.40	5,219.34	5,480.22	5,755.01	6,041.98	6,344.60
0432	30.76	32.30	33.92	35.61	37.39	2,460.80	2,584.00	2,713.60	2,848.80	2,991.20	5,349.78	5,617.62	5,899.37	6,193.29	6,502.87
0433	31.53	33.11	34.76	36.50	38.33	2,522.40	2,648.80	2,780.80	2,920.00	3,066.40	5,483.70	5,758.49	6,045.46	6,348.08	6,666.35
0434	32.32	33.94	35.63	37.41	39.28	2,585.60	2,715.20	2,850.40	2,992.80	3,142.40	5,621.09	5,902.84	6,196.77	6,506.35	6,831.58
0435	33.13	34.78	36.52	38.35	40.27	2,650.40	2,782.40	2,921.60	3,068.00	3,221.60	5,761.97	6,048.94	6,351.56	6,669.83	7,003.76
0436	33.96	35.65	37.44	39.31	41.27	2,716.80	2,852.00	2,995.20	3,144.80	3,301.60	5,906.32	6,200.25	6,511.56	6,836.80	7,177.68
0437	34.80	36.54	38.37	40.29	42.30	2,784.00	2,923.20	3,069.60	3,223.20	3,384.00	6,052.42	6,355.04	6,673.31	7,007.24	7,356.82
0438	35.67	37.46	39.33	41.30	43.36	2,853.60	2,996.80	3,146.40	3,304.00	3,468.80	6,203.73	6,515.04	6,840.27	7,182.90	7,541.17
0439	36.57	38.39	40.31	42.33	44.45	2,925.60	3,071.20	3,224.80	3,386.40	3,556.00	6,360.25	6,676.79	7,010.72	7,362.03	7,730.74
0440	37.48	39.35	41.32	43.39	45.56	2,998.40	3,148.00	3,305.60	3,471.20	3,644.80	6,518.52	6,843.75	7,186.37	7,546.39	7,923.80
0441	38.42	40.34	42.35	44.47	46.69	3,073.60	3,227.20	3,388.00	3,557.60	3,735.20	6,682.01	7,015.93	7,365.51	7,734.22	8,120.32
0442	39.38	41.35	43.41	45.58	47.86	3,150.40	3,308.00	3,472.80	3,646.40	3,828.80	6,848.97	7,191.59	7,549.87	7,927.27	8,323.81
0443	40.36	42.38	44.50	46.72	49.06	3,228.80	3,390.40	3,560.00	3,737.60	3,924.80	7,019.41	7,370.73	7,739.44	8,125.54	8,532.52
0444	41.37	43.44	45.61	47.89	50.28	3,309.60	3,475.20	3,648.80	3,831.20	4,022.40	7,195.07	7,555.08	7,932.49	8,329.03	8,744.70
0445	42.40	44.52	46.75	49.09	51.54	3,392.00	3,561.60	3,740.00	3,927.20	4,123.20	7,374.21	7,742.92	8,130.76	8,537.73	8,963.84
0446	43.46	45.64	47.92	50.31	52.83	3,476.80	3,651.20	3,833.60	4,024.80	4,226.40	7,558.56	7,937.71	8,334.25	8,749.92	9,188.19
0447	44.55	46.78	49.12	51.57	54.15	3,564.00	3,742.40	3,929.60	4,125.60	4,332.00	7,748.14	8,135.98	8,542.95	8,969.05	9,417.77
0448	45.66	47.95	50.34	52.86	55.50	3,652.80	3,836.00	4,027.20	4,228.80	4,440.00	7,941.19	8,339.46	8,755.13	9,193.41	9,652.56
0449	46.81	49.15	51.60	54.18	56.89	3,744.80	3,932.00	4,128.00	4,334.40	4,551.20	8,141.20	8,548.17	8,974.27	9,422.99	9,894.31
0450	47.98	50.37	52.89	55.54	58.31	3,838.40	4,029.60	4,231.20	4,443.20	4,664.80	8,344.68	8,760.35	9,198.63	9,659.52	10,141.28
0451	49.18	51.63	54.22	56.93	59.77	3,934.40	4,130.40	4,337.60	4,554.40	4,781.60	8,553.39	8,979.49	9,429.94	9,901.27	10,395.20
0452	50.40	52.92	55.57	58.35	61.27	4,032.00	4,233.60	4,445.60	4,668.00	4,901.60	8,765.57	9,203.85	9,664.73	10,148.23	10,656.08
0453	51.66	54.25	56.96	59.81	62.80	4,132.80	4,340.00	4,556.80	4,784.80	5,024.00	8,984.71	9,435.16	9,906.48	10,402.16	10,922.18
0454	52.96	55.60	58.38	61.30	64.37	4,236.80	4,448.00	4,670.40	4,904.00	5,149.60	9,210.80	9,669.95	10,153.45	10,661.30	11,195.23
0455	54.28	56.99	59.84	62.84	65.98	4,342.40	4,559.20	4,787.20	5,027.20	5,278.40	9,440.38	9,911.70	10,407.37	10,929.13	11,475.24
0456	55.64	58.42	61.34	64.41	67.63	4,451.20	4,673.60	4,907.20	5,152.80	5,410.40	9,676.91	10,160.41	10,668.25	11,202.19	11,762.21
0457	57.03	59.88	62.87	66.02	69.32	4,562.40	4,790.40	5,029.60	5,281.60	5,545.60	9,918.66	10,414.33	10,934.35	11,482.20	12,056.13
0458	58.45	61.38	64.44	67.67	71.05	4,676.00	4,910.40	5,155.20	5,413.60	5,684.00	10,165.62	10,675.21	11,207.40	11,769.17	12,357.02
0459	59.91	62.91	66.06	69.36	72.83	4,792.80	5,032.80	5,284.80	5,548.80	5,826.40	10,419.55	10,941.31	11,489.16	12,063.09	12,666.59
0460	61.41	64.48	67.71	71.09	74.65	4,912.80	5,158.40	5,416.80	5,687.20	5,972.00	10,680.43	11,214.36	11,776.12	12,363.97	12,983.13

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 18/19
EFFECTIVE: JUNE, 26 2018

MCMA

	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
0403	15.34	16.11	16.92	17.76	18.65	1,227.20	1,288.80	1,353.60	1,420.80	1,492.00	2,667.93	2,801.85	2,942.73	3,088.82	3,243.61
0404	15.73	16.51	17.34	18.21	19.12	1,258.40	1,320.80	1,387.20	1,456.80	1,529.60	2,735.76	2,871.42	3,015.77	3,167.08	3,325.35
0405	16.12	16.93	17.77	18.66	19.59	1,289.60	1,354.40	1,421.60	1,492.80	1,567.20	2,803.59	2,944.47	3,090.56	3,245.35	3,407.09
0406	16.52	17.35	18.22	19.13	20.08	1,321.60	1,388.00	1,457.60	1,530.40	1,606.40	2,873.16	3,017.51	3,168.82	3,327.09	3,492.31
0407	16.94	17.78	18.67	19.61	20.59	1,355.20	1,422.40	1,493.60	1,568.80	1,647.20	2,946.20	3,092.30	3,247.09	3,410.57	3,581.01
0408	17.36	18.23	19.14	20.10	21.10	1,388.80	1,458.40	1,531.20	1,608.00	1,688.00	3,019.25	3,170.56	3,328.83	3,495.79	3,669.71
0409	17.79	18.68	19.62	20.60	21.63	1,423.20	1,494.40	1,569.60	1,648.00	1,730.40	3,094.04	3,248.83	3,412.31	3,582.75	3,761.89
0410	18.24	19.15	20.11	21.11	22.17	1,459.20	1,532.00	1,608.80	1,688.80	1,773.60	3,172.30	3,330.57	3,497.53	3,671.45	3,855.81
0411	18.70	19.63	20.61	21.64	22.72	1,496.00	1,570.40	1,648.80	1,731.20	1,817.60	3,252.30	3,414.05	3,584.49	3,763.63	3,951.46
0412	19.16	20.12	21.13	22.18	23.29	1,532.80	1,609.60	1,690.40	1,774.40	1,863.20	3,332.31	3,499.27	3,674.93	3,857.55	4,050.60
0413	19.64	20.62	21.65	22.74	23.87	1,571.20	1,649.60	1,732.00	1,819.20	1,909.60	3,415.79	3,586.23	3,765.37	3,954.94	4,151.47
0414	20.13	21.14	22.20	23.30	24.47	1,610.40	1,691.20	1,776.00	1,864.00	1,957.60	3,501.01	3,676.67	3,861.02	4,052.34	4,255.82
0415	20.64	21.67	22.75	23.89	25.08	1,651.20	1,733.60	1,820.00	1,911.20	2,006.40	3,589.71	3,768.85	3,956.68	4,154.95	4,361.91
0416	21.15	22.21	23.32	24.48	25.71	1,692.00	1,776.80	1,865.60	1,958.40	2,056.80	3,678.41	3,862.76	4,055.81	4,257.56	4,471.48
0417	21.68	22.76	23.90	25.10	26.35	1,734.40	1,820.80	1,912.00	2,008.00	2,108.00	3,770.59	3,958.42	4,156.69	4,365.39	4,582.79
0418	22.22	23.33	24.50	25.72	27.01	1,777.60	1,866.40	1,960.00	2,057.60	2,160.80	3,864.50	4,057.55	4,261.04	4,473.22	4,697.58
0419	22.78	23.92	25.11	26.37	27.68	1,822.40	1,913.60	2,008.80	2,109.60	2,214.40	3,961.90	4,160.17	4,367.13	4,586.27	4,814.11
0420	23.35	24.51	25.74	27.03	28.38	1,868.00	1,960.80	2,059.20	2,162.40	2,270.40	4,061.03	4,262.78	4,476.70	4,701.06	4,935.85
0421	23.93	25.13	26.38	27.70	29.09	1,914.40	2,010.40	2,110.40	2,216.00	2,327.20	4,161.91	4,370.61	4,588.01	4,817.58	5,059.33
0422	24.53	25.75	27.04	28.39	29.81	1,962.40	2,060.00	2,163.20	2,271.20	2,384.80	4,266.26	4,478.44	4,702.80	4,937.59	5,184.56
0423	25.14	26.40	27.72	29.10	30.56	2,011.20	2,112.00	2,217.60	2,328.00	2,444.80	4,372.35	4,591.49	4,821.06	5,061.07	5,315.00
0424	25.77	27.06	28.41	29.83	31.32	2,061.60	2,164.80	2,272.80	2,386.40	2,505.60	4,481.92	4,706.28	4,941.07	5,188.03	5,447.17
0425	26.41	27.73	29.12	30.58	32.11	2,112.80	2,218.40	2,329.60	2,446.40	2,568.80	4,593.23	4,822.80	5,064.55	5,318.47	5,584.57
0426	27.07	28.43	29.85	31.34	32.91	2,165.60	2,274.40	2,388.00	2,507.20	2,632.80	4,708.01	4,944.55	5,191.51	5,450.65	5,723.71
0427	27.75	29.14	30.59	32.12	33.73	2,220.00	2,331.20	2,447.20	2,569.60	2,698.40	4,826.28	5,068.03	5,320.21	5,586.31	5,866.32
0428	28.44	29.87	31.36	32.93	34.57	2,275.20	2,389.60	2,508.80	2,634.40	2,765.60	4,946.28	5,194.99	5,454.13	5,727.19	6,012.41
0429	29.16	30.61	32.14	33.75	35.44	2,332.80	2,448.80	2,571.20	2,700.00	2,835.20	5,071.51	5,323.69	5,589.79	5,869.80	6,163.72
0430	29.88	31.38	32.95	34.59	36.32	2,390.40	2,510.40	2,636.00	2,767.20	2,905.60	5,196.73	5,457.61	5,730.66	6,015.89	6,316.77
0431	30.63	32.16	33.77	35.46	37.23	2,450.40	2,572.80	2,701.60	2,836.80	2,978.40	5,327.17	5,593.27	5,873.28	6,167.20	6,475.04
0432	31.40	32.97	34.61	36.35	38.16	2,512.00	2,637.60	2,768.80	2,908.00	3,052.80	5,461.09	5,734.14	6,019.37	6,321.99	6,636.79
0433	32.18	33.79	35.48	37.25	39.12	2,574.40	2,703.20	2,838.40	2,980.00	3,129.60	5,596.75	5,876.76	6,170.68	6,478.52	6,803.75
0434	32.99	34.64	36.37	38.18	40.09	2,639.20	2,771.20	2,909.60	3,054.40	3,207.20	5,737.62	6,024.59	6,325.47	6,640.27	6,972.45
0435	33.81	35.50	37.28	39.14	41.10	2,704.80	2,840.00	2,982.40	3,131.20	3,288.00	5,880.24	6,174.16	6,483.74	6,807.23	7,148.11
0436	34.66	36.39	38.21	40.12	42.12	2,772.80	2,911.20	3,056.80	3,209.60	3,369.60	6,028.07	6,328.95	6,645.48	6,977.67	7,325.51
0437	35.52	37.30	39.16	41.12	43.18	2,841.60	2,984.00	3,132.80	3,289.60	3,454.40	6,177.64	6,487.22	6,810.71	7,151.59	7,509.87
0438	36.41	38.23	40.14	42.15	44.26	2,912.80	3,058.40	3,211.20	3,372.00	3,540.80	6,332.43	6,648.96	6,981.15	7,330.73	7,697.70
0439	37.32	39.19	41.14	43.20	45.36	2,985.60	3,135.20	3,291.20	3,456.00	3,628.80	6,490.69	6,815.92	7,155.07	7,513.34	7,889.01
0440	38.25	40.17	42.17	44.28	46.50	3,060.00	3,213.60	3,373.60	3,542.40	3,720.00	6,652.44	6,986.37	7,334.21	7,701.18	8,087.28
0441	39.21	41.17	43.23	45.39	47.66	3,136.80	3,293.60	3,458.40	3,631.20	3,812.80	6,819.40	7,160.29	7,518.56	7,894.23	8,289.03
0442	40.19	42.20	44.31	46.52	48.85	3,215.20	3,376.00	3,544.80	3,721.60	3,908.00	6,989.84	7,339.42	7,706.40	8,090.76	8,495.99
0443	41.19	43.25	45.42	47.69	50.07	3,295.20	3,460.00	3,633.60	3,815.20	4,005.60	7,163.76	7,522.04	7,899.45	8,294.24	8,708.17
0444	42.22	44.33	46.55	48.88	51.32	3,377.60	3,546.40	3,724.00	3,910.40	4,105.60	7,342.90	7,709.87	8,095.98	8,501.21	8,925.57
0445	43.28	45.44	47.71	50.10	52.60	3,462.40	3,635.20	3,816.80	4,008.00	4,208.00	7,527.26	7,902.92	8,297.72	8,713.39	9,148.19
0446	44.36	46.58	48.91	51.35	53.92	3,548.80	3,726.40	3,912.80	4,108.00	4,313.60	7,715.09	8,101.19	8,506.43	8,930.79	9,377.77
0447	45.47	47.74	50.13	52.64	55.27	3,637.60	3,819.20	4,010.40	4,211.20	4,421.60	7,908.14	8,302.94	8,718.61	9,155.15	9,612.56
0448	46.61	48.94	51.38	53.95	56.65	3,728.80	3,915.20	4,110.40	4,316.00	4,532.00	8,106.41	8,511.64	8,936.01	9,382.98	9,852.57
0449	47.77	50.16	52.67	55.30	58.07	3,821.60	4,012.80	4,213.60	4,424.00	4,645.60	8,308.16	8,723.83	9,160.37	9,617.78	10,099.53
0450	48.97	51.41	53.98	56.68	59.52	3,917.60	4,112.80	4,318.40	4,534.40	4,761.60	8,516.86	8,941.23	9,388.20	9,857.79	10,351.72
0451	50.19	52.70	55.33	58.10	61.00	4,015.20	4,216.00	4,426.40	4,648.00	4,880.00	8,729.04	9,165.58	9,622.99	10,104.75	10,609.12
0452	51.44	54.02	56.72	59.55	62.53	4,115.20	4,321.60	4,537.60	4,764.00	5,002.40	8,946.44	9,395.16	9,864.74	10,356.94	10,875.22
0453	52.73	55.37	58.13	61.04	64.09	4,218.40	4,429.60	4,650.40	4,883.20	5,127.20	9,170.80	9,629.95	10,109.97	10,616.08	11,146.53
0454	54.05	56.75	59.59	62.57	65.70	4,324.00	4,540.00	4,767.20	5,005.60	5,256.00	9,400.38	9,869.96	10,363.89	10,882.17	11,426.54
0455	55.40	58.17	61.08	64.13	67.34	4,432.00	4,653.60	4,886.40	5,130.40	5,387.20	9,635.17	10,116.93	10,623.03	11,153.49	11,711.77
0456	56.78	59.62	62.60	65.73	69.02	4,542.40	4,769.60	5,008.00	5,258.40	5,521.60	9,875.18	10,369.11	10,887.39	11,431.76	12,003.96
0457	58.20	61.11	64.17	67.38	70.75	4,656.00	4,888.80	5,133.60	5,390.40	5,660.00	10,122.14	10,628.25	11,160.45	11,718.73	12,304.84
0458	59.66	62.64	65.77	69.06	72.51	4,772.80	5,011.20	5,261.60	5,524.80	5,800.80	10,376.07	10,894.35	11,438.72	12,010.92	12,610.94
0459	61.15	64.21	67.42	70.79	74.33	4,892.00	5,136.80	5,393.60	5,663.20	5,946.40	10,635.21	11,167.40	11,725.69	12,311.80	12,927.47
0460	62.68	65.81	69.10	72.56	76.19	5,014.40	5,264.80	5,528.00	5,804.80	6,095.20	10,901.31	11,445.68	12,017.87	12,619.64	13,250.96

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-310

RESOLUTION GRANTING SALARY CHANGES TO NON-SWORN UNREPRESENTED MANAGEMENT AND CONFIDENTIAL EMPLOYEES INCLUDING CHARTER OFFICERS AND EXECUTIVES AND UNREPRESENTED SWORN FIRE EMPLOYEES, EFFECTIVE JULY 12, 2016 AND RESCINDING RESOLUTION NO. 2015-446, RESOLUTION NO. 2016-53 AND RESOLUTION NO. 2016-55, AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO TAKE THE NECESSARY ADMINISTRATIVE ACTION TO IMPLEMENT THE CHANGES

WHEREAS, by Resolution No. 2015-446, which became effective on November 24, 2015, the City Council amended the salary schedules for unrepresented Management and Confidential employees including Charter Officers and Executives, and

WHEREAS, the Council of the City of Modesto desires to approve a two (2.0%) percent across-the-board salary increase for non-sworn unrepresented Management and Confidential employees, including Executives and Charter Officers, effective July 12, 2016; followed by an additional two (2.0%) percent salary increase effective June 27, 2017; followed by an additional two (2.0%) percent salary increase effective June 26, 2018, and

WHEREAS, the Council of the City of Modesto adopted an agreement with Modesto City Fire Fighters Association (MCFFA) on April 12, 2016 which included salary increases,

WHEREAS, the Council of the City of Modesto desires to approve a one and one half percent (1.5%) base salary increase for all Unrepresented Sworn Fire employees effective July 12, 2016; followed by an additional two (2.0%) percent salary increase effective December 27, 2016; followed by an additional two (2.0%) percent salary increase effective June 27, 2017, and

WHEREAS, the City desires to maintain competitive position with the labor market;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. SALARY RANGES, RATES AND EFFECTIVE DATES. The salary rates, salary ranges and salary steps as set forth in the following exhibits which are **attached** hereto and made a part hereof provide for a two (2.0%) percent across-the-board salary adjustment for non-sworn Executive Management and Charter Officers effective July 12, 2016; salary ranges increased by two (2.0%) percent effective June 27, 2017, followed by an additional two (2.0%) percent increase effective June 26, 2018 and for a one and one half percent (1.5%) base salary increase for all Unrepresented Sworn Fire employees effective July 12, 2016; followed by an additional two (2.0%) percent salary increase effective December 27, 2016; followed by an additional two (2.0%) percent salary increase effective June 27, 2017. In addition, based on the results of the City's most recent labor market study, the salary range for each of the benchmark classes listed in **Exhibit X**, along with any related classes, shall increase in accordance with the schedule and is set forth in these **Exhibits**.

1. **Exhibit** "A" entitled "City Of Modesto Class Range Table, Unrepresented Management And Confidential Non-Sworn Classes, Effective July 12, 2016."

2. **Exhibit** "B" entitled "City Of Modesto Class Range Table, Unrepresented Management And Confidential Non-Sworn Classes, Effective March 7, 2017."

3. **Exhibit** "C" entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY 16/17, Effective July 12, 2016 - Management/Confidential – Non-Sworn Unrepresented."

4. **Exhibit** "D" entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY 17/18, Effective June 27, 2017 Management/Confidential – Non-Sworn Unrepresented."

5. **Exhibit** "E" entitled "City of Modesto Schedule Of Salary Ranges In City Service For FY 18/19, Effective June 26, 2018 Management/Confidential – Non-Sworn Unrepresented."

6. **Exhibit** "F" entitled "City Of Modesto Class Range Table, Executive Management, Effective July 12, 2016" which includes Charter Officers.

7. **Exhibit** "G" entitled "City Of Modesto Class Range Table, Executive Management, Effective March 7, 2017" which includes Charter Officers.

8. **Exhibit** "H" entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY 16/17, Effective July 12, 2016 - Executive Management."

9. **Exhibit** "I" entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY 17/18, Effective June 27, 2017 - Executive Management."

10. **Exhibit** "J" entitled "City of Modesto Schedule Of Salary Ranges In City Service For FY 18/19, Effective June 26, 2018 – Executive Management."

11. **Exhibit** "K" entitled "City of Modesto Schedule Of Salary Ranges in City Service For FY 16/17, Effective July 12, 2016 – Schedule X, Fire Management – 80 Hrs. – Battalion Chief and Schedule Y, Fire Management – 112 Hrs. – Battalion Chief.

12. **Exhibit** "L" entitled "City of Modesto Schedule Of Salary Ranges in City Service For FY 16/17, Effective December 27, 2016 – Schedule X, Fire Management – 80 Hrs. – Battalion Chief and Schedule Y, Fire Management – 112 Hrs. – Battalion Chief.

13. **Exhibit** "M" entitled "City of Modesto Schedule Of Salary Ranges in City Service For FY 17/18, Effective June 27, 2017 – Schedule X, Fire Management – 80 Hrs. – Battalion Chief and Schedule Y, Fire Management – 112 Hrs. – Battalion Chief.

14. **Exhibit** "N" entitled "City of Modesto Schedule Of Salary Ranges in City Service For FY 16/17, Effective July 12, 2016 – Schedule E Management/Confidential – Fire – 80 hours – Division Chief."

15. **Exhibit** "P" entitled "City of Modesto Schedule Of Salary Ranges in City Service For FY 16/17, Effective December 27, 2016 – Schedule E Management/Confidential – Fire – 80 hours – Division Chief."

16. **Exhibit** "Q" entitled "City of Modesto Schedule Of Salary Ranges in City Service For FY 17/18, Effective June 27, 2017 – Schedule E Management/Confidential – Fire – 80 hours – Division Chief."

17.

18. **Exhibit** "T" City of Modesto Schedule of Salary Ranges In City Service For FY 16/17, Effective July 12, 2016 – Unrepresented - Fire Chief

19. **Exhibit** "V" City of Modesto Schedule of Salary Ranges In City Service For FY 16/17, Effective December 27, 2016 – Unrepresented - Fire Chief

20. **Exhibit** "W" City of Modesto Schedule of Salary Ranges In City Service For FY 17/18, Effective June 27, 2017 – Unrepresented – Fire Chief

21. **Exhibit** "Y" entitled "City of Modesto Class Range Table, Fire Management Classes, Effective July 12, 2016.

22. **Exhibit** "Z" entitled "City of Modesto Class Range Table, Sworn Fire Executive Management Classes, Effective July 12, 2016.

23. **Exhibit** "A-1" entitled "City of Modesto Class Range Table, Police Management Classes (Unrepresented), Effective February 9, 2016.

24. **Exhibit** "A-2" City of Modesto Schedule of Salary Ranges in City Service for FY 15/16, Effective February 9, 2016 – Management/Confidential Police Captains – Unrepresented.

SECTION 2. CHARTER OFFICERS. The salaries for the positions of the Charter Officers shall be as follows effective December 2, 2014:

TITLE	HOURLY	BI-WEEKLY	MONTHLY
City Manager Jim Holgersson	102.65	8,212.00	17,861.11
City Attorney Contract	77.97	6,237.50	13,566.57

City Clerk Stephanie Lopez	52.60	4,208.00	9,152.40

Charter Officers shall be as follows effective the pay period that includes March 1, 2016:

TITLE	HOURLY	BI-WEEKLY	MONTHLY
City Manager Jim Holgersson	103.68	8,294.40	18,040.32
City Attorney Contract	78.75	6,299.88	13,702.24
City Clerk Stephanie Lopez	53.13	4,250.40	9,244.62

SECTION 3. USE OF CLASSES. The designated classes of positions may be used in any organizational unit of the City deemed proper by the City Manager.

SECTION 4. POSITIONS. The City Council authorizes and directs the City Manager, within the limits of funds budgeted therefor, to appoint employees in such number and in such classes in each department as may be necessary to properly operate the department under the Charter, ordinances and resolutions adopted by the City Council, including, but not limited to, creating additional positions to replace employees who are on disability leave or other leaves of absence.

SECTION 5. APPOINTMENTS AND SALARIES. The City Manager is hereby authorized to appoint, in accordance with the applicable provisions of the Modesto Municipal Code and Personnel Rules and within the limits of funds budgeted therefor, any person to a position in a class for which he is the appointing authority and for which the salary is hereby provided, to designate the definite salary rate or salary step at which such person is appointed, and the salary so designated is hereby fixed as the salary of

such employee for the position.

SECTION 6. SPECIAL SALARY RATES. The City Manager is further authorized, subject to budgetary appropriation control by the City Council, to fix the salary range or rate for part-time, hourly or special positions in the Unclassified Service for which the City Manager is the appointing authority and which are not designated herein.

SECTION 7. PART-TIME EMPLOYMENT. Employees appointed to any of the positions referred to herein who, with the approval of the City Manager, regularly work less hours per week than established for their class by rule 13.1 of the Personnel Rules, shall be paid in approximate proportion of the time worked.

SECTION 8. REPEAL. Resolution No. 2015-446, Resolution No. 2016-53 and Resolution No. 2016-55 are hereby rescinded effective July 12, 2016.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of July, 2016, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

UNREP Market Labor Adjusted Classes

Title	Union	% Adjusted upon Council	% Adjusted on March 7, 2017
FULLTIME REGULAR POSITIONS			
Office Supervisor - Unrepresented	UNREP	5.00%	2.50%
City Attorney	UNREP	2.50%	2.50%
City Auditor	UNREP	7.50%	7.50%
Director of Human Resources	UNREP	2.50%	2.50%
Risk Manager	UNREP	5.00%	5.00%
Executive Assistant (Unrep - Exempt)	UNREP	2.50%	
Executive Assistant (Unrep - Non Exempt)	UNREP	2.50%	
Executive Assistant to the City Council	UNREP	2.50%	
Executive Assistant to the City Manager	UNREP	2.50%	
Legal Services Administrator	UNREP	2.50%	

CITY OF MODESTO
CLASS RANGE TABLE
UNREPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES
Effective **July 12, 2016**

RANGE	TITLE
2421	**Executive Assistant**
2424	**Office Supervisor - Personnel**
2425	Paralegal
2426	**Executive Assistant to the City Council** **Executive Assistant to the City Manager**
2428	**Legal Services Administrator**
2431	Equal Opportunity Analyst/Paralegal
2434	Senior Auditor
2439	Employee Benefits Manager Employee Relations Coordinator
2441	**Risk Manager**
2444	Deputy City Attorney I Human Resources Manager
2448	Deputy City Attorney II
2450	Budget Manager
2452	Deputy City Attorney III Deputy Director of Community and Economic Development Deputy Director of Cultural and Enterprise Services Deputy Director of Finance Deputy Director of Human Resources Deputy Director of Public Works – Operations Deputy Director of Recreation and Neighborhoods
2455	Deputy Director of Utility Planning and Projects
2456	Senior Deputy City Attorney
2462	Assistant City Attorney

CITY OF MODESTO
CLASS RANGE TABLE
UNREPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES
Effective **March 7, 2017**

RANGE	TITLE
2421	Executive Assistant
2425	**Office Supervisor - Personnel**
	Paralegal
2426	Executive Assistant to the City Council
	Executive Assistant to the City Manager
2428	Legal Services Administrator
2431	Equal Opportunity Analyst/Paralegal
2434	Senior Auditor
2439	Employee Benefits Manager
	Employee Relations Coordinator
2443	**Risk Manager**
2444	Deputy City Attorney I
	Human Resources Manager
2448	Deputy City Attorney II
2450	Budget Manager
2452	Deputy City Attorney III
	Deputy Director of Community and Economic Development
	Deputy Director of Cultural and Enterprise Services
	Deputy Director of Finance
	Deputy Director of Human Resources
	Deputy Director of Public Works – Operations
	Deputy Director of Recreation and Neighborhoods
2455	Deputy Director of Utility Planning and Projects
2456	Senior Deputy City Attorney
2462	Assistant City Attorney

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 16/17
EFFECTIVE: JULY 12 2016

UNREPRESENTED MANAGEMENT/CONFIDENTIAL

	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
2419	22.41	23.54	24.71	25.95	27.24	1,792.80	1,883.20	1,976.80	2,076.00	2,179.20	3,897.55	4,094.08	4,297.56	4,513.22	4,737.58
2420	22.98	24.12	25.33	26.60	27.93	1,838.40	1,929.60	2,026.40	2,128.00	2,234.40	3,996.68	4,194.95	4,405.39	4,626.27	4,857.59
2421	23.55	24.73	25.96	27.26	28.62	1,884.00	1,978.40	2,076.80	2,180.80	2,289.60	4,095.82	4,301.04	4,514.96	4,741.06	4,977.59
2422	24.14	25.34	26.61	27.94	29.34	1,931.20	2,027.20	2,128.80	2,235.20	2,347.20	4,198.43	4,407.13	4,628.01	4,859.32	5,102.81
2423	24.74	25.98	27.28	28.64	30.07	1,979.20	2,078.40	2,182.40	2,291.20	2,405.60	4,302.78	4,518.44	4,744.54	4,981.07	5,229.77
2424	25.36	26.63	27.96	29.36	30.82	2,028.80	2,130.40	2,236.80	2,348.80	2,465.60	4,410.61	4,631.49	4,862.80	5,106.29	5,360.21
2425	25.99	27.29	28.66	30.09	31.59	2,079.20	2,183.20	2,292.80	2,407.20	2,527.20	4,520.18	4,746.28	4,984.55	5,233.25	5,494.13
2426	26.64	27.98	29.37	30.84	32.38	2,131.20	2,238.40	2,349.60	2,467.20	2,590.40	4,633.23	4,866.28	5,108.03	5,363.69	5,631.53
2427	27.31	28.67	30.11	31.61	33.19	2,184.80	2,293.60	2,408.80	2,528.80	2,655.20	4,749.76	4,986.29	5,236.73	5,497.61	5,772.40
2428	27.99	29.39	30.86	32.40	34.02	2,239.20	2,351.20	2,468.80	2,592.00	2,721.60	4,868.02	5,111.51	5,367.17	5,635.01	5,916.76
2429	28.69	30.13	31.63	33.21	34.87	2,295.20	2,410.40	2,530.40	2,656.80	2,789.60	4,989.76	5,240.21	5,501.09	5,775.88	6,064.59
2430	29.41	30.88	32.42	34.04	35.75	2,352.80	2,470.40	2,593.60	2,723.20	2,860.00	5,114.99	5,370.65	5,638.49	5,920.24	6,217.64
2431	30.14	31.65	33.23	34.89	36.64	2,411.20	2,532.00	2,658.40	2,791.20	2,931.20	5,241.95	5,504.57	5,779.36	6,068.07	6,372.43
2432	30.90	32.44	34.06	35.77	37.55	2,472.00	2,595.20	2,724.80	2,861.60	3,004.00	5,374.13	5,641.96	5,923.72	6,221.12	6,530.70
2433	31.67	33.25	34.92	36.66	38.49	2,533.60	2,660.00	2,793.60	2,932.80	3,079.20	5,508.05	5,782.84	6,073.29	6,375.91	6,694.18
2434	32.46	34.08	35.79	37.58	39.46	2,596.80	2,726.40	2,863.20	3,006.40	3,156.80	5,645.44	5,927.19	6,224.60	6,535.91	6,862.88
2435	33.27	34.94	36.68	38.52	40.44	2,661.60	2,795.20	2,934.40	3,081.60	3,235.20	5,786.32	6,076.76	6,379.39	6,699.40	7,033.32
2436	34.10	35.81	37.60	39.48	41.45	2,728.00	2,864.80	3,008.00	3,158.40	3,316.00	5,930.67	6,228.08	6,539.39	6,866.36	7,208.98
2437	34.96	36.70	38.54	40.47	42.49	2,796.80	2,936.00	3,083.20	3,237.60	3,399.20	6,080.24	6,382.86	6,702.88	7,038.54	7,389.86
2438	35.83	37.62	39.50	41.48	43.55	2,866.40	3,009.60	3,160.00	3,318.40	3,484.00	6,231.55	6,542.87	6,869.84	7,214.20	7,574.22
2439	36.73	38.56	40.49	42.51	44.64	2,938.40	3,084.80	3,239.20	3,400.80	3,571.20	6,388.08	6,706.36	7,042.02	7,393.34	7,763.79
2440	37.64	39.53	41.50	43.58	45.76	3,011.20	3,162.40	3,320.00	3,486.40	3,660.80	6,546.35	6,875.06	7,217.68	7,579.43	7,958.58
2441	38.59	40.51	42.54	44.67	46.90	3,087.20	3,240.80	3,403.20	3,573.60	3,752.00	6,711.57	7,045.50	7,398.56	7,769.01	8,156.85
2442	39.55	41.53	43.60	45.78	48.07	3,164.00	3,322.40	3,488.00	3,662.40	3,845.60	6,878.54	7,222.90	7,582.91	7,962.06	8,360.33
2443	40.54	42.57	44.69	46.93	49.27	3,243.20	3,405.60	3,575.20	3,754.40	3,941.60	7,050.72	7,403.77	7,772.48	8,162.07	8,569.04
2444	41.55	43.63	45.81	48.10	50.51	3,324.00	3,490.40	3,664.80	3,848.00	4,040.80	7,226.38	7,588.13	7,967.28	8,365.55	8,784.70
2445	42.59	44.72	46.96	49.30	51.77	3,407.20	3,577.60	3,756.80	3,944.00	4,141.60	7,407.25	7,777.70	8,167.28	8,574.26	9,003.84
2446	43.66	45.84	48.13	50.54	53.06	3,492.80	3,667.20	3,850.40	4,043.20	4,244.80	7,593.35	7,972.49	8,370.77	8,789.92	9,228.20
2447	44.75	46.98	49.33	51.80	54.39	3,580.00	3,758.40	3,946.40	4,144.00	4,351.20	7,782.92	8,170.76	8,579.47	9,009.06	9,459.51
2448	45.86	48.16	50.57	53.09	55.75	3,668.80	3,852.80	4,045.60	4,247.20	4,460.00	7,975.97	8,375.99	8,795.13	9,233.41	9,696.04
2449	47.01	49.36	51.83	54.42	57.14	3,760.80	3,948.80	4,146.40	4,353.60	4,571.20	8,175.98	8,584.69	9,014.27	9,464.73	9,937.79
2450	48.19	50.60	53.13	55.78	58.57	3,855.20	4,048.00	4,250.40	4,462.40	4,685.60	8,381.20	8,800.35	9,240.37	9,701.26	10,186.49
2451	49.39	51.86	54.45	57.18	60.03	3,951.20	4,148.80	4,356.00	4,574.40	4,802.40	8,589.91	9,019.49	9,469.94	9,944.75	10,440.42
2452	50.63	53.16	55.81	58.60	61.53	4,050.40	4,252.80	4,464.80	4,688.00	4,922.40	8,805.57	9,245.59	9,706.48	10,191.71	10,701.30
2453	51.89	54.49	57.21	60.07	63.07	4,151.20	4,359.20	4,576.80	4,805.60	5,045.60	9,024.71	9,476.90	9,949.96	10,447.37	10,969.13
2454	53.19	55.85	58.64	61.57	64.65	4,255.20	4,468.00	4,691.20	4,925.60	5,172.00	9,250.80	9,713.43	10,198.67	10,708.25	11,243.93
2455	54.52	57.24	60.11	63.11	66.27	4,361.60	4,579.20	4,808.80	5,048.80	5,301.60	9,482.12	9,955.18	10,454.33	10,976.09	11,525.68
2456	55.88	58.67	61.61	64.69	67.92	4,470.40	4,693.60	4,928.80	5,175.20	5,433.60	9,718.65	10,203.89	10,715.21	11,250.88	11,812.65
2457	57.28	60.14	63.15	66.31	69.62	4,582.40	4,811.20	5,052.00	5,304.80	5,569.60	9,962.14	10,459.55	10,983.05	11,532.64	12,108.31
2458	58.71	61.64	64.73	67.96	71.36	4,696.80	4,931.20	5,178.40	5,436.80	5,708.80	10,210.84	10,720.43	11,257.84	11,819.60	12,410.93
2459	60.18	63.19	66.34	69.66	73.14	4,814.40	5,055.20	5,307.20	5,572.80	5,851.20	10,466.51	10,990.00	11,537.85	12,115.27	12,720.51
2460	61.68	64.77	68.00	71.40	74.97	4,934.40	5,181.60	5,440.00	5,712.00	5,997.60	10,727.39	11,264.80	11,826.56	12,417.89	13,038.78
2461	63.22	66.38	69.70	73.19	76.85	5,057.60	5,310.40	5,576.00	5,855.20	6,148.00	10,995.22	11,544.81	12,122.22	12,729.20	13,365.75
2462	64.80	68.04	71.45	75.02	78.77	5,184.00	5,443.20	5,716.00	6,001.60	6,301.60	11,270.02	11,833.52	12,426.58	13,047.48	13,699.68

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 17/18
EFFECTIVE: JUNE 27 2017

UNREPRESENTED MANAGEMENT/CONFIDENTIAL

	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
2419	22.86	24.01	25.21	26.47	27.79	1,828.80	1,920.80	2,016.80	2,117.60	2,223.20	3,975.81	4,175.82	4,384.52	4,603.66	4,833.24
2420	23.44	24.61	25.84	27.13	28.49	1,875.20	1,968.80	2,067.20	2,170.40	2,279.20	4,076.68	4,280.17	4,494.09	4,718.45	4,954.98
2421	24.02	25.22	26.48	27.81	29.20	1,921.60	2,017.60	2,118.40	2,224.80	2,336.00	4,177.56	4,386.26	4,605.40	4,836.72	5,078.46
2422	24.62	25.85	27.15	28.50	29.93	1,969.60	2,068.00	2,172.00	2,280.00	2,394.40	4,281.91	4,495.83	4,721.93	4,956.72	5,205.43
2423	25.24	26.50	27.82	29.22	30.68	2,019.20	2,120.00	2,225.60	2,337.60	2,454.40	4,389.74	4,608.88	4,838.45	5,081.94	5,335.87
2424	25.87	27.16	28.52	29.95	31.44	2,069.60	2,172.80	2,281.60	2,396.00	2,515.20	4,499.31	4,723.67	4,960.20	5,208.90	5,468.04
2425	26.52	27.84	29.23	30.69	32.23	2,121.60	2,227.20	2,338.40	2,455.20	2,578.40	4,612.36	4,841.93	5,083.68	5,337.60	5,605.44
2426	27.18	28.54	29.96	31.46	33.03	2,174.40	2,283.20	2,396.80	2,516.80	2,642.40	4,727.15	4,963.68	5,210.64	5,471.52	5,744.58
2427	27.86	29.25	30.71	32.25	33.86	2,228.80	2,340.00	2,456.80	2,580.00	2,708.80	4,845.41	5,087.16	5,341.08	5,608.92	5,888.93
2428	28.55	29.98	31.48	33.05	34.71	2,284.00	2,398.40	2,518.40	2,644.00	2,776.80	4,965.42	5,214.12	5,475.00	5,748.06	6,036.76
2429	29.27	30.73	32.27	33.88	35.57	2,341.60	2,458.40	2,581.60	2,710.40	2,845.60	5,090.64	5,344.56	5,612.40	5,892.41	6,186.33
2430	30.00	31.50	33.07	34.73	36.46	2,400.00	2,520.00	2,645.60	2,778.40	2,916.80	5,217.60	5,478.48	5,751.53	6,040.24	6,341.12
2431	30.75	32.29	33.90	35.60	37.37	2,460.00	2,583.20	2,712.00	2,848.00	2,989.60	5,348.04	5,615.88	5,895.89	6,191.55	6,499.39
2432	31.52	33.09	34.75	36.48	38.31	2,521.60	2,647.20	2,780.00	2,918.40	3,064.80	5,481.96	5,755.01	6,043.72	6,344.60	6,662.88
2433	32.31	33.92	35.62	37.40	39.27	2,584.80	2,713.60	2,849.60	2,992.00	3,141.60	5,619.36	5,899.37	6,195.03	6,504.61	6,829.84
2434	33.11	34.77	36.51	38.33	40.25	2,648.80	2,781.60	2,920.80	3,066.40	3,220.00	5,758.49	6,047.20	6,349.82	6,666.35	7,000.28
2435	33.94	35.64	37.42	39.29	41.25	2,715.20	2,851.20	2,993.60	3,143.20	3,300.00	5,902.84	6,198.51	6,508.09	6,833.32	7,174.20
2436	34.79	36.53	38.35	40.27	42.29	2,783.20	2,922.40	3,068.00	3,221.60	3,383.20	6,050.68	6,353.30	6,669.83	7,003.76	7,355.08
2437	35.66	37.44	39.31	41.28	43.34	2,852.80	2,995.20	3,144.80	3,302.40	3,467.20	6,201.99	6,511.56	6,836.80	7,179.42	7,537.69
2438	36.55	38.38	40.30	42.31	44.43	2,924.00	3,070.40	3,224.00	3,384.80	3,554.40	6,356.78	6,675.05	7,008.98	7,358.56	7,727.27
2439	37.46	39.34	41.30	43.37	45.54	2,996.80	3,147.20	3,304.00	3,469.60	3,643.20	6,515.04	6,842.01	7,182.90	7,542.91	7,920.32
2440	38.40	40.32	42.34	44.45	46.67	3,072.00	3,225.60	3,387.20	3,556.00	3,733.60	6,678.53	7,012.45	7,363.77	7,730.74	8,116.85
2441	39.36	41.33	43.39	45.56	47.84	3,148.80	3,306.40	3,471.20	3,644.80	3,827.20	6,845.49	7,188.11	7,546.39	7,923.80	8,320.33
2442	40.34	42.36	44.48	46.70	49.04	3,227.20	3,388.80	3,558.40	3,736.00	3,923.20	7,015.93	7,367.25	7,735.96	8,122.06	8,529.04
2443	41.35	43.42	45.59	47.87	50.26	3,308.00	3,473.60	3,647.20	3,829.60	4,020.80	7,191.59	7,551.61	7,929.01	8,325.55	8,741.22
2444	42.39	44.51	46.73	49.07	51.52	3,391.20	3,560.80	3,738.40	3,925.60	4,121.60	7,372.47	7,741.18	8,127.28	8,534.25	8,960.36
2445	43.45	45.62	47.90	50.29	52.81	3,476.00	3,649.60	3,832.00	4,023.20	4,224.80	7,556.82	7,934.23	8,330.77	8,746.44	9,184.72
2446	44.53	46.76	49.10	51.55	54.13	3,562.40	3,740.80	3,928.00	4,124.00	4,330.40	7,744.66	8,132.50	8,539.47	8,965.58	9,414.29
2447	45.64	47.93	50.32	52.84	55.48	3,651.20	3,834.40	4,025.60	4,227.20	4,438.40	7,937.71	8,335.99	8,751.65	9,189.93	9,649.08
2448	46.79	49.12	51.58	54.16	56.87	3,743.20	3,929.60	4,126.40	4,332.80	4,549.60	8,137.72	8,542.95	8,970.79	9,419.51	9,890.83
2449	47.96	50.35	52.87	55.51	58.29	3,836.80	4,028.00	4,229.60	4,440.80	4,663.20	8,341.20	8,756.87	9,195.15	9,654.30	10,137.80
2450	49.15	51.61	54.19	56.90	59.75	3,932.00	4,128.80	4,335.20	4,552.00	4,780.00	8,548.17	8,976.01	9,424.72	9,896.05	10,391.72
2451	50.38	52.90	55.55	58.32	61.24	4,030.40	4,232.00	4,444.00	4,665.60	4,899.20	8,762.09	9,200.37	9,661.26	10,143.01	10,650.86
2452	51.64	54.22	56.94	59.78	62.77	4,131.20	4,337.60	4,555.20	4,782.40	5,021.60	8,981.23	9,429.94	9,903.00	10,396.94	10,916.96
2453	52.93	55.58	58.36	61.28	64.34	4,234.40	4,446.40	4,668.80	4,902.40	5,147.20	9,205.59	9,666.47	10,149.97	10,657.82	11,190.01
2454	54.26	56.97	59.82	62.81	65.95	4,340.80	4,557.60	4,785.60	5,024.80	5,276.00	9,436.90	9,908.22	10,403.89	10,923.92	11,470.02
2455	55.61	58.39	61.31	64.38	67.60	4,448.80	4,671.20	4,904.80	5,150.40	5,408.00	9,671.69	10,155.19	10,663.04	11,196.97	11,756.99
2456	57.00	59.85	62.85	65.99	69.29	4,560.00	4,788.00	5,028.00	5,279.20	5,543.20	9,913.44	10,409.11	10,930.87	11,476.98	12,050.92
2457	58.43	61.35	64.42	67.64	71.02	4,674.40	4,908.00	5,153.60	5,411.20	5,681.60	10,162.15	10,669.99	11,203.93	11,763.95	12,351.80
2458	59.89	62.88	66.03	69.33	72.79	4,791.20	5,030.40	5,282.40	5,546.40	5,823.20	10,416.07	10,936.09	11,483.94	12,057.87	12,659.64
2459	61.39	64.45	67.68	71.06	74.61	4,911.20	5,156.00	5,414.40	5,684.80	5,968.80	10,676.95	11,209.14	11,770.91	12,358.76	12,976.17
2460	62.92	66.07	69.37	72.84	76.48	5,033.60	5,285.60	5,549.60	5,827.20	6,118.40	10,943.05	11,490.89	12,064.83	12,668.33	13,301.40
2461	64.49	67.72	71.10	74.66	78.39	5,159.20	5,417.60	5,688.00	5,972.80	6,271.20	11,216.10	11,777.86	12,365.71	12,984.87	13,633.59
2462	66.11	69.41	72.88	76.52	80.35	5,288.80	5,552.80	5,830.40	6,121.60	6,428.00	11,497.85	12,071.79	12,675.29	13,308.36	13,974.47

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 18/19
EFFECTIVE: JUNE 26 2018

UNREPRESENTED MANAGEMENT/CONFIDENTIAL

	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
2419	23.32	24.49	25.72	27.00	28.35	1,865.60	1,959.20	2,057.60	2,160.00	2,268.00	4,055.81	4,259.30	4,473.22	4,695.84	4,930.63
2420	23.91	25.10	26.36	27.68	29.06	1,912.80	2,008.00	2,108.80	2,214.40	2,324.80	4,158.43	4,365.39	4,584.53	4,814.11	5,054.12
2421	24.51	25.73	27.02	28.37	29.79	1,960.80	2,058.40	2,161.60	2,269.60	2,383.20	4,262.78	4,474.96	4,699.32	4,934.11	5,181.08
2422	25.12	26.37	27.69	29.08	30.53	2,009.60	2,109.60	2,215.20	2,326.40	2,442.40	4,368.87	4,586.27	4,815.84	5,057.59	5,309.78
2423	25.75	27.03	28.38	29.80	31.29	2,060.00	2,162.40	2,270.40	2,384.00	2,503.20	4,478.44	4,701.06	4,935.85	5,182.82	5,441.96
2424	26.39	27.71	29.09	30.55	32.08	2,111.20	2,216.80	2,327.20	2,444.00	2,566.40	4,589.75	4,819.32	5,059.33	5,313.26	5,579.35
2425	27.05	28.40	29.82	31.31	32.88	2,164.00	2,272.00	2,385.60	2,504.80	2,630.40	4,704.54	4,939.33	5,186.29	5,445.44	5,718.49
2426	27.73	29.11	30.57	32.09	33.70	2,218.40	2,328.80	2,445.60	2,567.20	2,696.00	4,822.80	5,062.81	5,316.73	5,581.09	5,861.10
2427	28.42	29.84	31.33	32.90	34.54	2,273.60	2,387.20	2,506.40	2,632.00	2,763.20	4,942.81	5,189.77	5,448.91	5,721.97	6,007.20
2428	29.13	30.58	32.11	33.72	35.40	2,330.40	2,446.40	2,568.80	2,697.60	2,832.00	5,066.29	5,318.47	5,584.57	5,864.58	6,156.77
2429	29.86	31.35	32.92	34.56	36.29	2,388.80	2,508.00	2,633.60	2,764.80	2,903.20	5,193.25	5,452.39	5,725.45	6,010.68	6,311.56
2430	30.60	32.13	33.74	35.43	37.20	2,448.00	2,570.40	2,699.20	2,834.40	2,976.00	5,321.95	5,588.05	5,868.06	6,161.99	6,469.82
2431	31.37	32.94	34.58	36.31	38.13	2,509.60	2,635.20	2,766.40	2,904.80	3,050.40	5,455.87	5,728.92	6,014.15	6,315.04	6,631.57
2432	32.15	33.76	35.45	37.22	39.08	2,572.00	2,700.80	2,836.00	2,977.60	3,126.40	5,591.53	5,871.54	6,165.46	6,473.30	6,796.79
2433	32.96	34.60	36.33	38.15	40.06	2,636.80	2,768.00	2,906.40	3,052.00	3,204.80	5,732.40	6,017.63	6,318.51	6,635.05	6,967.24
2434	33.78	35.47	37.24	39.10	41.06	2,702.40	2,837.60	2,979.20	3,128.00	3,284.80	5,875.02	6,168.94	6,476.78	6,800.27	7,141.16
2435	34.62	36.35	38.17	40.08	42.08	2,769.60	2,908.00	3,053.60	3,206.40	3,366.40	6,021.11	6,321.99	6,638.53	6,970.71	7,318.55
2436	35.49	37.26	39.13	41.08	43.14	2,839.20	2,980.80	3,130.40	3,286.40	3,451.20	6,172.42	6,480.26	6,805.49	7,144.63	7,502.91
2437	36.38	38.19	40.10	42.11	44.21	2,910.40	3,055.20	3,208.00	3,368.80	3,536.80	6,327.21	6,642.00	6,974.19	7,323.77	7,689.00
2438	37.29	39.15	41.11	43.16	45.32	2,983.20	3,132.00	3,288.80	3,452.80	3,625.60	6,485.48	6,808.97	7,149.85	7,506.39	7,882.05
2439	38.22	40.13	42.13	44.24	46.45	3,057.60	3,210.40	3,370.40	3,539.20	3,716.00	6,647.22	6,979.41	7,327.25	7,694.22	8,078.58
2440	39.17	41.13	43.19	45.35	47.61	3,133.60	3,290.40	3,455.20	3,628.00	3,808.80	6,812.45	7,153.33	7,511.60	7,887.27	8,280.33
2441	40.15	42.16	44.27	46.48	48.80	3,212.00	3,372.80	3,541.60	3,718.40	3,904.00	6,982.89	7,332.47	7,699.44	8,083.80	8,487.30
2442	41.16	43.21	45.37	47.64	50.02	3,292.80	3,456.80	3,629.60	3,811.20	4,001.60	7,158.55	7,515.08	7,890.75	8,285.55	8,699.48
2443	42.18	44.29	46.51	48.83	51.27	3,374.40	3,543.20	3,720.80	3,906.40	4,101.60	7,335.95	7,702.92	8,089.02	8,492.51	8,916.88
2444	43.24	45.40	47.67	50.05	52.56	3,459.20	3,632.00	3,813.60	4,004.00	4,204.80	7,520.30	7,895.97	8,290.77	8,704.70	9,141.24
2445	44.32	46.54	48.86	51.30	53.87	3,545.60	3,723.20	3,908.80	4,104.00	4,309.60	7,708.13	8,094.24	8,497.73	8,922.10	9,369.07
2446	45.43	47.70	50.08	52.59	55.22	3,634.40	3,816.00	4,006.40	4,207.20	4,417.60	7,901.19	8,295.98	8,709.91	9,146.45	9,603.86
2447	46.56	48.89	51.34	53.90	56.60	3,724.80	3,911.20	4,107.20	4,312.00	4,528.00	8,097.72	8,502.95	8,929.05	9,374.29	9,843.87
2448	47.73	50.11	52.62	55.25	58.01	3,818.40	4,008.80	4,209.60	4,420.00	4,640.80	8,301.20	8,715.13	9,151.67	9,609.08	10,089.10
2449	48.92	51.37	53.93	56.63	59.46	3,913.60	4,109.60	4,314.40	4,530.40	4,756.80	8,508.17	8,934.27	9,379.51	9,849.09	10,341.28
2450	50.14	52.65	55.28	58.05	60.95	4,011.20	4,212.00	4,422.40	4,644.00	4,876.00	8,720.35	9,156.89	9,614.30	10,096.06	10,600.42
2451	51.40	53.97	56.66	59.50	62.47	4,112.00	4,317.60	4,532.80	4,760.00	4,997.60	8,939.49	9,386.46	9,854.31	10,348.24	10,864.78
2452	52.68	55.32	58.08	60.98	64.03	4,214.40	4,425.60	4,646.40	4,878.40	5,122.40	9,162.11	9,621.25	10,101.27	10,605.64	11,136.10
2453	54.00	56.70	59.53	62.51	65.63	4,320.00	4,536.00	4,762.40	5,000.80	5,250.40	9,391.68	9,861.26	10,353.46	10,871.74	11,414.37
2454	55.35	58.12	61.02	64.07	67.27	4,428.00	4,649.60	4,881.60	5,125.60	5,381.60	9,626.47	10,108.23	10,612.60	11,143.05	11,699.60
2455	56.73	59.57	62.55	65.67	68.96	4,538.40	4,765.60	5,004.00	5,253.60	5,516.80	9,866.48	10,360.41	10,878.70	11,421.33	11,993.52
2456	58.15	61.06	64.11	67.31	70.68	4,652.00	4,884.80	5,128.80	5,384.80	5,654.40	10,113.45	10,619.56	11,150.01	11,706.56	12,292.67
2457	59.60	62.58	65.71	69.00	72.45	4,768.00	5,006.40	5,256.80	5,520.00	5,796.00	10,365.63	10,883.91	11,428.28	12,000.48	12,600.50
2458	61.09	64.15	67.36	70.72	74.26	4,887.20	5,132.00	5,388.80	5,657.60	5,940.80	10,624.77	11,156.97	11,715.25	12,299.62	12,915.30
2459	62.62	65.75	69.04	72.49	76.11	5,009.60	5,260.00	5,523.20	5,799.20	6,088.80	10,890.87	11,435.24	12,007.44	12,607.46	13,237.05
2460	64.19	67.40	70.76	74.30	78.02	5,135.20	5,392.00	5,660.80	5,944.00	6,241.60	11,163.92	11,722.21	12,306.58	12,922.26	13,569.24
2461	65.79	69.08	72.53	76.16	79.97	5,263.20	5,526.40	5,802.40	6,092.80	6,397.60	11,442.20	12,014.39	12,614.42	13,245.75	13,908.38
2462	67.44	70.81	74.35	78.06	81.97	5,395.20	5,664.80	5,948.00	6,244.80	6,557.60	11,729.16	12,315.28	12,930.95	13,576.20	14,256.22

CITY OF MODESTO
CLASS RANGE TABLE
EXECUTIVE MANAGEMENT
Effective **July 12, 2016**

RANGE	TITLE
1414	City Clerk
1417	**City Auditor**
1421	**Director of Human Resources**
1422	Chief Information Officer Director of Finance Director of Parks, Recreation and Neighborhoods Director of Public Works Director of Utility Planning and Projects
1425	Director of Administrative Services
1426	Director of Community and Economic Development
1427	Deputy City Manager
1429	**City Attorney** Director of Utilities
1436	City Manager

EXHIBIT F

CITY OF MODESTO
CLASS RANGE TABLE
EXECUTIVE MANAGEMENT
Effective **March 7, 2017**

RANGE	TITLE
1414	City Clerk
1420	**City Auditor**
1422	Chief Information Officer Director of Finance **Director of Human Resources** Director of Parks, Recreation and Neighborhoods Director of Public Works Director of Utility Planning and Projects
1425	Director of Administrative Services
1426	Director of Community and Economic Development
1427	Deputy City Manager
1429	Director of Utilities
1430	**City Attorney**
1436	City Manager

EXHIBIT G

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 16/17
EFFECTIVE: JULY 12 2016

Unrepresented Executive Management		Hourly		Biweekly		Monthly	
		Min	Max	Min	Max	Min	Max
1405		39.36	49.20	3,148.80	3,936.00	6,845.49	8,556.86
1406		40.35	50.43	3,228.00	4,034.40	7,017.67	8,770.79
1407		41.36	51.70	3,308.80	4,136.00	7,193.33	8,991.66
1408		42.39	52.99	3,391.20	4,239.20	7,372.47	9,216.02
1409		43.45	54.31	3,476.00	4,344.80	7,556.82	9,445.60
1410		44.54	55.67	3,563.20	4,453.60	7,746.40	9,682.13
1411		45.65	57.06	3,652.00	4,564.80	7,939.45	9,923.88
1412		46.79	58.49	3,743.20	4,679.20	8,137.72	10,172.58
1413		47.96	59.95	3,836.80	4,796.00	8,341.20	10,426.50
1414	City Clerk	49.16	61.45	3,932.80	4,916.00	8,549.91	10,687.38
1415		50.39	62.99	4,031.20	5,039.20	8,763.83	10,955.22
1416		51.65	64.56	4,132.00	5,164.80	8,982.97	11,228.28
1417	City Auditor	52.94	66.17	4,235.20	5,293.60	9,207.32	11,508.29
1418		54.26	67.83	4,340.80	5,426.40	9,436.90	11,796.99
1419		55.62	69.52	4,449.60	5,561.60	9,673.43	12,090.92
1420		57.01	71.26	4,560.80	5,700.80	9,915.18	12,393.54
1421	Director of Human Resources	58.44	73.04	4,675.20	5,843.20	10,163.88	12,703.12
1422	Chief Information Officer	59.90	74.87	4,792.00	5,989.60	10,417.81	13,021.39
	Director of Finance	59.90	74.87	4,792.00	5,989.60	10,417.81	13,021.39
	Director of Parks, Recreation & Neighborhoods	59.90	74.87	4,792.00	5,989.60	10,417.81	13,021.39
	Director of Public Works	59.90	74.87	4,792.00	5,989.60	10,417.81	13,021.39
	Director of Utility Planning and Projects	59.90	74.87	4,792.00	5,989.60	10,417.81	13,021.39
1423		61.39	76.74	4,911.20	6,139.20	10,676.95	13,346.62
1424		62.93	78.66	5,034.40	6,292.80	10,944.79	13,680.55
1425	Director of Administrative Services	64.50	80.62	5,160.00	6,449.60	11,217.84	14,021.43
1426	Director of Community and Economic Development	66.11	82.64	5,288.80	6,611.20	11,497.85	14,372.75
1427	Deputy City Manager	67.77	84.71	5,421.60	6,776.80	11,786.56	14,732.76
1428		69.46	86.82	5,556.80	6,945.60	12,080.48	15,099.73
1429	City Attorney	71.20	88.99	5,696.00	7,119.20	12,383.10	15,477.14
	Director of Utilities	71.20	88.99	5,696.00	7,119.20	12,383.10	15,477.14
1430		72.98	91.22	5,838.40	7,297.60	12,692.68	15,864.98
1431		74.80	93.50	5,984.00	7,480.00	13,009.22	16,261.52
1432		76.67	95.84	6,133.60	7,667.20	13,334.45	16,668.49
1433		78.59	98.23	6,287.20	7,858.40	13,668.37	17,084.16
1434		80.55	100.69	6,444.00	8,055.20	14,009.26	17,512.00
1435		82.57	103.21	6,605.60	8,256.80	14,360.57	17,950.28
1436	City Manager	84.63	105.79	6,770.40	8,463.20	14,718.85	18,399.00
1437		86.74	108.43	6,939.20	8,674.40	15,085.82	18,858.15
1438		88.91	111.14	7,112.80	8,891.20	15,463.23	19,329.47
1439		91.14	113.92	7,291.20	9,113.60	15,851.07	19,812.97
1440		93.41	116.77	7,472.80	9,341.60	16,245.87	20,308.64
1441		95.75	119.69	7,660.00	9,575.20	16,652.84	20,816.48

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 17/18
EFFECTIVE: JUNE 27 2017

Unrepresented Executive Management		Hourly		Biweekly		Monthly	
		Min	Max	Min	Max	Min	Max
1405		40.15	50.19	3,212.00	4,015.20	6,982.89	8,729.04
1406		41.16	51.45	3,292.80	4,116.00	7,158.55	8,948.18
1407		42.19	52.73	3,375.20	4,218.40	7,337.68	9,170.80
1408		43.24	54.05	3,459.20	4,324.00	7,520.30	9,400.38
1409		44.32	55.40	3,545.60	4,432.00	7,708.13	9,635.17
1410		45.43	56.79	3,634.40	4,543.20	7,901.19	9,876.92
1411		46.57	58.21	3,725.60	4,656.80	8,099.45	10,123.88
1412		47.73	59.66	3,818.40	4,772.80	8,301.20	10,376.07
1413		48.92	61.15	3,913.60	4,892.00	8,508.17	10,635.21
1414	City Clerk	50.15	62.68	4,012.00	5,014.40	8,722.09	10,901.31
1415		51.40	64.25	4,112.00	5,140.00	8,939.49	11,174.36
1416		52.69	65.86	4,215.20	5,268.80	9,163.84	11,454.37
1417		54.00	67.50	4,320.00	5,400.00	9,391.68	11,739.60
1418		55.35	69.19	4,428.00	5,535.20	9,626.47	12,033.52
1419		56.74	70.92	4,539.20	5,673.60	9,868.22	12,334.41
1420	City Auditor	58.15	72.69	4,652.00	5,815.20	10,113.45	12,642.24
1421		59.61	74.51	4,768.80	5,960.80	10,367.37	12,958.78
1422	Chief Information Officer	61.10	76.37	4,888.00	6,109.60	10,626.51	13,282.27
	Director of Finance	61.10	76.37	4,888.00	6,109.60	10,626.51	13,282.27
	Director of Human Resources	61.10	76.37	4,888.00	6,109.60	10,626.51	13,282.27
	Director of Parks, Recreation & Neighborhoods	61.10	76.37	4,888.00	6,109.60	10,626.51	13,282.27
	Director of Public Works	61.10	76.37	4,888.00	6,109.60	10,626.51	13,282.27
	Director of Utility Planning and Projects	61.10	76.37	4,888.00	6,109.60	10,626.51	13,282.27
23		62.63	78.28	5,010.40	6,262.40	10,892.61	13,614.46
24		64.19	80.24	5,135.20	6,419.20	11,163.92	13,955.34
1425	Director of Administrative Services	65.80	82.24	5,264.00	6,579.20	11,443.94	14,303.18
1426	Director of Community and Economic Development	67.44	84.30	5,395.20	6,744.00	11,729.16	14,661.46
1427	Deputy City Manager	69.13	86.41	5,530.40	6,912.80	12,023.09	15,028.43
1428		70.85	88.57	5,668.00	7,085.60	12,322.23	15,404.09
1429	Director of Utilities	72.63	90.78	5,810.40	7,262.40	12,631.81	15,788.46
1430	City Attorney	74.44	93.05	5,955.20	7,444.00	12,946.60	16,183.26
1431		76.30	95.38	6,104.00	7,630.40	13,270.10	16,588.49
1432		78.21	97.76	6,256.80	7,820.80	13,602.28	17,002.42
1433		80.16	100.20	6,412.80	8,016.00	13,941.43	17,426.78
1434		82.17	102.71	6,573.60	8,216.80	14,291.01	17,863.32
1435		84.22	105.28	6,737.60	8,422.40	14,647.54	18,310.30
1436	City Manager	86.33	107.91	6,906.40	8,632.80	15,014.51	18,767.71
1437		88.49	110.61	7,079.20	8,848.80	15,390.18	19,237.29
1438		90.70	113.37	7,256.00	9,069.60	15,774.54	19,717.31
1439		92.97	116.21	7,437.60	9,296.80	16,169.34	20,211.24
1440		95.29	119.11	7,623.20	9,528.80	16,572.84	20,715.61
1441		97.67	122.09	7,813.60	9,767.20	16,986.77	21,233.89

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 18/19
EFFECTIVE: JUNE 26 2018

Unrepresented Executive Management		Hourly		Biweekly		Monthly	
		Min	Max	Min	Max	Min	Max
1405		40.96	51.20	3,276.80	4,096.00	7,123.76	8,904.70
1406		41.99	52.48	3,359.20	4,198.40	7,302.90	9,127.32
1407		43.04	53.80	3,443.20	4,304.00	7,485.52	9,356.90
1408		44.11	55.14	3,528.80	4,411.20	7,671.61	9,589.95
1409		45.22	56.52	3,617.60	4,521.60	7,864.66	9,829.96
1410		46.35	57.93	3,708.00	4,634.40	8,061.19	10,075.19
1411		47.51	59.38	3,800.80	4,750.40	8,262.94	10,327.37
1412		48.69	60.87	3,895.20	4,869.60	8,468.16	10,586.51
1413		49.91	62.39	3,992.80	4,991.20	8,680.35	10,850.87
1414	City Clerk	51.16	63.95	4,092.80	5,116.00	8,897.75	11,122.18
1415		52.44	65.55	4,195.20	5,244.00	9,120.36	11,400.46
1416		53.75	67.18	4,300.00	5,374.40	9,348.20	11,683.95
1417		55.09	68.86	4,407.20	5,508.80	9,581.25	11,976.13
1418		56.47	70.58	4,517.60	5,646.40	9,821.26	12,275.27
1419		57.88	72.35	4,630.40	5,788.00	10,066.49	12,583.11
1420	City Auditor	59.33	74.16	4,746.40	5,932.80	10,318.67	12,897.91
1421		60.81	76.01	4,864.80	6,080.80	10,576.08	13,219.66
1422	Chief Information Officer	62.33	77.91	4,986.40	6,232.80	10,840.43	13,550.11
	Director of Finance	62.33	77.91	4,986.40	6,232.80	10,840.43	13,550.11
	Director of Human Resources	62.33	77.91	4,986.40	6,232.80	10,840.43	13,550.11
	Director of Parks, Recreation & Neighborhoods	61.10	76.37	4,986.40	6,232.80	10,840.43	13,550.11
	Director of Public Works	62.33	77.91	4,986.40	6,232.80	10,840.43	13,550.11
	Director of Utility Planning and Projects	62.33	77.91	4,986.40	6,232.80	10,840.43	13,550.11
23		63.89	79.86	5,111.20	6,388.80	11,111.75	13,889.25
24		65.49	81.86	5,239.20	6,548.80	11,390.02	14,237.09
1425	Director of Administrative Services	67.12	83.90	5,369.60	6,712.00	11,673.51	14,591.89
1426	Director of Community and Economic Development	68.80	86.00	5,504.00	6,880.00	11,965.70	14,957.12
1427	Deputy City Manager	70.52	88.15	5,641.60	7,052.00	12,264.84	15,331.05
1428		72.28	90.35	5,782.40	7,228.00	12,570.94	15,713.67
1429	Director of Utilities	74.09	92.61	5,927.20	7,408.80	12,885.73	16,106.73
1430	City Attorney	75.94	94.93	6,075.20	7,594.40	13,207.48	16,510.23
1431		77.84	97.30	6,227.20	7,784.00	13,537.93	16,922.42
1432		79.79	99.73	6,383.20	7,978.40	13,877.08	17,345.04
1433		81.78	102.23	6,542.40	8,178.40	14,223.18	17,779.84
1434		83.83	104.78	6,706.40	8,382.40	14,579.71	18,223.34
1435		85.92	107.40	6,873.60	8,592.00	14,943.21	18,679.01
1436	City Manager	88.07	110.09	7,045.60	8,807.20	15,317.13	19,146.85
1437		90.27	112.84	7,221.60	9,027.20	15,699.76	19,625.13
1438		92.53	115.66	7,402.40	9,252.80	16,092.82	20,115.59
1439		94.84	118.55	7,587.20	9,484.00	16,494.57	20,618.22
1440		97.21	121.51	7,776.80	9,720.80	16,906.76	21,133.02
1441		99.64	124.55	7,971.20	9,964.00	17,329.39	21,661.74

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 16/17
EFFECTIVE: JULY 12 2016

UNREP BATTALLION CHIEFS 80 HOURS

HOURLY

	1	2	3	4	5	6	7	8	9
1812	43.77	44.87	45.99	47.14	48.32	49.53	50.76	52.03	53.33
1813	44.87	45.99	47.14	48.32	49.53	50.76	52.03	53.33	54.67
1814	45.99	47.14	48.32	49.53	50.76	52.03	53.33	54.67	56.03
1815	47.14	48.32	49.53	50.76	52.03	53.33	54.67	56.03	57.44
1816	48.32	49.53	50.76	52.03	53.33	54.67	56.03	57.44	58.87
1817	49.53	50.76	52.03	53.33	54.67	56.03	57.44	58.87	60.34
1818	50.76	52.03	53.33	54.67	56.03	57.44	58.87	60.34	61.85
1819	52.03	53.33	54.67	56.03	57.44	58.87	60.34	61.85	63.40
1820	53.33	54.67	56.03	57.44	58.87	60.34	61.85	63.40	64.98
1821	54.67	56.03	57.44	58.87	60.34	61.85	63.40	64.98	66.61
1822	56.03	57.44	58.87	60.34	61.85	63.40	64.98	66.61	68.27
1823	57.44	58.87	60.34	61.85	63.40	64.98	66.61	68.27	69.98
1824	58.87	60.34	61.85	63.40	64.98	66.61	68.27	69.98	71.73

UNREP BATTALLION CHIEFS 112 HOURS

HOURLY

	1	2	3	4	5	6	7	8	9
812	31.26	32.05	32.85	33.67	34.51	35.38	36.26	37.16	38.09
813	32.05	32.85	33.67	34.51	35.38	36.26	37.16	38.09	39.05
814	32.85	33.67	34.51	35.38	36.26	37.16	38.09	39.05	40.02
815	33.67	34.51	35.38	36.26	37.16	38.09	39.05	40.02	41.03
816	34.51	35.38	36.26	37.16	38.09	39.05	40.02	41.03	42.05
817	35.38	36.26	37.16	38.09	39.05	40.02	41.03	42.05	43.10
818	36.26	37.16	38.09	39.05	40.02	41.03	42.05	43.10	44.18
819	37.16	38.09	39.05	40.02	41.03	42.05	43.10	44.18	45.29
820	38.09	39.05	40.02	41.03	42.05	43.10	44.18	45.29	46.41
821	39.05	40.02	41.03	42.05	43.10	44.18	45.29	46.41	47.58
822	40.02	41.03	42.05	43.10	44.18	45.29	46.41	47.58	48.76
823	41.03	42.05	43.10	44.18	45.29	46.41	47.58	48.76	49.99
824	42.05	43.10	44.18	45.29	46.41	47.58	48.76	49.99	51.24

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 16/17
EFFECTIVE: DECEMBER 27 2016

UNREP BATTALLION CHIEFS 80 HOURS

HOURLY

	1	2	3	4	5	6	7	8	9
1812	44.65	45.77	46.92	48.09	49.29	50.52	51.79	53.08	54.41
1813	45.77	46.92	48.09	49.29	50.52	51.79	53.08	54.41	55.77
1814	46.92	48.09	49.29	50.52	51.79	53.08	54.41	55.77	57.16
1815	48.09	49.29	50.52	51.79	53.08	54.41	55.77	57.16	58.59
1816	49.29	50.52	51.79	53.08	54.41	55.77	57.16	58.59	60.05
1817	50.52	51.79	53.08	54.41	55.77	57.16	58.59	60.05	61.56
1818	51.79	53.08	54.41	55.77	57.16	58.59	60.05	61.56	63.09
1819	53.08	54.41	55.77	57.16	58.59	60.05	61.56	63.09	64.67
1820	54.41	55.77	57.16	58.59	60.05	61.56	63.09	64.67	66.29
1821	55.77	57.16	58.59	60.05	61.56	63.09	64.67	66.29	67.95
1822	57.16	58.59	60.05	61.56	63.09	64.67	66.29	67.95	69.64
1823	58.59	60.05	61.56	63.09	64.67	66.29	67.95	69.64	71.38
1824	60.05	61.56	63.09	64.67	66.29	67.95	69.64	71.38	73.17

UNREP BATTALLION CHIEFS 112 HOURS

HOURLY

	1	2	3	4	5	6	7	8	9
812	31.89	32.69	33.51	34.35	35.21	36.09	36.99	37.91	38.86
813	32.69	33.51	34.35	35.21	36.09	36.99	37.91	38.86	39.84
814	33.51	34.35	35.21	36.09	36.99	37.91	38.86	39.84	40.83
815	34.35	35.21	36.09	36.99	37.91	38.86	39.84	40.83	41.85
816	35.21	36.09	36.99	37.91	38.86	39.84	40.83	41.85	42.89
817	36.09	36.99	37.91	38.86	39.84	40.83	41.85	42.89	43.97
818	36.99	37.91	38.86	39.84	40.83	41.85	42.89	43.97	45.06
819	37.91	38.86	39.84	40.83	41.85	42.89	43.97	45.06	46.19
820	38.86	39.84	40.83	41.85	42.89	43.97	45.06	46.19	47.35
821	39.84	40.83	41.85	42.89	43.97	45.06	46.19	47.35	48.54
822	40.83	41.85	42.89	43.97	45.06	46.19	47.35	48.54	49.74
823	41.85	42.89	43.97	45.06	46.19	47.35	48.54	49.74	50.99
824	42.89	43.97	45.06	46.19	47.35	48.54	49.74	50.99	52.26

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 17/18
EFFECTIVE: JUNE 27 2017

UNREP BATTALLION CHIEFS 80 HOURS

HOURLY

	1	2	3	4	5	6	7	8	9
1812	45.55	46.69	47.86	49.06	50.28	51.54	52.83	54.15	55.50
1813	46.69	47.86	49.06	50.28	51.54	52.83	54.15	55.50	56.89
1814	47.86	49.06	50.28	51.54	52.83	54.15	55.50	56.89	58.31
1815	49.06	50.28	51.54	52.83	54.15	55.50	56.89	58.31	59.77
1816	50.28	51.54	52.83	54.15	55.50	56.89	58.31	59.77	61.26
1817	51.54	52.83	54.15	55.50	56.89	58.31	59.77	61.26	62.80
1818	52.83	54.15	55.50	56.89	58.31	59.77	61.26	62.80	64.37
1819	54.15	55.50	56.89	58.31	59.77	61.26	62.80	64.37	65.97
1820	55.50	56.89	58.31	59.77	61.26	62.80	64.37	65.97	67.62
1821	56.89	58.31	59.77	61.26	62.80	64.37	65.97	67.62	69.31
1822	58.31	59.77	61.26	62.80	64.37	65.97	67.62	69.31	71.05
1823	59.77	61.26	62.80	64.37	65.97	67.62	69.31	71.05	72.82
1824	61.26	62.80	64.37	65.97	67.62	69.31	71.05	72.82	74.64

UNREP BATTALLION CHIEFS 112 HOURS

HOURLY

	1	2	3	4	5	6	7	8	9
812	32.54	33.35	34.19	35.04	35.91	36.81	37.74	38.68	39.64
813	33.35	34.19	35.04	35.91	36.81	37.74	38.68	39.64	40.64
814	34.19	35.04	35.91	36.81	37.74	38.68	39.64	40.64	41.65
815	35.04	35.91	36.81	37.74	38.68	39.64	40.64	41.65	42.69
816	35.91	36.81	37.74	38.68	39.64	40.64	41.65	42.69	43.76
817	36.81	37.74	38.68	39.64	40.64	41.65	42.69	43.76	44.86
818	37.74	38.68	39.64	40.64	41.65	42.69	43.76	44.86	45.98
819	38.68	39.64	40.64	41.65	42.69	43.76	44.86	45.98	47.12
820	39.64	40.64	41.65	42.69	43.76	44.86	45.98	47.12	48.30
821	40.64	41.65	42.69	43.76	44.86	45.98	47.12	48.30	49.51
822	41.65	42.69	43.76	44.86	45.98	47.12	48.30	49.51	50.75
823	42.69	43.76	44.86	45.98	47.12	48.30	49.51	50.75	52.01
824	43.76	44.86	45.98	47.12	48.30	49.51	50.75	52.01	53.31

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 16/17
EFFECTIVE: JULY 12 2016

IREP DIVISION CHIEFS 80 HOURS

HOURLY

	1	2	3	4	5	6	7	8	9
515	46.36	47.52	48.71	49.93	51.18	52.46	53.77	55.11	56.49
516	47.52	48.71	49.93	51.18	52.46	53.77	55.11	56.49	57.90
517	48.71	49.93	51.18	52.46	53.77	55.11	56.49	57.90	59.35
518	49.93	51.18	52.46	53.77	55.11	56.49	57.90	59.35	60.83
519	51.18	52.46	53.77	55.11	56.49	57.90	59.35	60.83	62.35
520	52.46	53.77	55.11	56.49	57.90	59.35	60.83	62.35	63.91
521	53.77	55.11	56.49	57.90	59.35	60.83	62.35	63.91	65.51
522	55.11	56.49	57.90	59.35	60.83	62.35	63.91	65.51	67.15
523	56.49	57.90	59.35	60.83	62.35	63.91	65.51	67.15	68.83
524	57.90	59.35	60.83	62.35	63.91	65.51	67.15	68.83	70.55
525	59.35	60.83	62.35	63.91	65.51	67.15	68.83	70.55	72.31
526	60.83	62.35	63.91	65.51	67.15	68.83	70.55	72.31	74.12
527	62.35	63.91	65.51	67.15	68.83	70.55	72.31	74.12	75.97
528	63.91	65.51	67.15	68.83	70.55	72.31	74.12	75.97	77.87

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 16/17
EFFECTIVE: DECEMBER 27 2016

REP DIVISION CHIEFS 80 HOURS

HOURLY

	1	2	3	4	5	6	7	8	9
515	47.29	48.48	49.69	50.93	52.20	53.51	54.85	56.22	57.62
516	48.48	49.69	50.93	52.20	53.51	54.85	56.22	57.62	59.06
517	49.69	50.93	52.20	53.51	54.85	56.22	57.62	59.06	60.54
518	50.93	52.20	53.51	54.85	56.22	57.62	59.06	60.54	62.05
519	52.20	53.51	54.85	56.22	57.62	59.06	60.54	62.05	63.60
520	53.51	54.85	56.22	57.62	59.06	60.54	62.05	63.60	65.19
521	54.85	56.22	57.62	59.06	60.54	62.05	63.60	65.19	66.82
522	56.22	57.62	59.06	60.54	62.05	63.60	65.19	66.82	68.50
523	57.62	59.06	60.54	62.05	63.60	65.19	66.82	68.50	70.21
524	59.06	60.54	62.05	63.60	65.19	66.82	68.50	70.21	71.96
525	60.54	62.05	63.60	65.19	66.82	68.50	70.21	71.96	73.76
526	62.05	63.60	65.19	66.82	68.50	70.21	71.96	73.76	75.61
527	63.60	65.19	66.82	68.50	70.21	71.96	73.76	75.61	77.50
528	65.19	66.82	68.50	70.21	71.96	73.76	75.61	77.50	79.43

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 17/18
EFFECTIVE: JUNE 27 2016

UNREP DIVISION CHIEFS 80 HOURS

HOURLY

	1	2	3	4	5	6	7	8	9
515	48.24	49.45	50.69	51.95	53.25	54.58	55.95	57.35	58.78
516	49.45	50.69	51.95	53.25	54.58	55.95	57.35	58.78	60.25
517	50.69	51.95	53.25	54.58	55.95	57.35	58.78	60.25	61.76
518	51.95	53.25	54.58	55.95	57.35	58.78	60.25	61.76	63.30
519	53.25	54.58	55.95	57.35	58.78	60.25	61.76	63.30	64.88
520	54.58	55.95	57.35	58.78	60.25	61.76	63.30	64.88	66.50
521	55.95	57.35	58.78	60.25	61.76	63.30	64.88	66.50	68.17
522	57.35	58.78	60.25	61.76	63.30	64.88	66.50	68.17	69.87
523	58.78	60.25	61.76	63.30	64.88	66.50	68.17	69.87	71.62
524	60.25	61.76	63.30	64.88	66.50	68.17	69.87	71.62	73.41
525	61.76	63.30	64.88	66.50	68.17	69.87	71.62	73.41	75.24
526	63.30	64.88	66.50	68.17	69.87	71.62	73.41	75.24	77.12
527	64.88	66.50	68.17	69.87	71.62	73.41	75.24	77.12	79.05
528	66.50	68.17	69.87	71.62	73.41	75.24	77.12	79.05	81.03

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 16/17
EFFECTIVE: JULY 12 2016

represented Fire Chief

		Hourly		Biweekly		Monthly	
		Min	Max	Min	Max	Min	Max
1705		38.59	48.24	3,087.20	3,859.20	6,711.57	8,389.90
1706		39.56	49.45	3,164.80	3,956.00	6,880.28	8,600.34
1707		40.55	50.68	3,244.00	4,054.40	7,052.46	8,814.27
1708		41.56	51.95	3,324.80	4,156.00	7,228.12	9,035.14
1709		42.60	53.25	3,408.00	4,260.00	7,408.99	9,261.24
1710		43.67	54.58	3,493.60	4,366.40	7,595.09	9,492.55
1711		44.76	55.95	3,580.80	4,476.00	7,784.66	9,730.82
1712		45.88	57.34	3,670.40	4,587.20	7,979.45	9,972.57
1713		47.02	58.78	3,761.60	4,702.40	8,177.72	10,223.02
1714		48.20	60.25	3,856.00	4,820.00	8,382.94	10,478.68
1715		49.40	61.75	3,952.00	4,940.00	8,591.65	10,739.56
1716		50.64	63.30	4,051.20	5,064.00	8,807.31	11,009.14
1717		51.90	64.88	4,152.00	5,190.40	9,026.45	11,283.93
1718		53.20	66.50	4,256.00	5,320.00	9,252.54	11,565.68
1719		54.53	68.16	4,362.40	5,452.80	9,483.86	11,854.39
1720		55.89	69.87	4,471.20	5,589.60	9,720.39	12,151.79
1721		57.29	71.61	4,583.20	5,728.80	9,963.88	12,454.41
1722		58.72	73.40	4,697.60	5,872.00	10,212.58	12,765.73
1723		60.19	75.24	4,815.20	6,019.20	10,468.24	13,085.74
1724		61.70	77.12	4,936.00	6,169.60	10,730.86	13,412.71
25		63.24	79.05	5,059.20	6,324.00	10,998.70	13,748.38
26		64.82	81.02	5,185.60	6,481.60	11,273.49	14,091.00
1727	Fire Chief	66.44	83.05	5,315.20	6,644.00	11,555.24	14,444.06
1728		68.10	85.13	5,448.00	6,810.40	11,843.95	14,805.81
1729		69.80	87.25	5,584.00	6,980.00	12,139.62	15,174.52
1730		71.55	89.43	5,724.00	7,154.40	12,443.98	15,553.67
1731		73.34	91.67	5,867.20	7,333.60	12,755.29	15,943.25
1732		75.17	93.96	6,013.60	7,516.80	13,073.57	16,341.52
1733		77.05	96.31	6,164.00	7,704.80	13,400.54	16,750.24
1734		78.98	98.72	6,318.40	7,897.60	13,736.20	17,169.38
1735		80.95	101.19	6,476.00	8,095.20	14,078.82	17,598.96
1736		82.97	103.72	6,637.60	8,297.60	14,430.14	18,038.98
1737		85.05	106.31	6,804.00	8,504.80	14,791.90	18,489.44
1738		87.17	108.97	6,973.60	8,717.60	15,160.61	18,952.06
1739		89.35	111.69	7,148.00	8,935.20	15,539.75	19,425.12
1740		91.59	114.48	7,327.20	9,158.40	15,929.33	19,910.36
1741		93.88	117.34	7,510.40	9,387.20	16,327.61	20,407.77

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 16/17
EFFECTIVE: DECEMBER 27 2016

represented Fire Chief

		Hourly		Biweekly		Monthly	
		Min	Max	Min	Max	Min	Max
1705		39.37	49.22	3,149.60	3,937.60	6,847.23	8,560.34
1706		40.36	50.45	3,228.80	4,036.00	7,019.41	8,774.26
1707		41.37	51.71	3,309.60	4,136.80	7,195.07	8,993.40
1708		42.40	53.00	3,392.00	4,240.00	7,374.21	9,217.76
1709		43.46	54.33	3,476.80	4,346.40	7,558.56	9,449.07
1710		44.55	55.68	3,564.00	4,454.40	7,748.14	9,683.87
1711		45.66	57.08	3,652.80	4,566.40	7,941.19	9,927.35
1712		46.80	58.50	3,744.00	4,680.00	8,139.46	10,174.32
1713		47.97	59.97	3,837.60	4,797.60	8,342.94	10,429.98
1714		49.17	61.46	3,933.60	4,916.80	8,551.65	10,689.12
1715		50.40	63.00	4,032.00	5,040.00	8,765.57	10,956.96
1716		51.66	64.58	4,132.80	5,166.40	8,984.71	11,231.75
1717		52.95	66.19	4,236.00	5,295.20	9,209.06	11,511.76
1718		54.28	67.84	4,342.40	5,427.20	9,440.38	11,798.73
1719		55.63	69.54	4,450.40	5,563.20	9,675.17	12,094.40
1720		57.02	71.28	4,561.60	5,702.40	9,916.92	12,397.02
1721		58.45	73.06	4,676.00	5,844.80	10,165.62	12,706.60
1722		59.91	74.89	4,792.80	5,991.20	10,419.55	13,024.87
1723		61.41	76.76	4,912.80	6,140.80	10,680.43	13,350.10
1724		62.94	78.68	5,035.20	6,294.40	10,946.52	13,684.03
25		64.52	80.65	5,161.60	6,452.00	11,221.32	14,026.65
26		66.13	82.66	5,290.40	6,612.80	11,501.33	14,376.23
1727	Fire Chief	67.78	84.73	5,422.40	6,778.40	11,788.30	14,736.24
1728		69.48	86.85	5,558.40	6,948.00	12,083.96	15,104.95
1729		71.21	89.02	5,696.80	7,121.60	12,384.84	15,482.36
1730		72.99	91.24	5,839.20	7,299.20	12,694.42	15,868.46
1731		74.82	93.52	5,985.60	7,481.60	13,012.69	16,265.00
1732		76.69	95.86	6,135.20	7,668.80	13,337.92	16,671.97
1733		78.61	98.26	6,288.80	7,860.80	13,671.85	17,089.38
1734		80.57	100.71	6,445.60	8,056.80	14,012.73	17,515.48
1735		82.59	103.23	6,607.20	8,258.40	14,364.05	17,953.76
1736		84.65	105.81	6,772.00	8,464.80	14,722.33	18,402.48
1737		86.77	108.46	6,941.60	8,676.80	15,091.04	18,863.36
1738		88.94	111.17	7,115.20	8,893.60	15,468.44	19,334.69
1739		91.16	113.95	7,292.80	9,116.00	15,854.55	19,818.18
1740		93.44	116.80	7,475.20	9,344.00	16,251.08	20,313.86
1741		95.77	119.72	7,661.60	9,577.60	16,656.32	20,821.70

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 17/18
EFFECTIVE: JUNE 27 2017

** represented Fire Chief

		Hourly		Biweekly		Monthly	
		Min	Max	Min	Max	Min	Max
1705		40.16	50.20	3,212.80	4,016.00	6,984.63	8,730.78
1706		41.17	51.46	3,293.60	4,116.80	7,160.29	8,949.92
1707		42.20	52.75	3,376.00	4,220.00	7,339.42	9,174.28
1708		43.25	54.06	3,460.00	4,324.80	7,522.04	9,402.12
1709		44.33	55.42	3,546.40	4,433.60	7,709.87	9,638.65
1710		45.44	56.80	3,635.20	4,544.00	7,902.92	9,878.66
1711		46.58	58.22	3,726.40	4,657.60	8,101.19	10,125.62
1712		47.74	59.68	3,819.20	4,774.40	8,302.94	10,379.55
1713		48.94	61.17	3,915.20	4,893.60	8,511.64	10,638.69
1714		50.16	62.70	4,012.80	5,016.00	8,723.83	10,904.78
1715		51.41	64.27	4,112.80	5,141.60	8,941.23	11,177.84
1716		52.70	65.87	4,216.00	5,269.60	9,165.58	11,456.11
1717		54.02	67.52	4,321.60	5,401.60	9,395.16	11,743.08
1718		55.37	69.21	4,429.60	5,536.80	9,629.95	12,037.00
1719		56.75	70.94	4,540.00	5,675.20	9,869.96	12,337.88
1720		58.17	72.71	4,653.60	5,816.80	10,116.93	12,645.72
1721		59.62	74.53	4,769.60	5,962.40	10,369.11	12,962.26
1722		61.11	76.39	4,888.80	6,111.20	10,628.25	13,285.75
1723		62.64	78.30	5,011.20	6,264.00	10,894.35	13,617.94
1724		64.21	80.26	5,136.80	6,420.80	11,167.40	13,958.82
1725		65.81	82.26	5,264.80	6,580.80	11,445.68	14,306.66
1726		67.46	84.32	5,396.80	6,745.60	11,732.64	14,664.93
1727	Fire Chief	69.14	86.43	5,531.20	6,914.40	12,024.83	15,031.91
1728		70.87	88.59	5,669.60	7,087.20	12,325.71	15,407.57
1729		72.64	90.80	5,811.20	7,264.00	12,633.55	15,791.94
1730		74.46	93.07	5,956.80	7,445.60	12,950.08	16,186.73
1731		76.32	95.40	6,105.60	7,632.00	13,273.57	16,591.97
1732		78.23	97.78	6,258.40	7,822.40	13,605.76	17,005.90
1733		80.18	100.23	6,414.40	8,018.40	13,944.91	17,432.00
1734		82.19	102.73	6,575.20	8,218.40	14,294.48	17,866.80
1735		84.24	105.30	6,739.20	8,424.00	14,651.02	18,313.78
1736		86.35	107.94	6,908.00	8,635.20	15,017.99	18,772.92
1737		88.51	110.63	7,080.80	8,850.40	15,393.66	19,240.77
1738		90.72	113.40	7,257.60	9,072.00	15,778.02	19,722.53
1739		92.99	116.23	7,439.20	9,298.40	16,172.82	20,214.72
1740		95.31	119.14	7,624.80	9,531.20	16,576.32	20,720.83
1741		97.70	122.12	7,816.00	9,769.60	16,991.98	21,239.11

CITY OF MODESTO
CLASS RANGE TABLE
FIRE MANAGEMENT CLASSES
Effective **July 12, 2016**

RANGE	TITLE
524	**Fire Division Chief**
819	**Fire Battalion Chief (112 hrs)**
1819	**Fire Battalion Chief (80 hrs)**

CITY OF MODESTO
CLASS RANGE TABLE
SWORN **FIRE** EXECUTIVE MANAGEMENT
Effective **July 12, 2016**

RANGE	TITLE
1729	Fire Chief

CITY OF MODESTO
CLASS RANGE TABLE
POLICE MANAGEMENT CLASSES (Unrepresented)
Effective **February 9, 2016**

RANGE	TITLE
1624	Police Captain

Exhibit "A-1"

Percentage Increase	2%

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 15/16
EFFECTIVE: February 09, 2016

UNREPRESENTED POLICE CAPTAINS

	HOURLY					BY-WEEKLY					MONTHLY = 2.174				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
1601	30.06	31.57	33.15	34.80	36.54	2,404.75	2,525.60	2,652.00	2,784.00	2,923.20	5,227.93	5,490.65	5,765.45	6,052.42	6,355.04
1602	30.82	32.36	33.97	35.67	37.46	2,465.60	2,588.80	2,717.60	2,853.60	2,996.80	5,360.21	5,628.05	5,908.06	6,203.73	6,515.04
1603	31.59	33.17	34.82	36.56	38.39	2,527.20	2,653.60	2,785.60	2,924.80	3,071.20	5,494.13	5,768.93	6,055.89	6,358.52	6,676.79
1604	32.38	33.99	35.69	37.48	39.35	2,590.40	2,719.20	2,855.20	2,998.40	3,148.00	5,631.53	5,911.54	6,207.20	6,518.52	6,843.75
1605	33.19	34.84	36.59	38.42	40.34	2,655.20	2,787.20	2,927.20	3,073.60	3,227.20	5,772.40	6,059.37	6,363.73	6,682.01	7,015.93
1606	34.02	35.72	37.50	39.38	41.34	2,721.60	2,857.60	3,000.00	3,150.40	3,307.20	5,916.76	6,212.42	6,522.00	6,848.97	7,189.85
1607	34.87	36.61	38.44	40.36	42.38	2,789.60	2,928.80	3,075.20	3,228.80	3,390.40	6,064.59	6,367.21	6,685.48	7,019.41	7,370.73
1608	35.74	37.52	39.40	41.37	43.44	2,859.20	3,001.60	3,152.00	3,309.60	3,475.20	6,215.90	6,525.48	6,852.45	7,195.07	7,555.08
1609	36.63	38.46	40.38	42.40	44.52	2,930.40	3,076.80	3,230.40	3,392.00	3,561.60	6,370.69	6,688.96	7,022.89	7,374.21	7,742.92
1610	37.55	39.42	41.39	43.46	45.64	3,004.00	3,153.60	3,311.20	3,476.80	3,651.20	6,530.70	6,855.93	7,198.55	7,558.56	7,937.71
1611	38.48	40.41	42.43	44.55	46.78	3,078.40	3,232.80	3,394.40	3,564.00	3,742.40	6,692.44	7,028.11	7,379.43	7,748.14	8,135.98
1612	39.45	41.42	43.49	45.66	47.95	3,156.00	3,313.60	3,479.20	3,652.80	3,836.00	6,861.14	7,203.77	7,563.78	7,941.19	8,339.46
1613	40.43	42.45	44.58	46.80	49.14	3,234.40	3,396.00	3,566.40	3,744.00	3,931.20	7,031.59	7,382.90	7,753.35	8,139.46	8,546.43
1614	41.44	43.51	45.69	47.97	50.37	3,315.20	3,480.80	3,655.20	3,837.60	4,029.60	7,207.24	7,567.26	7,946.40	8,342.94	8,760.35
1615	42.48	44.60	46.83	49.17	51.63	3,398.40	3,568.00	3,746.40	3,933.60	4,130.40	7,388.12	7,756.83	8,144.67	8,551.65	8,979.49
1616	43.54	45.72	48.00	50.40	52.92	3,483.20	3,657.60	3,840.00	4,032.00	4,233.60	7,572.48	7,951.62	8,348.16	8,765.57	9,203.85
1617	44.63	46.86	49.20	51.66	54.25	3,570.40	3,748.80	3,936.00	4,132.80	4,340.00	7,762.05	8,149.89	8,556.86	8,984.71	9,435.16
1618	45.74	48.03	50.43	52.95	55.60	3,659.20	3,842.40	4,034.40	4,236.00	4,448.00	7,955.10	8,353.38	8,770.79	9,209.06	9,669.95
1619	46.89	49.23	51.69	54.28	56.99	3,751.20	3,938.40	4,135.20	4,342.40	4,559.20	8,155.11	8,562.08	8,989.92	9,440.38	9,911.70
1620	48.06	50.46	52.99	55.64	58.42	3,844.80	4,036.80	4,239.20	4,451.20	4,673.60	8,358.60	8,776.00	9,216.02	9,676.91	10,160.41
1621	49.26	51.72	54.31	57.03	59.88	3,940.80	4,137.60	4,344.80	4,562.40	4,790.40	8,567.30	8,995.14	9,445.60	9,918.66	10,414.33
1622	50.49	53.02	55.67	58.45	61.37	4,039.20	4,241.60	4,453.60	4,676.00	4,909.60	8,781.22	9,221.24	9,682.13	10,165.62	10,673.47
1623	51.76	54.34	57.06	59.91	62.91	4,140.80	4,347.20	4,564.80	4,792.80	5,032.80	9,002.10	9,450.81	9,923.88	10,419.55	10,941.31
1624	53.05	55.70	58.49	61.41	64.48	4,244.00	4,456.00	4,679.20	4,912.80	5,158.40	9,226.46	9,687.34	10,172.58	10,680.43	11,214.36
1625	54.38	57.09	59.95	62.95	66.09	4,350.40	4,567.20	4,796.00	5,036.00	5,287.20	9,457.77	9,929.09	10,426.50	10,948.26	11,494.37
1626	55.73	58.52	61.45	64.52	67.74	4,458.40	4,681.60	4,916.00	5,161.60	5,419.20	9,692.56	10,177.80	10,687.38	11,221.32	11,781.34
1627	57.13	59.98	62.98	66.13	69.44	4,570.40	4,798.40	5,038.40	5,290.40	5,555.20	9,936.05	10,431.72	10,953.48	11,501.33	12,077.00
1628	58.56	61.48	64.56	67.78	71.17	4,684.80	4,918.40	5,164.80	5,422.40	5,693.60	10,184.76	10,692.60	11,228.28	11,788.30	12,377.89
1629	60.02	63.02	66.17	69.48	72.95	4,801.60	5,041.60	5,293.60	5,558.40	5,836.00	10,438.68	10,960.44	11,508.29	12,083.96	12,687.46
1630	61.52	64.60	67.83	71.22	74.78	4,921.60	5,168.00	5,426.40	5,697.60	5,982.40	10,699.56	11,235.23	11,796.99	12,386.58	13,005.74
1631	63.06	66.21	69.52	73.00	76.65	5,044.80	5,296.80	5,561.60	5,840.00	6,132.00	10,967.40	11,515.24	12,090.92	12,696.16	13,330.97
1632	64.63	67.87	71.26	74.82	78.56	5,170.40	5,429.60	5,700.80	5,985.60	6,284.80	11,240.45	11,803.95	12,393.54	13,012.69	13,663.16
1633	66.25	69.56	73.04	76.69	80.53	5,300.00	5,564.80	5,843.20	6,135.20	6,442.40	11,522.20	12,097.88	12,703.12	13,337.92	14,005.78
1634	67.91	71.30	74.87	78.61	82.54	5,432.80	5,704.00	5,989.60	6,288.80	6,603.20	11,810.91	12,400.50	13,021.39	13,671.85	14,355.36
1635	69.60	73.08	76.74	80.57	84.60	5,568.00	5,846.40	6,139.20	6,445.60	6,768.00	12,104.83	12,710.07	13,346.62	14,012.73	14,713.63
1636	71.34	74.91	78.66	82.59	86.72	5,707.20	5,992.80	6,292.80	6,607.20	6,937.60	12,407.45	13,028.35	13,680.55	14,364.05	15,082.34
1637	73.13	76.78	80.62	84.65	88.89	5,850.40	6,142.40	6,449.60	6,772.00	7,111.20	12,718.77	13,353.58	14,021.43	14,722.33	15,459.75
1638	74.96	78.70	82.64	86.77	91.11	5,996.80	6,296.00	6,611.20	6,941.60	7,288.80	13,037.04	13,687.50	14,372.75	15,091.04	15,845.85
1639	76.83	80.67	84.70	88.94	93.38	6,146.40	6,453.60	6,776.00	7,115.20	7,470.40	13,362.27	14,030.13	14,731.02	15,468.44	16,240.65
1640	78.75	82.69	86.82	91.16	95.72	6,300.00	6,615.20	6,945.60	7,292.80	7,657.60	13,696.20	14,381.44	15,099.73	15,854.55	16,647.62

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MODESTO CITY COUNCIL
RESOLUTION NO. 2016-311

RESOLUTION APPROVING CHANGES TO BENEFIT OFFERINGS FOR UNREPRESENTED NON-SWORN MANAGEMENT AND CONFIDENTIAL EMPLOYEES AND CERTAIN SWORN FIRE AND POLICE PERSONNEL CONSISTENT WITH THOSE IN REPRESENTED UNITS AND RESCINDING RESOLUTION 2016-54 AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO TAKE THE NECESSARY ADMINISTRATIVE ACTION TO IMPLEMENT THE CHANGES

WHEREAS, by Resolution No 2016-54, which became effective on February 9, 2016, the City Council approved salary and benefit changes to Unrepresented Management and Confidential employees, including Charter Officers and Executives, and

WHEREAS, the City has historically implemented terms and conditions of employment for Unrepresented Management and Confidential consistent with the terms and conditions of employment covering employees in the Modesto Confidential and Management Association (MCMA) bargaining unit,

WHEREAS, the City has historically implemented terms and conditions of employment for Unrepresented Sworn Fire employees consistent with the terms and conditions of employment covering employees in the Modesto Fire Fighters Association (MCFFA) bargaining unit,

WHEREAS, the City has historically implemented terms and conditions of employment for Unrepresented Police Captains consistent with the terms and conditions of employment covering employees in the Modesto Police Management Association bargaining unit,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. PROBATIONARY PERIOD. All original and promotional appointments to positions in the Classified Service shall be tentative and subject to a probationary period of one year from the date of appointment to the position. The purpose of the probationary period is to train, observe and evaluate the employee on conduct, performance, attitude, adaptability and job knowledge.

Time spent on any leave of absence, or time during which an employee is unable to perform the full range of duties due to injury or illness, whether or not job-related, shall not be considered as part of any probationary period, and such time will be added to the probationary period. Any further extension of probation will only be upon mutual agreement.

During the probationary period an employee may be released at any time without right of appeal. Written notice of release shall be furnished to the probationer. An employee released during or at the conclusion of probation following a promotion, shall be reinstated to the position previously held, at the former salary step, except if the reasons for release are cause for dismissal.

SECTION 2. COMPENSATORY TIME OFF CAP. Management and Confidential employees who are overtime-eligible shall be paid quarterly for all CTO over their established cap. For employees hired on or after December 6, 2005, the CTO cap shall be 100 hours. For employees hired before December 6, 2005, the cap shall be 160 hours.

SECTION 3. ADDITIONAL HOLIDAY FOR SWORN POLICE CAPTAINS.

Sworn Police Captains shall be credited on February 9, 2016 with thirty-two (31) hours of special leave for use from February 9, 2016 through December 26, 2016. Any remaining leave balance will be cashed out pay period ending December 26, 2016.

SECTION 4. HOLIDAY CAP. Holiday time for unrepresented non-sworn employees may be accrued up to a maximum of 40 hours. When the employee reaches the 40 hour maximum, additional holiday time shall be compensated in cash at straight time rates on a quarterly basis.

SECTION 5. MANAGEMENT LEAVE. Commencing January 1, 2012, management employees in exempt regular positions shall be advanced 80 hours of Management Leave (Fire Battalion Chiefs on a 56-hour schedule shall be advanced 112 hours) January of each calendar year to be taken at the discretion of the employee and upon approval of City Manager, or designee, and shall be prorated for less than full-time employees. Management Leave will be forfeited if not used by the last pay period ending in December. An exempt employee hired after Management Leave has been advanced shall be eligible for a pro-rated portion of Leave.

In the event of separation from City employment of any person who has taken Management Leave prior to the time all of said leave is earned, the employee shall be required to make full restitution to the City for that portion of leave taken but remaining unearned on the date of termination of employment. Employees separating from City service will be paid for earned Management Leave credit.

SECTION 6. MANAGEMENT LEAVE ANNUAL CASHOUT. The maximum number of hours available for cash out each December shall be 40 hours annually for Management employees. All employees may cash out Management Leave once annually

during the pay period in which December 1 falls.

Effective December 2007, the maximum annual cash out shall be 80 hours for Executives and Charter Officers, and 60 hours for Police Captains, Fire Battalion Chiefs, Fire Division Chiefs, Deputy Directors, Assistant City Attorney and Deputy City Attorney I/II/III/Senior. For Fire Battalion Chiefs on a 56-hour schedule, the maximum cash out shall be 84 hours.

SECTION 7. MEDICAL LEAVES OF ABSENCE. Effective December 6, 2005, employees requesting an Authorized Medical Leave of Absence without pay, due to a medical incapacity to perform the duties of their position, must provide written medical verification of a long-term disability, illness or injury.

SECTION 8. CATASTROPHIC LEAVE. Effective December 6, 2005, employees requesting Catastrophic Leave donations must provide a written medical verification of long term illness or injury, or verification of a family member's illness or injury.

SECTION 9. NEGATIVE VACATION. Effective March 7, 2006, use of negative vacation will be permitted only for extenuating circumstances and will require the approval of the City Manager, or designee.

SECTION 10. LEAVE CASHOUTS FOR SWORN FIRE MANAGEMENT EMPLOYEES. Sworn Fire Management employees in the classifications of Fire Battalion Chief, Fire Division Chief and Fire Chief working a 40 hour schedule shall be afforded the opportunity to cash out up to 61 hours of vacation leave per calendar year (at straight time rates) and up to 88 hours of holiday leave per calendar year (at time and one-half), effective July 1, 2003. Employees in the classification of Fire Battalion Chief

working a 56 hour schedule shall be afforded the opportunity to cash out up to 72 hours of vacation leave per calendar year (at straight time rates) effective June 20, 2000, and up to 132 hours of holiday leave per calendar year (at time and one-half). Holiday leave may not be carried over year-to-year regardless of the schedule worked.

SECTION 11. SICK LEAVE. Non-sworn employees hired on or before December 31, 2010 shall have all accrued sick time transferred to a grandfathered sick leave bank effective the pay period ending October 22, 2012. Sworn employees hired on or before December 31, 2010 shall have all accrued sick time transferred to a grandfathered sick leave bank effective pay period ending August 25, 2014. For employees hired on or before December 31, 2010 and who promoted to an unrepresented management classification, employee's grandfathered accrued balance and regular sick accrued balance shall follow the employee. Employees who promote from MCFFA shall have their sick leave balance as of promotion date split between grandfathered sick leave and regular sick leave as follows:

- Grandfathered sick bank – Eligible for sick leave balance on the books as of September 8, 2015, reduced by hours previously converted to Deferred Compensation, and up to the amount of hours in employee's sick leave bank upon promotion.
- Regular sick bank – remaining sick leave balance as of promotion date not grandfathered

When taking sick leave, employees with grandfathered sick leave banks shall utilize new sick leave accrued hours prior to utilizing hours from the grandfathered bank.

SECTION 12. SICK LEAVE CASHOUT FOR SWORN FIRE MANAGEMENT EMPLOYEES. Sworn Fire management employees who leave City service in good

standing (other than retirement) after five (5) years of continuous service, shall be paid the first twenty-two hundred (2,200) hours of their current unused grandfathered sick leave, reduced by hours previously converted to Deferred Compensation, as follows: (1) Ninety (90%) percent of sick leave hours as of the date of the employee's initial promotion to a management classification shall be paid out at the current regular rate of pay (top step) for Fire Captain, and (2) In addition, twenty-five (25%) percent of the remaining sick leave hours accrued after promotion to a management classification shall be paid out at the employee's then current regular rate of pay.

SECTION 13. PROMOTION. Employees promoted on or after November 17, 2015, prior to an employee's promotion to an unrepresented management classification, all compensatory time off (CTO) and grandfathered compensatory time off (GCTO) shall be compensated in cash at the employee's then current regular rate of pay.

SECTION 14. MASTERS DEGREE INCENTIVE PAY. Effective June 29, 2004, employees who possess a Master's Degree or Juris Doctor from an accredited institution, shall be granted one and one half (1.5%) percent Masters Pay, subject to criteria as established by the City.

SECTION 15. REGISTRATION AND CERTIFICATION FEES. Effective July 1, 2003, when an employee is required by the City to obtain or renew a certificate, license or registration in order to carry out their assigned duties, except a California Class C Driver's License, the City will pay the fee for the actual certificate, license or registration, (and exam fee, if any).

SECTION 16. VEHICLE ALLOWANCE. Per Resolution No. 2001-271 effective July 1, 2001, the vehicle allowance for Executives and Charter Officers who

receive an allowance, shall be $400/month, and the City Manager is authorized to grant Deputy Directors either an assigned City vehicle or a vehicle allowance in the amount of $300/month. The City Manager is also authorized to grant selected Management employees a vehicle allowance of $100-$200/month based on Department Director recommendation and an annual justification relating to extensive use of a personal vehicle while conducting City business. Effective May 27, 2008, per Resolution 2008-305, the vehicle allowance for Charter Officers is increased to a maximum of $500/month.

SECTION 17. UNIFORM ALLOWANCES. Uniform allowances for unrepresented Management and Confidential employees who are required to wear a uniform, are as follows:

Positions	Effective Date	Allowance
Sworn Police	February 1, 2015	$101.67
Sworn Fire Management	July 1, 2007	$85.00

SECTION 18. POST CERTIFICATION PAY. Effective August 26, 2014, Police Captains who provide evidence that they have received a Supervisory POST Certificate shall be eligible for three and two tenths percent (3.2%) certification pay. Effective August 26, 2014, Police Captains who provide evidence that they have received a Management POST Certificate shall be eligible for five and seven tenths percent (5.7%) certification pay. Effective February 9, 2016, Management POST Certificate pay shall increase to six and seven tenths percent (6.7%). These amounts are not cumulative and Captains receiving Management POST pay shall not also receive Supervisory POST pay. The maximum allowable POST pay is 6.7%.

SECTION 19. BONUS PAY FOR UNREPRESENTED POLICE CAPTAINS. City shall pay one thousand five hundred dollars ($1,500) to any Sworn Police Captain in an active paid status as of pay period ending February 22, 2016. An additional one thousand dollars ($1,000) will be paid on July 1, 2016 to Sworn Police Captains in an active paid status from February 23, 2016 through June 27, 2016. New City of Modesto employees appointed as Police Captains will receive a pro-rated amount based on time worked. Police Captains who separate prior to June 27, 2016 will not be eligible for the one thousand dollars ($1,000).

SECTION 20. ASSISTANT CHIEF OF POLICE ASSIGNMENT PAY. Effective May 26, 1998, subject to the approval of the City Manager, the Police Chief may appoint employees currently employed by the Police Department in the classification of Police Captain to the assignment of Assistant Chief of Police. Such appointment may be made without competitive examination and shall continue at the will and pleasure of the Police Chief. The Police Chief may end the assignment at any time and such employee shall return to an assignment as Police Captain (unless removed due to dismissal) at a step no lower than the step the employee held at time of assignment. The total number of assignments shall be at the sole discretion of the City Manager.

SECTION 21. ASSISTANT CHIEF OF POLICE ASSIGNMENT PAY. Effective May 26, 1998, subject to the approval of the City Manager, the Police Chief may appoint employees currently employed by the Police Department in the classification of Police Captain to the assignment of Assistant Chief of Police. Such appointment may be made without competitive examination and shall continue at the will and pleasure of the Police Chief. The Police Chief may end the assignment at any time

and such employee shall return to an assignment as Police Captain (unless removed due to dismissal) at a step no lower than the step the employee held at time of assignment. The total number of assignments shall be at the sole discretion of the City Manager.

SECTION 22. EMERGENCY MEDICAL TECHNICIAN CERTIFICATION PAY. Sworn Fire Management employees in the classifications of Fire Battalion Chief and Fire Division Chief, who are certified as Emergency Medical Technicians (EMT-I), shall receive a five percent (5.0%) of the base salary for their classification. Effective July 12, 2016, the five percent (5%) pay for EMT certification will be rolled into base salary for their classification.

SECTION 23. HAZARDOUS MATERIALS CERTIFICATION PAY. Effective July 1, 2003, one (1) Fire Department Battalion Chief or Division Chief shall be authorized five percent (5%) Haz Mat Pay, when certified as a Hazardous Materials Specialist and assigned to administer the City of Modesto's participation in the Regional Hazardous Materials Response Team. This pay replaced the annual Haz Mat Stipend.

SECTION 24. ALS PARAMEDIC PAY. Effective July 14, 2015, one (1) Fire Department Battalion Chief or Division Chief shall be authorized six percent (6%) ALS Paramedic pay, when assigned to the ALS Paramedic Program and have the required California State Paramedic License and all additional local required ALS certifications.

SECTION 25. FIRE CHIEF OFFICER SHIFT STIPEND. Effective December 2, 2014, Fire Battalion Chiefs and Fire Division Chiefs assigned to work extra shifts in order to maintain a consistent staffing of two (2) Battalion Chiefs to the extent possible, may receive a stipend of one thousand five hundred dollars ($1,500) per 24-hour shift. Criteria for assignment to extra shifts with the stipend shall be at the discretion of the Fire

Chief, who shall also determine when staffing at the level of one Battalion Chief is acceptable. The Fire Chief shall annually determine the maximum number of assignments available for stipend, subject to funds budgeted and the needs of the City. As FLSA Exempt management employees, Fire Battalion Chiefs and Fire Division Chiefs may be required to work both emergency and non-emergency assignments without additional compensation.

SECTION 26. MUTUAL AID ASSIGNMENT. Sworn Fire Management employees in the classification of Fire Battalion Chief and Fire Division Chief shall receive a stipend when assigned to fill Strike Team and Task Force Leader assignments. Fire Battalion Chiefs assigned as Strike Team or Task Force Leader or Strike Team or Task Force Leader Trainee shall receive a stipend of $1500 for a 24 hour period. Fire Division Chiefs assigned as Strike Team or Task Force Leader or Strike Team or Task Force Leader Trainee shall receive a stipend of $1500 for a 24 hour period subject to the following conditions:

1. The assignment results from a request through the California Office of Emergency Services.
2. The assignment is subject to reimbursement through the "Cooperative Agreement for Local Government Fire Suppression."
3. Regularly scheduled work hours are not included and partial periods are pro-rated to the nearest hour.

The City Manager is authorized to adjust the stipend amount, from time to time, consistent with increases in overall Fire Management salaries and reimbursement rates.

SECTION 27. DEFERRED COMPENSATION 457 PLAN. The CITY shall continue to provide access to a 457 deferred compensation program authorized by the City Council for the voluntary participation of City employees. In addition, the CITY shall match on behalf of a participating employee in a regular position, one and one-half percent (1.5%) of an employee's regular rate of pay on a bi-weekly basis; provided, the employee is contributing at least one and one-half percent (1.5%). For such employees who have been continuously employed by the CITY for nine (9) or more years, the CITY shall contribute two and one-half percent (2.5%); provided the employee is contributing at least two and one-half percent (2.5%). Effective January 1, 2006, this increase in the City's contribution shall be effective with the first pay period to begin in the month following completion of nine (9) years of service, provided that the employee has completed any required documents.

SECTION 28. DEFERRED COMPENSATION 401(a) MONEY PURCHASE PLANS. The 401(a) Money Purchase Plans shall provide for a City-paid contribution and equal mandatory employee contribution, effective January 1, 2006, of 5% for Charter Officers, 3% for Executives other than Charter Officers, and 2% for all other unrepresented Management and Confidential employees.

SECTION 29. HEALTH, DENTAL AND VISION BENEFITS. The City's contribution to health, dental and vision benefits for Unrepresented Management and Confidential employees, including Charter Officers and Executives, shall be a three-tier system as follows and the City contribution (excluding opt out) shall increase by four (4) percent annually as follows:

	Current	2017	2018	2019
Opt-out of City Medical Coverage	$450.00	$450.00	$450.00	$450.00
Employee only	$621.00	$645.00	$670.00	$700.00
Employee plus 1	$858.00	$900.00	$930.00	$965.00
Employee plus family	$1214.00	$1260.00	$1310.00	$1365.00

In lieu of a health insurance contribution increase for calendar year 2016, a one-time five hundred dollar ($500.00) retention bonus will be paid the first pay period after Council adoption. For Unrepresented Fire employees, this will be a one-time seven hundred and fifty dollar ($750.00) retention bonus. The City shall deposit into the employee's deferred compensation account any balance remaining from the above listed contributions not needed to pay for the employee's health, dental or vision premiums. Effective July 22, 2008, for employees enrolled in the City-sponsored High Deductible Health Plan, any balance of said contributions shall be directed to the employee's Health Savings Account. Only in the event that an employee does not qualify for enrollment into a Health Savings Account, the City shall deposit any balance of the above contribution not needed to pay for the employee's combined premium into the employee's deferred compensation account.

Effective July 26, 2005, the City's contribution toward unrepresented employees with Family coverage shall not exceed the actual premium amount for the lowest cost health (HMO Plan), dental and vision plans offered by the City, regardless of the health plan selected by the employee or the contribution amounts listed above.

SECTION 30. DOMESTIC PARTNERS. Benefits applicable to spouses shall be extended to registered domestic partners, as required by law.

SECTION 31. RETIREE HEALTH INSURANCE. Employees who retire prior to December 31, 2015, may elect on a one-time basis at retirement to purchase health, dental and vision insurance under a City-authorized plan and are responsible for all cost.

Non-sworn employees hired **on or before December 31, 2010** and who retire from the City prior to October 23, 2012 after five (5) years of continuous service in good standing may, on a one-time basis, exercise the option to have ninety percent (90%) of their unused grandfathered sick leave applied by the City upon retirement to premiums for health, dental and vision insurance plans covered by the CITY at the rate of eight (8) hours equals one month of contribution. Said insurance contribution shall be provided in an amount up to that contributed to active employees subject to changes in the median priced health HMO plan for active employees, as needed to cover the cost of retiree health, dental and vision premium.

Non-sworn employees hired **on or before December 31, 2010** and who retire from the City between October 23, 2012 and December 31, 2014, after five (5) years of continuous service in good standing may, on a one-time basis, exercise the option to have ninety percent (90%) of their unused grandfathered sick leave applied by the City upon retirement to premiums for health, dental and vision insurance plans covered by the CITY at the rate of eight (8) hours equals one month of contribution. Said insurance contribution shall be provided as needed to cover the cost of retiree health, dental and vision premiums up to a monthly rate of $621 for retiree without dependents and up to $1,100 for retirees with dependent coverage.

Sworn employees hired **on or before December 31, 2010** and who retire from the City prior to January 1, 2015, after five (5) years of continuous service in good standing may, on a one-time basis, exercise the option to have ninety percent (90%) of their unused grandfathered sick leave applied by the City upon retirement to premiums for health, dental and vision insurance plans covered by the CITY at a rate of eight (8) hours equals one month of contribution (employees promoted on or after December 30, 2014 into a Fire Unrepresented position on a 56-hour schedule, shall have hours at retirement applied at a rate of twelve (12) hours equals one month of contribution). Said insurance shall be provided in an amount up to that contributed to active employees subject to changes in the median priced health HMO plan for active employees, as needed to cover the cost of retiree health, dental and vision premium.

For all Non-Sworn and Sworn employees hired on or before December 31, 2010 who retire from the City on or after January 1, 2015, the City will no longer offer retiree medical plans through City's group plans effective December 31, 2015, however, retirees may elect on a one-time basis at retirement the option to purchase and maintain City's dental and vision plans at retiree's cost. For these employees who retire after five (5) continuous years of service in good standing may, on a one time basis, have ninety (90%) percent of their unused grandfathered sick leave converted to the City sponsored defined contribution retiree medical benefit plan at the rate of eight (8) hours equals one month of contribution (Fire Unrepresented position on a 56-hour schedule, shall have hours at retirement applied at a rate of twelve (12) hours equals one month of contribution) to purchase medical insurance. For each eight hours (or twelve hours) converted to the

retiree medical program, the recipient shall be provided a monthly contribution under one of the following schedules:

Non-Medicare Eligible Recipient		Medicare Eligible Recipient	
Retiree Only	= $500	Retiree Only =	$250
Retiree +1 Dep =	$1,000	Retiree +1 Dep =	$500
Retiree + Family=	$1,000	Retiree + Family =	$500

Combined contributions for Retirees

1 Non-Medicare + 1 Medicare coverage = $750

Retiree only contribution for eligible recipients is allowable regardless of where the retiree acquires authorized and legitimate medical insurance coverage (i.e. through State Exchange, through individual insurance company, through a current employer, or through spouse employer). Retiree shall not be eligible to receive a contribution for dependent, spouse, or registered domestic partner under the Retiree + 1 or Retiree + Family levels if retiree's dependent, spouse, or registered domestic partner has medical insurance coverage through their current employer, is covered under Retiree's current employer, or if Retiree does not purchase individual insurance for dependent. Upon retirement only, the City shall transfer contributions based on eligibility above into the City's sponsored Retiree Health Reimbursement Arrangement (HRA) for the individual. Employees will not be eligible for these contributions should they separate from City service prior to retirement. Contributions to eligible retirees will be made as follows: Upon Retirement – initial contributions will be made for the months following loss of coverage with City through either December 31st or June 30th, whichever date is earlier. Contributions will be deposited no later than 30 days after retirement date. Ongoing

Contribution – a semi-annual years' worth of contributions will be made on a semi-annual basis no later than Jan 31st (for months January – June) and July 31st (for months July - December) until exhaustion of sick leave conversion. To receive the semi-annual contribution, the retiree must provide the City with proof and cost of coverage by December 15th each year to receive a contribution for the following calendar year. Failure to provide proof of coverage will result in the retiree losing a City contribution for that calendar year, however, if the retiree provides proof of coverage before June 15th, the retiree will be eligible for the July contribution. Lose of contribution will not result in a reduction to the number of months the retiree is eligible to receive contributions in the future. If retiree has a status change during any calendar year that would change the monthly contribution, such as a marriage, divorce, death, birth, spouse or dependent loss of coverage, the City will reconcile the new amount the retiree is eligible for with the following semi-annual contribution. The change in status is presumed effective the 1st of the month following the month when the retiree provided notice to the City of the change in status. For example, if the retiree's status changes from retiree only to retiree +1 on November 15, the City will provide an additional $500 along with the total semi-annual contribution for the following calendar year to compensate the retiree for the change in status for the month of December in the previous calendar year. If the retiree's change in status results in monies owed to the City, the City will recoup the amount owed by deducting it from the following semi-annual contribution. However, in the event of a death of the retiree receiving a contribution for the retiree only level during the calendar year in which the contribution was already received, any remaining months of contribution will be deleted for

subsequent calendar years, but the City will not endeavor to seek payments already made for the months following the retiree's death. In the event of the death of retiree participating in the contribution program, surviving qualified spouse will be eligible to receive a contribution for the following calendar year if the retiree would have been eligible to receive a contribution. If eligible, the contribution will be consistent with the eligibility criteria set above and continue until the exhaustion of the deceased retiree's sick leave bank, upon the death of the surviving spouse, upon the spouse and/or dependents coverage for other insurance through an employer, or upon voluntarily election to not continue with the contribution program.

For employees hired on or before December 31, 2010, the City shall contribute to a Defined Contribution retiree medical benefit plan for each eligible employee in the form of a deposit into a Health Reimbursement Arrangement (HRA). For non-sworn employees, effective July 2, 2013, the City shall contribute $25.00 per month. For sworn employees, effective August 26, 2014 the City shall contribute $25.00 per month. For a full time employee, this equates to a maximum of $300 per year. Employees in regular positions budgeted less than eighty (80) hours per pay period or job-shared positions, shall receive a pro-rated amount per month. Beginning January 1, 2015, the defined City contribution for non-sworn and sworn employees shall increase annually through January 1, 2019, by an additional $10 per year, per employee each January. The defined City contribution shall be a maximum contribution of $75 per month by January 2019. For all employees regardless of date of hire by January 1, 2019, the City will increase the City contribution to the City HRA by an additional ten dollars ($10.00) monthly per employee effective January 1, 2017; followed by an additional increase of

ten dollars ($10.00) monthly per employee effective January 1, 2018; and followed by an additional increase of ten dollars ($10.00) monthly per employee effective January 1, 2019. The contribution effective January 1, 2019 will be $100.

For all unrepresented employees (sworn and non-sworn) hired on or after January 1, 2011, the City shall contribute to a Defined Contribution retiree medical benefit plan for each eligible employee in the form of a deposit into a Health Reimbursement Arrangement (HRA) account. An employee is eligible to receive a City HRA contribution upon completion of two full years. If an employee separates employment before meeting eligibility requirement, the employee shall receive no benefit. On the first pay period following completion of two full years of continuous City service, the CITY shall deposit $2,400 into an HRA account established in the employee's name. Employees in regular positions budgeted less than eighty (80) hours per pay period or job-shared positions, shall receive a pro-rated lump sum contribution based on hours worked. After the initial contribution is made, the City shall contribute $100 per month for each eligible full time employee. Employees in regular positions budgeted less than eighty (80) hours per pay period or job-shared positions, shall receive a pro-rated amount per month. Employees hired on or after January 1, 2011 and subject to this defined contribution plan shall not be eligible for any sick leave conversion towards retiree medical premiums of any sort. The City's contribution under this section represents the entire contribution towards employee retiree medical.

SECTION 32. PAYCHECK ADVICES. All employees who are on direct deposit will no longer be receiving hard-copy pay advices for. Employees will now be able to utilize the Employee self-service tool available via Oracle under the CoM

Employee Self Service responsibility to view their pay advices including their annual W-2s. For any employees who currently are still receiving a payroll pay check, they will continue to receive a hard copy check with their **attached** payroll remittance. Pay advices will be available anytime during payday Friday and payslips can be printed utilizing city computer workstation.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that Resolution No. 2016-54 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of July, 2016, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-312

Print

RESOLUTION AMENDING A LABOR POLICY FOR PAYING AND REPORTING THE VALUE OF EMPLOYER PAID MEMBER CONTRIBUTIONS TO THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (CALPERS) ON BEHALF OF UNREPRESENTED SWORN FIRE EMPLOYEES; AND RESCINDING RESOLUTION NO. 2015-452

WHEREAS, by Resolution No 2012-373 adopted by the Council, the City adopted a labor policy providing for Public Employees' Retirement System (PERS) employee contributions to be paid by the City on behalf of employees and for reporting of employer-paid normal member contributions to PERS as compensation, and

WHEREAS, the governing body of the City of Modesto has the authority to implement Government Code Section 20636(c)(4) pursuant to Section 20691, and

WHEREAS, the governing body of the City of Modesto has a written labor policy or agreement which specifically provides for the normal member contributions to be paid by the employer, and reported as additional compensation, and

WHEREAS, one of the steps in the procedures to implement Section 20691 is the adoption by the governing body of the City of Modesto of a Resolution to commence paying and reporting the value of said Employer Paid Member Contributions, and

WHEREAS, the governing body has the authority to amend all members in a group or class of employment pursuant to Government Code Section 20691.

WHEREAS, the normal member contribution for Unrepresented Sworn Fire Employees is twelve percent (12%); nine percent (9%) of which is the employee share of pension cost that qualifies for Employer Paid Member Contribution.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

Effective December 27, 2016, for Unrepresented Sworn Fire employees hired before January 17, 2012 under Tier 1 retirement formula 3%@50, the City of Modesto elects to pay zero percent (0%) of the normal member contributions of nine percent (9%) as employer paid member contributions. No payment shall be implemented pursuant to the provisions of Section 20636 (c)(4) of the California Government Code

Effective June 27, 2017, Unrepresented Sworn Fire employees hired before January 17, 2012 under Tier 1 retirement formula 3%@50, the City of Modesto elects to pay zero percent (0%) of the normal member contributions of twelve percent (12%). No payment shall be implemented pursuant to the provisions of Section 20636 (c)(4) of the California Government Code

Effective June 27, 2017, for Unrepresented Sworn Fire employees hired on or after January 17, 2012 under Tier 2 retirement formula 3%@55, the City of Modesto elects to pay zero percent (0%) of the normal member contributions of twelve percent (12%). No payment shall be implemented pursuant to the provisions of Section 20636 (c)(4) of the California Government Code.

BE IT FURTHER RESOLVED that this Resolution shall become effective on July 12, 2016.

BE IT FURTHER RESOLVED that effective July 12, 2016 Resolution No. 2015-452 is hereby rescinded in its entirety.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of July, 2016, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-313

Print

RESOLUTION APPROVING THE CITY'S RESPONSE TO THE FINDINGS AND RECOMMENDATIONS OF THE STANISLAUS COUNTY 2015-2016 CIVIL GRAND JURY REPORT, CASE #16-15GJ, RELATING TO THE STANISLAUS COUNTY BUILDING STUDY AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO SUBMIT THE CITY'S RESPONSE TO THE ATTENTION OF PRESIDING JUDGE MARIE SOVEY SILVEIRA OF THE STANISLAUS COUNTY SUPERIOR COURT

WHEREAS, the Stanislaus County Grand Jury (SCCGJ) undertook a project to determine if city-owned properties were being used to their highest and best practices, and

WHEREAS, the SCCGJ requested a summary of all properties owned by each city in the county to determine if they were being used appropriately, and

WHEREAS, during the course of the investigation, it was clear that there is a wide range of tools used to account for city-owned properties, some of which are easier for the public to access and use than others, and

WHEREAS, the SCCGJ decided to focus its efforts on giving recommendations to the cities for accounting for properties to make it easier for the public and help the cities to know what they own and what is being used, and

WHEREAS, the SCCGJ recommends that all cities in Stanislaus should consider using the Central San Joaquin Valley Risk Management Authority Building Detail Report to efficiently account for and report to the public all city properties, and

WHEREAS, the SCCGJ requested a response from the City of Modesto pursuant to Penal Code section 933.0, and

WHEREAS, the City of Modesto's response to the SCCGJ recommendation is **attached** and states the City will consider using the Central San Joaquin Valley Risk

Management Authority Building Detail Report to efficiently account for and report to the public all city properties.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the City of Modesto response to the findings and recommendations of the Stanislaus County 2015-2016 Civil Grand Jury Report, Case #16-15GJ, relating to the Stanislaus County Building Study and authorize the City Manager to submit the City's response to the attention of Presiding Judge Marie Sovey Silveira, of the Stanislaus County Superior Court.

The foregoing resolution was introduced in a special meeting of the Council of the City of Modesto held on the 3rd day of August, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Exhibit A

PART V

Stanislaus County Building Study

Case #16-15GJ

2015 – 2016 Stanislaus County Civil Grand Jury
Stanislaus County Building Study
Case #16-15CJ

SUMMARY

A primary responsibility of the Civil Grand Jury is "to investigate and report on the operations of county government to be assured that they are being administered efficiently, honestly, and in the best interests of its citizens." The Stanislaus County Civil Grand Jury (SCCGJ) undertook a project to determine if city-owned properties were being used to their highest and best practices. The SCCGJ requested a summary of all properties owned by each city in the county to determine if they were being used appropriately. During the course of the investigation, it was clear that there is a wide range of tools used to account for city-owned properties, some of which are easier for the public to access and use than others. Some lists were so labor intensive it was difficult to figure out where the property was located, what it was, and how it is being utilized. The SCCGJ decided to focus its efforts on giving recommendations to the cities for accounting for properties to make it easier for the public and help the cities to know what they own and what is being used.

GLOSSARY

APN – Assessor's Parcel Number

PDF – Portable Document Format

SCCGJ – Stanislaus County Civil Grand Jury

BACKGROUND

There are nine incorporated cities in Stanislaus County that the SCCGJ investigated: Ceres, Hughson, Modesto, Newman, Oakdale, Patterson, Riverbank, Turlock, and Waterford. These cites own properties that include buildings that house city government, parks, sports facilities, water wells, sewer treatment plants, vacant lots and buildings, and corporation yards. The property inventory is maintained by each city in data formats that range from spreadsheets to PDFs.

METHODOLOGY

The SCCGJ requested a summary of properties owned by each incorporated city in Stanislaus County and received information from Ceres, Hughson, Modesto, Oakdale, Patterson, Riverbank, Turlock, and Waterford. There were no responses from the City of Newman.

DISCUSSION

Most of the property inventories supplied by the cities listed the property location and a brief description. However, there was no consistent data format, and some cities provided neither a description nor how the property was used. The best inventory was from the City of Waterford, which had a complete summary of each property, valuation calculations, and a picture. **(Attachment A)**

The least useful data provided was from the City of Patterson, which listed the APN and PO Box, and there were no descriptions or any other details provided. The other cites had a listing by address and a description of the property. **(Attachment B)**

FINDINGS

F1 The City of Waterford is the only city to use the Central San Joaquin Valley Risk Management Authority Building Detail Report. This report has a complete summary of each property, including date built or acquired, address, type of construction, services, features, valuations, and conclusions. In addition, each property has a current photo. Other cities would benefit from using the same system to list their inventory.

RECOMMENDATION

R1. The Stanislaus County Civil Grand Jury recommends that all cities in Stanislaus County should consider using the Central San Joaquin Valley Risk Management Authority Building Detail Report to efficiently account for and report to the public all city-owned properties.

REQUEST FOR RESPONSES

Pursuant to Penal Code section 933.05, the Stanislaus County Civil Grand Jury requests responses from the City Councils of the following:

City of Ceres

City of Hughson

City of Modesto

City of Newman

City of Oakdale

City of Patterson

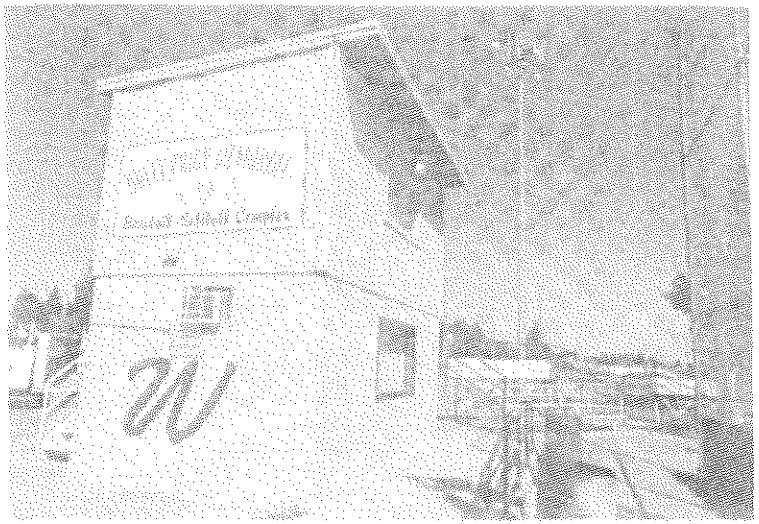
City of Riverbank

City of Turlock

INVITED RESPONSE

City of Waterford

Entity:	0148	CITY OF WATERFORD
Site:	00	BEARD PARK
Building:	07	CONCESSION STAND / PREFABRICATED [illegible] C STREET WATERFORD, CA 95386
Department:	00	NOT ASSIGNED
Built / Acquired:	1960 / 1960	Inspection Date: 07/07/2014
No. of Stories:	2	Total Square Feet: 330
Basement:	NO	Total Square Feet:
Flood Zone:	X	Additions/Renovations: NA
Occupancy:	0100	CONCESSION STAND
Frame Type:	06	JOISTED MASONRY
ISO Class:	2	JOISTED MASONRY
GPS Lat & Long:	37.64157	-120.76756
Fire Protection:	NONE	



GENERAL BUILDING CHARACTERISTICS

Exterior Walls:	WOOD SIDING ON STUDS, CONCRETE BLOCK
Roofing:	MIR MUP SMOOTH
Pitch & Shape:	FLAT FLAT
Foundation:	CONTINUOUS SLAB ON GROUND
Floor Finish:	SEALER
Ceiling Finish:	DRYWALL
Partitions:	NONE
Miscellaneous:	Electricity Code - G, Record Key - [illegible]

SERVICES

ELECTRICAL
PLUMBING
AIR CONDITIONING - [illegible]

FEATURES

[illegible] (CABINETS)

VALUATION CONCLUSIONS

Replacement Cost New:	[illegible]
Exclusion Amount:	[illegible]
Replacement Cost Less Exclusions:	[illegible]
Contents Value:	[illegible]
Property In The Open:	[illegible]
Total Insurable Replacement Cost:	[illegible]

NOTES

Report Pursuant and Copyrighted in 2014 by AssetWorks

Attachment A

CITY OF PATTERSON
[illegible]
1 PLAZA CIR
PATTERSON CA 95363

CITY OF PATTERSON
[illegible]
PO BOX 667
PATTERSON CA [illegible]

CITY OF PATTERSON
[illegible]
PO BOX 667
PATTERSON CA [illegible]

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CITY OF PATTERSON
[illegible]
PO BOX 667
PATTERSON CA [illegible]

Exhibit B

City of Modesto
Office of the City Manager
1010 Tenth Street, Suite 6100
Modesto, CA 95354

July 12, 2016

The Honorable Marie Sovey Silveira
Presiding Judge of the Superior Court of California
800 11th Street
Modesto, CA 95354

Dear Judge Silveira,

The City of Modesto is pleased to respond to the Stanislaus County Civil Grand Jury (SCCGJ) Case #16-15Gj regarding city owned properties. In this case, the SCCGJ found and recommended that each city use a reporting tool such as the Central San Joaquin Valley Risk Management Authority Building Detail Report. According to the SCCGJ, "this report has a complete summary of each property, including date built or acquired, address, type of construction, services, features, valuations, and conclusions. In addition, each property has a current photo. Other cities would benefit from using the same system to list their inventory."

The City of Modesto acknowledges receipt and review of this case recommendation. The City of Modesto also agrees with the SCCGJ that this reporting software would be a useful tool in tracking City of Modesto properties and will consider and explore the possibility of acquiring it.

Furthermore, the City of Modesto thanks the SCCGJ for their efforts in assisting Stanislaus County cities improve their efficiency and transparency as it pertains to inventories of public properties.

By copy of this letter to the Stanislaus County Clerk-Recorder and the Modesto City Clerk, I am requesting that a copy of this response be placed on file in their respective offices.

Sincerely,

James N. Holgersson
City Manager

Cc: Lee Lundrigan, Stanislaus County Clerk Recorder
Stephanie Lopez, City Clerk
Adam U. Lindgren, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-314

Print

RESOLUTION APPROVING SUPPORT FOR THE STANISLAUS COUNTY SUPERIOR COURTHOUSE IN DOWNTOWN MODESTO

WHEREAS, the Judicial Council of California is planning to build a new $267,000,000 Superior Courthouse for Stanislaus County; and

WHEREAS, current court facilities and operations in Stanislaus County are fragmented, overcrowded and in need of improvement; and

WHEREAS, the purpose of this Courthouse is to consolidate all court operations into a functional and efficient facility for the Court; and

WHEREAS, the location of the Courthouse is proposed in Downtown Modesto the County Seat for Stanislaus County; and

WHEREAS, the specific location of this Courthouse facility would greatly stimulate existing and planned efforts to revive 10th Street and the downtown Modesto core; and

WHEREAS, the construction of the this facility will provide hundreds of construction jobs, plus other positive economic multiplier benefits for Modesto and the entire region; and

WHEREAS, the construction and consolidation of the Courthouse facility in Downtown Modesto is expected to result in greater operational efficiencies for the court and greater access and convenience for the citizens of Stanislaus County;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby supports the immediate funding for the Stanislaus Superior Courthouse and any efforts that can expedite its funding and construction.

The foregoing resolution was introduced in a special meeting of the Council of the City of Modesto held on the 3rd day of August, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
for: ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-315

Print

RESOLUTION AUTHORIZING AN AGREEMENT WITH CALIFORNIA CONSULTING, LLC, OF CLOVIS, CA, FOR A TERM OF ONE YEAR AT AN AMOUNT NOT TO EXCEED $48,000 TO PERFORM GRANT WRITING SERVICES AND GIVE PROFESSIONAL ADVICE IN THE DEVELOPMENT AND ADMINISTRATION OF THE CITY'S GRANT PROGRAM, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto utilizes a decentralized process to research, apply for and monitor grants available to the City, and

WHEREAS, there may be additional opportunities unknown to the City that could be helpful in the delivery of projects, infrastructure, or additional resources that could be of benefit to the City, and

WHEREAS, the City Manager's Office issued a Request for Proposal for Grant Writing Services, and

WHEREAS, each firm was to provide a cost estimate on performing an evaluation of the City grant function, a per-grant fee, hourly rates and a monthly retainer, and

WHEREAS, the City received three proposals from firms throughout California, and

WHEREAS, each proposal was carefully evaluated, and

WHEREAS, Police, Parks, Recreation & Neighborhood, Information Technology, Public Works, and the City Manager's Office have been identified to use grant writing services, and

WHEREAS, the proposed scope of work for California Consulting includes performing a needs assessment, research and identification of potential grants,

preparation of grant applications and ensuring its timely submission, as well as other grant monitoring and reporting duties. It also includes monthly reporting of grants in progress, those submitted, those awarded and upcoming opportunities. In addition, the consultant is to prepare a revised Grant Policy, and

WHEREAS, the proposed term of the agreement is one year, and

WHEREAS, the estimated cost of this agreement is $48,000 to be charged to departments utilizing the service in a proportional manner.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves entering into contract with California Consulting, LLC, of Clovis, CA, for a term of one year at an amount not to exceed $48,000 plus out of pocket expenses and authorizes the City Manager to execute the agreement as prepared and in a form approved by the City Attorney.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 3rd day of August, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-316

Print

RESOLUTION AUTHORIZING THE AWARD OF PROPOSAL AND CONTRACT FOR THE REFURBISHMENT OF FOURTEEN MODEL YEAR 2003 GILLIG TRANSIT BUSES FOR THE PUBLIC WORKS DEPARTMENT, TO COMPLETE COACH WORKS, RIVERSIDE, CA, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE A CONTRACT FOR AN ESTIMATED TOTAL COST OF $2,765,913

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Proposals (RFP) for the refurbishment of model year 2003 Gillig transit buses, and

WHEREAS, the Purchasing Division issued RFP No. 1516-38, Repower Model Year 2003 Gillig Transit Buses, to multiple prospective proposers, none of which were local vendors, posted the RFP on the City's website and formally advertised as required by law at a local, state and national level, and

WHEREAS, there are no local companies capable of providing this work, and

WHEREAS, proposals were formally opened in the City Clerk's Office. One company choose to respond. The company provided a responsive and responsible proposal, and

WHEREAS, an evaluation committee comprised of three City staff members, and one other local transit provider evaluated and graded the proposal, and

WHEREAS, based on evaluation criteria, the evaluation committee recommends the award of proposal and contract for the refurbishment of model year 2003 Gillig transit buses for the Public Works Department, to Complete Coach Works, Riverside, CA, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases which meet or exceed $50,000 for material, equipment or contractual services

to be formally bid. The award of proposal for the refurbishment of model year 2003 Gillig transit buses to Complete Coach Works, Riverside, CA, conforms to the Modesto Municipal Code, and

WHEREAS, funds are budgeted in Fiscal Year 2016-2017 for the refurbishment of model year 2003 Gillig transit buses within the Bus Fixed Route Fund 4510, and

WHEREAS, the refurbishment of the buses is funded by various sources including Federal Transportation (FTA) Grants, Local Transportation Funds (LTF)-carryover and Public Transportation Modernization, Improvement, and Service Enhancement Account (PTMISEA).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of proposal and contract for the refurbishment of fourteen model year 2003 Gillig transit buses for the Public Works Department to Complete Coach Works, Riverside, CA.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute a contract for an estimated total cost of $2,765,913, in a form approved by the City Attorney.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 3rd day of August, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-317

Print

RESOLUTION AMENDING THE FISCAL YEAR 2016-2017 OPERATING BUDGET IN THE AMOUNT OF $294,526 TO FUND THE REFURBISHMENT OF FOURTEEN MODEL YEAR 2003 GILLIG TRANSIT BUSES

WHEREAS, the estimated cost of refurbishing fourteen model year 2003 Gillig Transit Buses is estimated at $2,765, 913., and

WHEREAS, $2,471,387 is budgeted under Fiscal Year 2016-2017 Transit Operating Budget for this purpose, and

WHEREAS, certain budgetary transactions are necessary in the amount of $295,526 from Public Transportation Modernization, Improvement, and Service Enhancement Account (PTMISEA) grant funds awarded to the City for Transit purposes only, and

WHEREAS, the Fiscal Year 2016-2017 Operating Budget must be amended as shown in **Exhibit A**, which is incorporated by reference herein.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2016-2017 Operating Budget as shown in **Exhibit A**.

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 3rd day of August, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Exhibit A

Amend the FY 16/17 Operating Budget to fund the refurbishment of fourteen model 2003 Gillig Transit Buses as follows:

1. Increase appropriations in fund 4510 (Bus Fixed Route Fund) in the amount of $294,526.
2. To fund this purchase recognize revenue in the amount of:
   - $294,526 – Prop 1B – Public Transportation Modernization, Improvement, and Service Enhancement Account (PTMISEA) Transit Funds.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-318

RESOLUTION APPROVING A (5) FIVE YEAR CONTRACT WITH TASER INTERNATIONAL, INC., SCOTTSDALE, AZ, AS THE SOLE SOURCE VENDOR, MANUFACTURER, AND SERVICE PROVIDER OF ITS PROPRIETARY PRODUCTS, INCLUDING THE AXON FLEX REPLACEMENT BODY-WORN CAMERAS, AXON FLEET CAR-MOUNTED CAMERA SYSTEMS, UNLIMINTED VIDEO STORAGE AND MAINTENANCE FOR THE MODESTO POLICE DEPARTMENT'S TASER AXON FLEX CAMERA SYSTEM, IN ADDITION TO NEW CONDUCTED ELECTRICAL WEAPONS, FOR A TOTAL COST OF $1,798,796, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, TASER International, Inc., is a leading provider of the TASER Axon Flex camera system issued to uniformed personnel, and

WHEREAS, the current contract with TASER expires on July 30, 2016, and

WHEREAS, the Modesto Police Department wishes to enter into a 5 year contact with Taser International, Inc., Scottsdale, AZ for a video storage system and maintenance for the TASER Axon Flex camera system, and

WHEREAS, the term of this Contract is July 27, 2016 through July 26, 2021, and

WHEREAS, TASER International, Inc. (TASER), is the sole manufacturer for TASER brand conducted electrical weapons (CEWs) and Axon brand products. TASER is also the sole distributor of all Axon brand products in the USA and the sole distributor of all TASER brand products. TASER is also the sole developer and supplier of the Evidence.com data management services, and

WHEREAS, the estimated total cost for this contract is $1,798,796, with payment year one in the amount of $359,267 being funded and encumbered through the existing Police Department Fiscal Year 2016/17 Operating Budget for this Contract.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a five (5) year Contract with TASER International, Inc., Scottsdale, AZ for Axon Flex replacement body-worn cameras, Axon Fleet car-mounted camera systems, unlimited video storage and maintenance for the Modesto Police Department's TASER Axon Flex camera system, in addition to new Electronic Control Devices, for a total cost of $1,798,796.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Contract.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 3rd day of August, 2016, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ridenour

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-319

Print

RESOLUTION ACCEPTING THE STATE SUPPLEMENTAL LAW ENFORCEMENT GRANT, IN THE AMOUNT OF AT LEAST $100,000, FROM THE STATE SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND FOR POLICE OVERTIME, TRAINING, TECHNOLOGY, AND EQUIPMENT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE NECESSARY PROGRAM DOCUMENTS

WHEREAS, in 1996, the State Legislature passed, and the Governor signed, Assembly Bill 3229, the Supplemental Law Enforcement Services Act, and

WHEREAS, the purpose of the law is to provide additional resources for local law enforcement, and

WHEREAS, Supplemental Law Enforcement Services Fund (SLESF) monies cannot be transferred to, or intermingled with, the monies in any other fund except that monies may be transferred from the SLESF to the City's General Fund to the extent necessary to facilitate the appropriation and expenditure of funds, and

WHEREAS, SLESF monies cannot be used to supplant existing budgeted funds, and

WHEREAS, a SLESF has been established in each county, and

WHEREAS, the funding for each county and city is based upon proportionate population, and

WHEREAS, the allocation to the City of Modesto, for Fiscal Year (FY) 2016/2017, of at least $100,000, to be made in four installments of $25,000 each, and

WHEREAS, the City Council is required to hold a public hearing to consider and approve the SLESF Expenditure Plan,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the State Supplemental Law Enforcement Grant, in the amount of at least $100,000, from the State Supplemental Law Enforcement Services Fund for police overtime, training, technology, and equipment,

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the necessary program documents

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 3rd day of August, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-320

Print

RESOLUTION AUTHORIZING THE DIRECTOR OF FINANCE, OR HER DESIGNEE, TO AMEND THE FISCAL YEAR 2016/2017 MULTI-YEAR OPERATING BUDGET TO APPROPRIATE REVENUES AND EXPENDITURES OF AT LEAST $100,000 FOR THE CITY OF MODESTO'S ALLOCATION FROM THE STATE SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND

WHEREAS, in 1996, the State Legislature passed, and the Governor signed, Assembly Bill 3229, the Supplemental Law Enforcement Services Act, and

WHEREAS, the purpose of the law is to provide additional resources for local law enforcement, and

WHEREAS, Supplemental Law Enforcement Services Fund (SLESF) monies cannot be transferred to, or intermingled with, monies in any other fund except that monies may be transferred from the SLESF to the City's General Fund to the extent necessary to facilitate the appropriation and expenditure of funds, and

WHEREAS, SLESF monies cannot be used to supplant existing budgeted funds, and

WHEREAS, a SLESF has been established in each county, and

WHEREAS, the funding for each county and city is based upon proportionate population, and

WHEREAS, the allocation to the City of Modesto for Fiscal Year (FY) 2016/2017 of at least $100,000, to be made in four installments of $25,000 each, and

WHEREAS, the City Council is required to hold a public hearing to consider and approve the SLESF Expenditure Plan,

WHEREAS, the adopted FY 2016/2017 Police SLESF allocation in the amount of at least $100,000 will be applied to account number 1342-19998-42140-100969,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves authorizing the Finance Directof of Finance, or her designee, to amend the Fiscal Year 2016/2017 Multi-Year Budget to appropriate revenues and expenditures of at least $100,000 for the City of Modesto's allocation from the State Supplemental Law Enforcement Services Fund as shown in **Exhibit A attached** hereto.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 3rd day of August, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Exhibit A

The SLESF allocation for Fiscal Year 2016/17 will be applied to:

FUND 1342 – Police Grants

Revenue	Increase/(Decrease)	Description
To:		
MY-13402-19998-42140-100969	$100,000	Intergov. – State – SLESF Revenue
Expense		
To:		
MY-100969-Appr A-51200	$ 5,000	Overtime
MY-100969-Appr C-52301	$ 60,000	Computer Equip. < $5K
MY-100969-Appr C-53025	$ 9,000	Training Expenses
MY-100969-Appr C-52300	$ 5,000	Tools & Field Supplies <5K
MY-100969-Appr C-52304	$ 16,000	Communication Equip. <$5K
MY-100969-Appr C-52305	$ 5,000	Office Equipment <$5K
	$100,000	

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-321

RESOLUTION REJECTING BIDS RECEIVED FOR (RFB) NO. 1516-28 FOR DIGESTER CLEANING SERVICES

WHEREAS on March 7, 2016, staff advertised a Notice Inviting Bids for 1516-28 ("Digester Cleaning Services"); and

WHEREAS, on April 5, 2016 staff received two (2) bids; and

WHEREAS, upon further review, staff would like to amend the Scope of Work and update the bid specfications; and

WHEREAS, staff recommends rejecting all bids for Digester Cleaning Services and re-bidding the Project at a later date in accordance with Modesto Municipal Code section 8-3.203(e), and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto hereby rejects all bids for Digester Cleaning Services.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 3rd day of August, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-322

Print

RESOLUTION INCREASING THE PUBLIC WORKS DIRECTOR'S AUTHORITY TO ISSUE CHANGE ORDERS TO THE CONSTRUCTION CONTRACT WITH TEICHERT/MCM, A JOINT VENTURE, FOWLER, CALIFORNIA TO $2,800,671 IN CONSTRUCTION CONTINGENCY AND $2,329,360 IN SUPPLEMENTAL WORK

WHEREAS, the State Route 99 / Pelandale Avenue Interchange Reconstruction Project is a project to increase safety, relieve congestion, and enhance traffic operations within the Interchange and along the adjacent streets, and

WHEREAS, State Route 99/Pelandale Avenue Intersection Reconstruction Project funds were programmed in accordance with California Department of Transportation's (Caltrans) Project Development Procedures Manual, and

WHEREAS, on February 25, 2014, by Resolution No. 2014-71, City Council approved the contract with Teichert/MCM, a Joint Venture, Fowler, California in an amount of $30,999,968.53, and authorized the City Manager, or his designee, to execute the contract, and

WHEREAS, on February 25, 2014, by Resolution No. 2014-72, City Council, authorized the City Engineer to issue changes in the construction contract with Teichert/MCM, a Joint Venture, Fowler, California via written change orders for the State Route 99 / Pelandale Avenue Interchange Reconstruction Project for an amount of all such change orders do not exceed 6% of the original contract, and

WHEREAS, on July 14, 2015, by Resolution No. 2015-249, City Council approved transferring authority from City Engineer to the Director of Public Works to issue changes in the construction contract via written change orders for the State Route 99/Pelandale Avenue Interchange Reconstruction Project, and

WHEREAS, due to the scope, size and inherent nature of construction, it has become necessary for the Public Works Director to issue change orders to the construction contract with Teichert/MCM, a Joint Venture, Fowler, California, in an amount not to exceed $2,800,671 in Construction Contingency and $2,329,360 in Supplemental Work.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Public Works Director to issue change orders to the construction contract with Teichert/MCM, a Joint Venture, Fowler, California, in an amount not to exceed $2,800,671 in Construction Contingency and $2,329,360 in Supplemental Work.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 3rd day of August, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-323

Print

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENTS TO THE CONSTRUCTION MANAGEMENT SERVICES CONTRACT WITH MENDOZA & ASSOCIATES, IN A FORM TO BE APPROVED BY THE CITY ATTORNEY, AND IN AN AMOUNT NOT TO EXCEED 10% OF THE SERVICE CONTRACT OR $422,100 (COLLECTIVELY FOR ALL AMENDMENTS AUTHORIZED UNDER THIS RESOLUTION) FOR THE STATE ROUTE 99 / PELANDALE AVENUE INTERCHANGE RECONSTRUCTION PROJECT

WHEREAS, the State Route 99 / Pelandale Avenue Interchange Reconstruction Project is a project to increase safety, relieve congestion, and enhance traffic operations within the Interchange and along the adjacent streets, and

WHEREAS, State Route 99 / Pelandale Avenue Intersection Reconstruction Project funds were programmed in accordance with California Department of Transportation's (Caltrans) Project Development Procedures Manual, and

WHEREAS, on November 12, 2013, by Resolution No. 2013-422, the City entered into an agreement with Mendoza & Associates to provide Construction Management Services, and

WHEREAS, the Construction Management consultant Mendoza & Associates have provided construction management services for the duration of the project and have expended services beyond those originally contemplated in the original Construction Services Management Contract due to unforeseen conditions requiring contract change orders, design changes, contractor re-staking requests and additional public outreach, and

WHEREAS, the Construction Management Services Contract will need to be amended in a series of amendments in order to authorize Mendoza & Associates to continue their work as construction managers. Amending the Construction Management Services Contract in a series of amendments will assist City staff in only amending the

original contract as needed up to the amount authorized by the City Council under this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City Manager to execute amendments to the Construction Management Services contract with Mendoza & Associates, in a form to be approved by the City Attorney, and in an amount not to exceed 10% of the Services contract or $422,100 (collectively for all amendments authorized under this Resolution) for the State Route 99 / Pelandale Avenue Interchange Reconstruction Project.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 3rd day of August, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-324

Print

RESOLUTION AWARDING A CONTRACT TO MYERS-RADOS, A JOINT VENTURE, OF SANTA ANA, CA FOR THE NORTH VALLEY REGIONAL RECYCLED WATER PROGRAM PROJECT IN THE AMOUNT OF $40,896,000

WHEREAS, the North Valley Regional Recycled Water Program (NVRRWP) includes construction of a regional water supply project to deliver recycled water produced by the cities of Modesto and Turlock to the Delta-Mendota Canal (DMC), a major component of the Central Valley Project owned by U.S. Bureau of Reclamation, and

WHEREAS, recycled water will be conveyed from Modesto and Turlock through pipelines from their wastewater treatment facilities, crossing under the San Joaquin River, ending at the DMC, and

WHEREAS, Water in the DMC would then be conveyed directly to Del Puerto Water District (DPWD) turnouts and its customers, and

WHEREAS, in order to achieve an expedited project completion by the December 2017 deadline, City staff selected the Design-Build (D-B) approach, which expedites the design and construction process by combining these services under a single entity, and

WHEREAS, on December 22, 2015, the City issued a Request for Qualifications (RFQ) to invite interested parties to submit their team's D-B experience and qualifications to create a pre-qualified short-list of proposers, and

WHEREAS, on February 23, 2016, by Resolutions No. 2016-60, 61 and 63, the City Council approved the final short-list, authorized issuance of the Request for Proposals (RFPs) and designated City Councilmember Bill Zoslocki as the Modesto representative to participate on the selection committee, and

WHEREAS, on March 2, 2016, RFPs were issued to the three D-B teams and proposals were received on May 2, 2016, and

WHEREAS, interviews were held on May 23, 2016, and on May 24, 2016, with the panel selecting Myers-Rados, a Joint Venture (MRJV), of Santa Ana, as the most qualified D-B team to design and construct the NVRRWP project, and

WHEREAS, the final negotiated D-B contract price for the construction of the NVRRWP pipeline and pump station is $40,896,000, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it herby awards Myers-Rados, a Joint Venture, of Santa Ana, CA, the contract for the North Valley Regional Recycled Water Program Project in the amount of $40,896,000.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the contract.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 3rd day of August, 2016, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-325

Print

RESOLUTION APPROVING AN AGREEMENT WITH CAROLLO ENGINEERS, INC., WALNUT CREEK, CA, FOR OWNER'S ADVISOR CONSTRUCTION SERVICES AND DESIGN SUPPORT DURING CONSTRUCTION FOR THE NORTH VALLEY REGIONAL RECYCLED WATER PROGRAM PROJECT, IN AN AMOUNT NOT TO EXCEED $1,982,966 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $198,297 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF $2,181,263 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, Carollo Engineers, Inc. (Carollo) is the Design-Build (D-B) owner's advisor consultant for the North Valley Regional Recycled Water Program (NVRRWP) Project, and

WHEREAS, due to staffing and lack of in-house expertise of D-B projects, as well as the size and complexity of the project, engineering support during construction (ESDC) by Carollo is necessary to facilitate construction activities and promote timely and successful completion of the project, and

WHEREAS, the scope of services to be provided under the ESDC agreement includes: 1) Technical oversight of project activity, including review of submittals and shop drawings; 2) Review and response to Requests for Information and change order requests; and 3) As-needed technical observation of construction activities, and

WHEREAS, these support services will promote timely and successful construction of the facilities, while also reducing risk to the City, and

WHEREAS, staff recommends approving the agreement with Carollo for ESDC for the NVRRWP Project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Carollo Engineers, Inc., Walnut Creek, CA for

Owner's Advisor Construction Services and Design Support During Construction for the North Valley Regional Recycled Water Program Project, in an amount not to exceed $1,982,966 for the identified scope of services, plus $198,297 for additional services (if needed), for a maximum total amount of $2,181,263.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 3rd day of August, 2016, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-326

Print

RESOLUTION AMENDING THE FISCAL YEAR 2016-2017 CAPITAL IMPROVEMENT PROGRAM BUDGET BY INCREASING REVENUES IN THE AMOUNT OF $48,319,623 AND INCREASING EXPENDITURES IN THE AMOUNT OF $46,189,623 TO BE TRANSFERRED INTO THE PROJECT ACCOUNT, AS PER THE EXECUTED FINANCING AGREEMENT WITH THE STATE WATER RESOURCES CONTROL BOARD, AND CONTINGENT UPON RECEIPT OF THE EXECUTED FINANCING AGREEMENT WITH THE STATE WATER RESOURCES CONTROL BOARD, IN ORDER TO FULLY FUND THE DESIGN AND CONSTRUCTION ACTIVITIES FOR THE NORTH VALLEY REGIONAL RECYCLED WATER PROGRAM PROJECT

WHEREAS, certain budgetary transactions are necessary to increase revenues in the amount of $48,319,623 and increase expenditures in the amount of $46,189,623, in order to fully fund the Design-Build agreement, construction contingency, construction administration, the engineering services during construction agreement plus engineering construction support by City staff for the North Valley Regional Recycled Water Program, and

WHEREAS, the Fiscal Year 2016-2017 Capital Improvement Program Budget must be amended as shown in **Exhibit A**, which is incorporated by reference herein,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2016-2017 Capital Improvement Program Budget as shown in **Exhibit A**.

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 3rd day of August, 2016, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Exhibit A

As per the executed Financing Agreement with the State Water Resources Control Board for a loan and grant, revenues need to be increased for CIP Account #100521-"North Valley Regional Recycled Water Program", by a total of $48,319,623. This would be done by adjusting Reserve – Bond Financing by $33,319,623 and Intergovernmental – State Department of Water Resources by $15,000,000.

Due to the increase of estimated design and construction activity costs in order to fully fund the Design-Build agreement, construction contingency, construction administration, the engineering services during construction agreement plus engineering construction support by City staff for CIP Account #100521-"North Valley Regional Recycled Water Program", the project costs need to be increased by $46,189,623. This would be done by adjusting Construction Administration (CA) by $408,600, Construction (CON) by $40,896,000, Contingency – CIP (CTGY) by $2,453,760, and Engineering/Design/Administration (EDA) by $2,431,263 in CIP Account #100521-"North Valley Regional Recycled Water Program".

To fund the above account, $46,189,623 will be transferred from the revenue sources stated above into CIP Project #100521-"North Valley Regional Recycled Water Program" project.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-327

RESOLUTION APPROVING A PROPOSED AGREEMENT INCLUDING LANGUAGE CHANGES FOR A SUCCESSOR MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF MODESTO AND MODESTO POLICE OFFICERS' ASSOCIATION (MPOA) FOR A TERM OF JULY 1, 2016 TO JUNE 30, 2019; AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO TAKE THE NECESSARY ADMINISTRATIVE ACTION TO IMPLEMENT THE AGREEMENT

WHEREAS, the current Memorandum of Understanding (MOU) between the City of Modesto (CITY) and the Modesto Police Officers' Association (MPOA) expired on June 30, 2016, and

WHEREAS, representatives of the CITY and the MPOA have met and conferred in good faith concerning wages, hours, terms and conditions of employment for employees in said bargaining unit, and

WHEREAS, the CITY and MPOA have reached agreement on language changes for a successor MOU which, upon execution, shall be **attached** hereto and made a part hereof, and

WHEREAS, the CITY and MPOA hereby agree to amend certain sections of the MOU as follows:

SECTION 1. TERM. The term of the MOU shall be from July 1, 2016 to June 30, 2019.

SECTION 4. SALARY ADJUSTMENTS. The City shall increase the salary schedule by two percent (2.0%) effective January 10, 2017; followed by an additional increase of two and one half percent (2.5%) effective June 27, 2017; and followed by an additional increase of three percent (3%) effective June 26, 2018. Effective June 25, 2019, the City shall increase base salary ranges for all classes by CPI-U Western Cities.

Salary ranges shall increase in accordance with the schedules set forth in **Exhibits A through C attached** hereto.

For members with ten (10) years of service or more, they will receive a 1.5% increase for a total of 2.5% with successful completion of at least one special assignment effective August 9, 2016. Members with fifteen (15) years or service or more, they will receive a 3% increase for a total of 5% with successful completion of at least two special assignments. The maximum an officer can receive will be 5% after 15 years of service and two successful special assignments effective August 9, 2016.

SECTION 5. SPECIAL COMPENSATION.

a) Additional 1.8% to intermediate POST pay and 2.3% to advanced Post pay effective August 9, 2016, and an additional 2.0% advanced POST pay will be effective June 27, 2017.

b) Collateral Assignment Pay of one percent (1.0%) effective June 27, 2017 to apply to SWAT, CIT and K9 units only, additional 0.5% for Collateral Assignments effective June 26, 2018 and additional 1% effective June 25, 2019 for a total incentive pay of 2.5%.

c) Special assignment pay will increase by two percent (2.0%) on June 27, 2017 and an additional one percent (1.0%) effective June 26, 2018.

d) Employees in multiple Special or Collateral Assignments will only be compensated up to a maximum of five percent (5%).

e) Current Retention Bonus of one percent (1.0%) for Basic POST Pay remains in effect until contract is ratified by City Council, and will expire August 8, 2016.

f) Retention Bonus of one thousand dollars ($1,000.00) is to be paid pay period ending November 14, 2016.

g) Compensation for call back duty shall be a two (2) hour minimum. More may be assigned at the discretion of the Police Chief.

SECTION 11. RETIREMENT. Effective June 27, 2017, the City shall increase base salary by two and one half percent (2.5%) and the Association shall pick up three percent (3.0%) of the employee's PERS contribution. The additional three percent (3.0%) is on the employer side of the pension contribution as allowed under Public Employee Pension Reform Act (PEPRA).

SECTION 12. RETIREE HEALTH INSURANCE. To be addressed during Health Reopener.

SECTION 13. HEALTH, DENTAL, VISION INSURANCE. The City's contribution to health, dental and vision benefits shall be a three-tier system as follows and the City contribution (excluding opt out) shall increase by four (4) percent annually as follows:

	Current	2017	2018	2019
Opt-out of City Medical Coverage	$450.00	$450.00	$450.00	$450.00
Employee only	$621.00	$645.00	$670.00	$700.00
Employee plus 1	$858.00	$900.00	$930.00	$965.00
Employee plus family	$1214.00	$1260.00	$1310.00	$1365.00

There will be a reopener on this section to commence no later than January 31, 2017.

City to incur a monthly membership charge to the Modesto Police Fitness Center (MPFC) at a cost of twelve dollars ($12.00) monthly for the employee and family. Cost will remain at twelve dollars ($12.00) monthly for the term of this agreement. Parties to meet and discuss enhancements to wellness program during work hours.

SECTION 18. HOLIDAYS. Holiday days off will be valued at ten (10) hours each.

SECTION 19. SICK LEAVE. Attendance policy to have parity with another City Association.

SECTION 21. WORK SCHEDULES. A three (3) day workweek shall consist of three (3) [consecutive duty] days for which the employee shall work twelve and one half (12.5) hours per day and shall be assigned pending department analysis. This schedule will allow for several maximum deployment days throughout the year to address a wide array of issues from gang activity, quality of life issues, and neighborhood specific crime issues and will be implemented at the discretion of the Police Chief.

SECTION 22. SHIFT BIDDING. Patrol shift off-bidding to be back to three (3) years consistent with past practice.

SECTION 23. SPECIAL ASSIGNMENTS.

a) Employees will be eligible to remain in Special and Collateral Assignments, including Detective I assignments, only with a satisfactory annual performance review.

b) At the discretion of the Police Chief, certain assignments will not have a specified time period.

MISCELLANEOUS.

a) Paper paychecks will no longer be processed effective December 12, 2016

b) Bank cards will be issued to employees not electing direct deposit

c) Permanent Detective [II] to be eliminated based on attrition.

d) Current Detective II's can opt to go to patrol with first right of refusal back. If they go back to patrol, their pay will not be impacted and employees will be y-rated.

WHEREAS, Other changes and remaining provisions of the July 1, 2014 through June 30, 2016 MOU and Contract Extension Agreements through June 30, 2014 between the CITY and MPOA shall continue in the new MOU. The exact language of all provisions shall be set forth in the MOU between the CITY and MPOA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the language changes for a successor Memorandum of Understanding between the City of Modesto and the Modesto Police Officers' Association as described herein, , and upon execution of same, a copy of the MOU will be on file in the office of the City Clerk.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 3rd day of August, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 16/17
EFFECTIVE: JANUARY 10, 2017

MPOA

	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
0301	26.92	28.27	29.68	31.17	32.73	2,153.60	2,261.60	2,374.40	2,493.60	2,618.40	4,681.93	4,916.72	5,161.95	5,421.09	5,692.40
0302	27.60	28.98	30.43	31.95	33.54	2,208.00	2,318.40	2,434.40	2,556.00	2,683.20	4,800.19	5,040.20	5,292.39	5,556.74	5,833.28
0303	28.29	29.70	31.19	32.75	34.38	2,263.20	2,376.00	2,495.20	2,620.00	2,750.40	4,920.20	5,165.42	5,424.56	5,695.88	5,979.37
0304	28.99	30.44	31.97	33.56	35.24	2,319.20	2,435.20	2,557.60	2,684.80	2,819.20	5,041.94	5,294.12	5,560.22	5,836.76	6,128.94
0305	29.72	31.21	32.77	34.40	36.12	2,377.60	2,496.80	2,621.60	2,752.00	2,889.60	5,168.90	5,428.04	5,699.36	5,982.85	6,281.99
0306	30.46	31.99	33.58	35.26	37.03	2,436.80	2,559.20	2,686.40	2,820.80	2,962.40	5,297.60	5,563.70	5,840.23	6,132.42	6,440.26
0307	31.22	32.78	34.42	36.14	37.95	2,497.60	2,622.40	2,753.60	2,891.20	3,036.00	5,429.78	5,701.10	5,986.33	6,285.47	6,600.26
0308	32.00	33.60	35.28	37.05	38.90	2,560.00	2,688.00	2,822.40	2,964.00	3,112.00	5,565.44	5,843.71	6,135.90	6,443.74	6,765.49
0309	32.80	34.44	36.17	37.97	39.87	2,624.00	2,755.20	2,893.60	3,037.60	3,189.60	5,704.58	5,989.80	6,290.69	6,603.74	6,934.19
0310	33.62	35.31	37.07	38.92	40.87	2,689.60	2,824.80	2,965.60	3,113.60	3,269.60	5,847.19	6,141.12	6,447.21	6,768.97	7,108.11
0311	34.46	36.19	38.00	39.90	41.89	2,756.80	2,895.20	3,040.00	3,192.00	3,351.20	5,993.28	6,294.16	6,608.96	6,939.41	7,285.51
0312	35.33	37.09	38.95	40.89	42.94	2,826.40	2,967.20	3,116.00	3,271.20	3,435.20	6,144.59	6,450.69	6,774.18	7,111.59	7,468.12
0313	36.21	38.02	39.92	41.92	44.01	2,896.80	3,041.60	3,193.60	3,353.60	3,520.80	6,297.64	6,612.44	6,942.89	7,290.73	7,654.22
0314	37.11	38.97	40.92	42.96	45.11	2,968.80	3,117.60	3,273.60	3,436.80	3,608.80	6,454.17	6,777.66	7,116.81	7,471.60	7,845.53
0315	38.04	39.94	41.94	44.04	46.24	3,043.20	3,195.20	3,355.20	3,523.20	3,699.20	6,615.92	6,946.36	7,294.20	7,659.44	8,042.06
0316	38.99	40.94	42.99	45.14	47.40	3,119.20	3,275.20	3,439.20	3,611.20	3,792.00	6,781.14	7,120.28	7,476.82	7,850.75	8,243.81
0317	39.97	41.97	44.06	46.27	48.58	3,197.60	3,357.60	3,524.80	3,701.60	3,886.40	6,951.58	7,299.42	7,662.92	8,047.28	8,449.03
0318	40.97	43.02	45.17	47.42	49.79	3,277.60	3,441.60	3,613.60	3,793.60	3,983.20	7,125.50	7,482.04	7,855.97	8,247.29	8,659.48
0319	41.99	44.09	46.29	48.61	51.04	3,359.20	3,527.20	3,703.20	3,888.80	4,083.20	7,302.90	7,668.13	8,050.76	8,454.25	8,876.88
0320	43.04	45.19	47.45	49.82	52.32	3,443.20	3,615.20	3,796.00	3,985.60	4,185.60	7,485.52	7,859.44	8,252.50	8,664.69	9,099.49
0321	44.12	46.32	48.64	51.07	53.62	3,529.60	3,705.60	3,891.20	4,085.60	4,289.60	7,673.35	8,055.97	8,459.47	8,882.09	9,325.59
0322	45.22	47.48	49.85	52.35	54.96	3,617.60	3,798.40	3,988.00	4,188.00	4,396.80	7,864.66	8,257.72	8,669.91	9,104.71	9,558.64
0323	46.35	48.67	51.10	53.65	56.34	3,708.00	3,893.60	4,088.00	4,292.00	4,507.20	8,061.19	8,464.69	8,887.31	9,330.81	9,798.65
0324	47.51	49.88	52.38	55.00	57.75	3,800.80	3,990.40	4,190.40	4,400.00	4,620.00	8,262.94	8,675.13	9,109.93	9,565.60	10,043.88
0325	48.70	51.13	53.69	56.37	59.19	3,896.00	4,090.40	4,295.20	4,509.60	4,735.20	8,469.90	8,892.53	9,337.76	9,803.87	10,294.32

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 17/18
EFFECTIVE: JUNE 27, 2017

MPOA

	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
0301	27.60	28.98	30.43	31.96	33.55	2,208.00	2,318.40	2,434.40	2,556.80	2,684.00	4,800.19	5,040.20	5,292.39	5,558.48	5,835.02
0302	28.29	29.71	31.19	32.75	34.39	2,263.20	2,376.80	2,495.20	2,620.00	2,751.20	4,920.20	5,167.16	5,424.56	5,695.88	5,981.11
0303	29.00	30.45	31.97	33.57	35.25	2,320.00	2,436.00	2,557.60	2,685.60	2,820.00	5,043.68	5,295.86	5,560.22	5,838.49	6,130.68
0304	29.73	31.21	32.77	34.41	36.13	2,378.40	2,496.80	2,621.60	2,752.80	2,890.40	5,170.64	5,428.04	5,699.36	5,984.59	6,283.73
0305	30.47	31.99	33.59	35.27	37.04	2,437.60	2,559.20	2,687.20	2,821.60	2,963.20	5,299.34	5,563.70	5,841.97	6,134.16	6,442.00
0306	31.23	32.79	34.43	36.15	37.96	2,498.40	2,623.20	2,754.40	2,892.00	3,036.80	5,431.52	5,702.84	5,988.07	6,287.21	6,602.00
0307	32.01	33.61	35.29	37.06	38.91	2,560.80	2,688.80	2,823.20	2,964.80	3,112.80	5,567.18	5,845.45	6,137.64	6,445.48	6,767.23
0308	32.81	34.45	36.18	37.98	39.88	2,624.80	2,756.00	2,894.40	3,038.40	3,190.40	5,706.32	5,991.54	6,292.43	6,605.48	6,935.93
0309	33.63	35.31	37.08	38.93	40.88	2,690.40	2,824.80	2,966.40	3,114.40	3,270.40	5,848.93	6,141.12	6,448.95	6,770.71	7,109.85
0310	34.47	36.20	38.01	39.91	41.90	2,757.60	2,896.00	3,040.80	3,192.80	3,352.00	5,995.02	6,295.90	6,610.70	6,941.15	7,287.25
0311	35.34	37.10	38.96	40.90	42.95	2,827.20	2,968.00	3,116.80	3,272.00	3,436.00	6,146.33	6,452.43	6,775.92	7,113.33	7,469.86
0312	36.22	38.03	39.93	41.93	44.02	2,897.60	3,042.40	3,194.40	3,354.40	3,521.60	6,299.38	6,614.18	6,944.63	7,292.47	7,655.96
0313	37.12	38.98	40.93	42.97	45.12	2,969.60	3,118.40	3,274.40	3,437.60	3,609.60	6,455.91	6,779.40	7,118.55	7,473.34	7,847.27
0314	38.05	39.95	41.95	44.05	46.25	3,044.00	3,196.00	3,356.00	3,524.00	3,700.00	6,617.66	6,948.10	7,295.94	7,661.18	8,043.80
0315	39.00	40.95	43.00	45.15	47.41	3,120.00	3,276.00	3,440.00	3,612.00	3,792.80	6,782.88	7,122.02	7,478.56	7,852.49	8,245.55
0316	39.98	41.98	44.08	46.28	48.59	3,198.40	3,358.40	3,526.40	3,702.40	3,887.20	6,953.32	7,301.16	7,666.39	8,049.02	8,450.77
0317	40.98	43.03	45.18	47.44	49.81	3,278.40	3,442.40	3,614.40	3,795.20	3,984.80	7,127.24	7,483.78	7,857.71	8,250.76	8,662.96
0318	42.00	44.10	46.31	48.62	51.05	3,360.00	3,528.00	3,704.80	3,889.60	4,084.00	7,304.64	7,669.87	8,054.24	8,455.99	8,878.62
0319	43.05	45.20	47.46	49.84	52.33	3,444.00	3,616.00	3,796.80	3,987.20	4,186.40	7,487.26	7,861.18	8,254.24	8,668.17	9,101.23
0320	44.13	46.33	48.65	51.08	53.64	3,530.40	3,706.40	3,892.00	4,086.40	4,291.20	7,675.09	8,057.71	8,461.21	8,883.83	9,329.07
0321	45.23	47.49	49.87	52.36	54.98	3,618.40	3,799.20	3,989.60	4,188.80	4,398.40	7,866.40	8,259.46	8,673.39	9,106.45	9,562.12
0322	46.36	48.68	51.11	53.67	56.35	3,708.80	3,894.40	4,088.80	4,293.60	4,508.00	8,062.93	8,466.43	8,889.05	9,334.29	9,800.39
0323	47.52	49.90	52.39	55.01	57.76	3,801.60	3,992.00	4,191.20	4,400.80	4,620.80	8,264.68	8,678.61	9,111.67	9,567.34	10,045.62
0324	48.71	51.14	53.70	56.39	59.20	3,896.80	4,091.20	4,296.00	4,511.20	4,736.00	8,471.64	8,894.27	9,339.50	9,807.35	10,296.06
0325	49.93	52.42	55.04	57.79	60.68	3,994.40	4,193.60	4,403.20	4,623.20	4,854.40	8,683.83	9,116.89	9,572.56	10,050.84	10,553.47

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 18/19
EFFECTIVE: JUNE 26, 2018

MPOA

	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
0301	28.43	29.86	31.35	32.92	34.56	2,274.40	2,388.80	2,508.00	2,633.60	2,764.80	4,944.55	5,193.25	5,452.39	5,725.45	6,010.68
0302	29.15	30.60	32.13	33.74	35.43	2,332.00	2,448.00	2,570.40	2,699.20	2,834.40	5,069.77	5,321.95	5,588.05	5,868.06	6,161.99
0303	29.87	31.37	32.94	34.58	36.31	2,389.60	2,509.60	2,635.20	2,766.40	2,904.80	5,194.99	5,455.87	5,728.92	6,014.15	6,315.04
0304	30.62	32.15	33.76	35.45	37.22	2,449.60	2,572.00	2,700.80	2,836.00	2,977.60	5,325.43	5,591.53	5,871.54	6,165.46	6,473.30
0305	31.39	32.96	34.60	36.33	38.15	2,511.20	2,636.80	2,768.00	2,906.40	3,052.00	5,459.35	5,732.40	6,017.63	6,318.51	6,635.05
0306	32.17	33.78	35.47	37.24	39.10	2,573.60	2,702.40	2,837.60	2,979.20	3,128.00	5,595.01	5,875.02	6,168.94	6,476.78	6,800.27
0307	32.98	34.62	36.35	38.17	40.08	2,638.40	2,769.60	2,908.00	3,053.60	3,206.40	5,735.88	6,021.11	6,321.99	6,638.53	6,970.71
0308	33.80	35.49	37.26	39.13	41.08	2,704.00	2,839.20	2,980.80	3,130.40	3,286.40	5,878.50	6,172.42	6,480.26	6,805.49	7,144.63
0309	34.64	36.38	38.19	40.10	42.11	2,771.20	2,910.40	3,055.20	3,208.00	3,368.80	6,024.59	6,327.21	6,642.00	6,974.19	7,323.77
0310	35.51	37.29	39.15	41.11	43.16	2,840.80	2,983.20	3,132.00	3,288.80	3,452.80	6,175.90	6,485.48	6,808.97	7,149.85	7,506.39
0311	36.40	38.22	40.13	42.13	44.24	2,912.00	3,057.60	3,210.40	3,370.40	3,539.20	6,330.69	6,647.22	6,979.41	7,327.25	7,694.22
0312	37.31	39.17	41.13	43.19	45.35	2,984.80	3,133.60	3,290.40	3,455.20	3,628.00	6,488.96	6,812.45	7,153.33	7,511.60	7,887.27
0313	38.24	40.15	42.16	44.27	46.48	3,059.20	3,212.00	3,372.80	3,541.60	3,718.40	6,650.70	6,982.89	7,332.47	7,699.44	8,083.80
0314	39.20	41.16	43.21	45.37	47.64	3,136.00	3,292.80	3,456.80	3,629.60	3,811.20	6,817.66	7,158.55	7,515.08	7,890.75	8,285.55
0315	40.18	42.18	44.29	46.51	48.83	3,214.40	3,374.40	3,543.20	3,720.80	3,906.40	6,988.11	7,335.95	7,702.92	8,089.02	8,492.51
0316	41.18	43.24	45.40	47.67	50.05	3,294.40	3,459.20	3,632.00	3,813.60	4,004.00	7,162.03	7,520.30	7,895.97	8,290.77	8,704.70
0317	42.21	44.32	46.54	48.86	51.30	3,376.80	3,545.60	3,723.20	3,908.80	4,104.00	7,341.16	7,708.13	8,094.24	8,497.73	8,922.10
0318	43.26	45.43	47.70	50.08	52.59	3,460.80	3,634.40	3,816.00	4,006.40	4,207.20	7,523.78	7,901.19	8,295.98	8,709.91	9,146.45
0319	44.35	46.56	48.89	51.34	53.90	3,548.00	3,724.80	3,911.20	4,107.20	4,312.00	7,713.35	8,097.72	8,502.95	8,929.05	9,374.29
0320	45.45	47.73	50.11	52.62	55.25	3,636.00	3,818.40	4,008.80	4,209.60	4,420.00	7,904.66	8,301.20	8,715.13	9,151.67	9,609.08
0321	46.59	48.92	51.37	53.93	56.63	3,727.20	3,913.60	4,109.60	4,314.40	4,530.40	8,102.93	8,508.17	8,934.27	9,379.51	9,849.09
0322	47.76	50.14	52.65	55.28	58.05	3,820.80	4,011.20	4,212.00	4,422.40	4,644.00	8,306.42	8,720.35	9,156.89	9,614.30	10,096.06
0323	48.95	51.40	53.97	56.66	59.50	3,916.00	4,112.00	4,317.60	4,532.80	4,760.00	8,513.38	8,939.49	9,386.46	9,854.31	10,348.24
0324	50.17	52.68	55.32	58.08	60.98	4,013.60	4,214.40	4,425.60	4,646.40	4,878.40	8,725.57	9,162.11	9,621.25	10,101.27	10,605.64
0325	51.43	54.00	56.70	59.53	62.51	4,114.40	4,320.00	4,536.00	4,762.40	5,000.80	8,944.71	9,391.68	9,861.26	10,353.46	10,871.74

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-328

Print

RESOLUTION AMENDING A LABOR POLICY FOR PAYING AND REPORTING THE VALUE OF EMPLOYER PAID MEMBER CONTRIBUTIONS TO THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (CALPERS) ON BEHALF OF EMPLOYEES REPRESENTED BY THE MODESTO POLICE OFFICERS' ASSOCIATION (MPOA) AND RESCINDING RESOLUTION NO. 2015-32

WHEREAS, by Resolution No 2012-527 adopted by the Council, the City adopted a labor policy providing for Public Employees' Retirement System (PERS) employee contributions to be paid by the City on behalf of employees and for reporting of employer-paid normal member contributions to PERS as compensation, and

WHEREAS, the governing body of the City of Modesto has the authority to implement Government Code Section 20636(c)(4) pursuant to Section 20691, and

WHEREAS, the governing body of the City of Modesto has a written labor policy or agreement which specifically provides for the normal member contributions to be paid by the employer, and reported as additional compensation, and

WHEREAS, one of the steps in the procedures to implement Section 20691 is the adoption by the governing body of the City of Modesto of a Resolution to commence paying and reporting the value of said Employer Paid Member Contributions, and

WHEREAS, the governing body has the authority to amend all members in a group or class of employment pursuant to Government Code Section 20691.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

Effective June 27, 2017, MPOA employees hired prior to September 11, 2012, under Tier 1 retirement formula 3%@50, the City of Modesto elects to pay zero percent

(0%) of the normal member contributions of twelve percent (12%). No payment shall be implemented pursuant to the provisions of Section 20636 (c)(4) of the California Government Code.

Effective June 27, 2017, for MPOA employees hired on or after September 11, 2012 under Tier 2 retirement formula 3%@55, the City of Modesto elects to pay zero percent (0%) of the normal member contributions of twelve percent (12%). No payment shall be implemented pursuant to the provisions of Section 20636 (c)(4) of the California Government Code.

BE IT FURTHER RESOLVED that this Resolution shall become effective on August 3, 2016.

BE IT FURTHER RESOLVED that effective June 28, 2016 Resolution No. 2015-32 is hereby repealed in its entirety.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 3rd day of August, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-329

Print

RESOLUTION APPROVING AN AMENDMENT TO AN EMERGENCY DISPATCH SERVICES JOINT POWERS AGREEMENT BETWEEN THE CITY OF MODESTO AND THE COUNTY OF STANISLAUS AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AMENDMENT.

WHEREAS, on September 1, 1999, the City of Modesto and the County of Stanislaus entered into a Joint Powers Agreement (JPA) for emergency dispatch service effective September 1, 1999, and

WHEREAS, the City and the County are considered the "member" agencies and the existing agreement is between these agencies solely, and

WHEREAS, any changes to the agreement must be agreed upon by the governing bodies of both the City and County, and

WHEREAS, the current agreement remains in full force for successive ten (10) year periods unless notification to terminate the agreement is provided by one of the agencies commensurate with the terms of the agreement, and

WHEREAS, the current agreement will renew September 1, 2019 for a successive ten (10) year periods through September 1, 2029 unless notice is provided by one of the member agencies by September 1, 2016, and

WHEREAS, the City and County both desire to explore alternate models of providing dispatch services that would provide for a more inclusive and broader model and agree that the agreement should be amended to provide the flexibility to do so, and

WHEREAS, the City and County seek to continue the agreement after September 1, 2019 without the ten-year renewal while it explores alternate models and reduce the notice requirement to terminate the agreement to twenty-four (24) months.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an amendment to the Emergency Dispatch Services Joint Powers Agreement between the City of Modesto and the County of Stanislaus and authorizes the City Manager or his designee to execute amendment in substantially similar as **Exhibit A** and in a form approved by the City Attorney.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 9th day of August, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

FIRST AMENDMENT TO THE JOINT EXERCISE OF POWERS AGREEMENT BETWEEN THE CITY OF MODESTO AND THE COUNTY OF STANISLAUS FOR EMERGENCY DISPATCH SERVICES

This First Amendment to the Agreement for Joint Exercise of Powers Agreement ("Amendment") is made by and between the City of Modesto ("Modesto"), a charter city and municipal corporation in the State of California, and the County of Stanislaus ("County"), a political subdivision of the State of California as of July ___, 2016. City and County are hereinafter collectively referred to as the "Parties."

AGREEMENT

1. The Parties agree to modify the Joint Exercise of Powers Agreement ("Agreement") to be in effect unless terminated in accordance with the terms set forth in Section 6 of the Agreement. Section 5.1 under "Term" of the Agreement is hereby amended to read as follows:

   "This Agreement shall become effective as of September 1, 1999 and shall continue in full force and effect unless otherwise terminated by either party pursuant to Section 6 of the Agreement."

2. The Parties agree to amend the Agreement to allow termination upon twenty-four (24) months' prior notice. Section 6.1 under "Termination" of the Agreement is to read as follows:

   "Any Member can terminate this Agreement at any time by providing a written notice of intent to terminate to the Commission and all Members at least twenty-four (24) months in advance of the desired termination date. For example, the notice of intent to terminate shall be provided no later than December 31, 2018 to terminate this Agreement on December 31, 2020. In keeping with the intent of the original Agreement dated September 1, 1999, no Member can terminate this Agreement with an effective date prior to August 31, 2019."

3. All other terms and conditions in the Agreement shall remain in full force and effect to the extent they are not in conflict with this Amendment.

4. The signatures of the Parties to this Amendment may be executed and acknowledged on separate pages or in counterparts which, when attached to this Amendment, shall constitute one complete Amendment.

IN WITNESS WHEREOF, the Parties have executed this Amendment on the day and year first above written.

CITY OF MODESTO

_____
Jim Holgersson, City Manager
Date:_____

Approved as to Form:

_____
Adam U. Lindgren, City Attorney
Date:_____

COUNTY OF STANISLAUS

_____
Stan Risen, Chief Executive Officer
Date:_____

Approved as to Form:

_____
John P. Doering, County Counsel
Date:_____

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Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-330

RESOLUTION ADOPTING A MITIGATED NEGATIVE DECLARATION FOR THE REMOVAL OF THE DENNETT DAM PROJECT LOCATED ON THE TUOLUMNE RIVER AND WEST OF NINTH STREET

WHEREAS, Dennett Dam was constructed in the 1930s, was condemned by the State of California in 1947 and has acted as a partial barrier to fish passage and impediment to recreational boating since, and

WHEREAS, both the Tuolumne River Trust (TRT) and the City of Modesto consider the removal of Dennett Dam to be a significant public benefit, and

WHEREAS, the CEQA Guidelines relating to Initial Study/ Mitigated Negative Declaration provides for a lead agency to prepare an Initial Study on any proposed project to analyze whether the project may cause any significant effect on the environment, and

WHEREAS, an Initial Study/ Mitigated Negative Declaration (EA/C&ED No. 2016-15) has been prepared as provided for by CEQA, and

WHEREAS, the Initial Study/Mitigated Negative Declaration concluded that removal of Dennett Dam could result in a number of significant effects on the environment and identified mitigation measures that would reduce the significant effects to a less-than-significant level; and

WHEREAS, the City Council has reviewed and considered the Initial Study/Mitigated Negative Declaration and related Mitigation Monitoring and Reporting Program and intends to take actions on the removal of Dennett Dam in compliance with CEQA and state and local guidelines implementing CEQA; and

WHEREAS, a 30-day public review period for the proposed Initial Study/ Mitigated Negative Declaration began on June 13, 2016, and ended on July 13, 2016, and

WHEREAS, the City received public comments on the draft Initial Study/ Mitigated Negative Declaration that warranted responses but no changes to the document were necessary, and

WHEREAS, said matter was considered by the City Council on August 9, 2016, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study/ Mitigated Negative Declaration, Environmental Assessment No. EA/C&ED 2016-15 and Mitigation Monitoring and Reporting Program, a copy of which is **attached** hereto as **Exhibit "A"**, and incorporated herein by reference, and based on the substantial evidence included in said Initial Study makes the following findings:

1. The Initial Study/ Mitigated Negative Declaration prepared for the proposed project shows there is no substantial evidence, in light of the whole record before the City, that the project may have significant environmental effects;
2. The Initial Study/ Mitigated Negative Declaration reflects the independent judgment of the lead agency;
3. The Initial Study/Mitigated Negative Declaration has been completed in compliance with CEQA and consistent with state and local guidelines implementing CEQA; and
4. The City Council designates the City Clerk at 1010 Tenth Street, Modesto, California 95354, as the custodian of documents and records of proceedings on which this decision is based.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community & Economic Development Director is hereby authorized and directed to file

a notice of approval or determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was adopted at a regular meeting of the Council of the City of Modesto held on the 9th day of August, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT A

Initial Study/Mitigated Negative Declaration

EA/C&ED No. 2016-15

Exhibit A

Mitigated Negative Declaration
for the Dennett Dam Removal

Environmental Assessment
No. EA/CED 2016-15

Prepared for:

City of Modesto
P.O. Box 642
Modesto, CA 95353
Contact: Paul Liu, Senior Planner
209/577-5267

Prepared by:

FlowWest
Contact: Mike Urkov, Project Manager
916/712-0150

June 6, 2016

CEQA Environmental Checklist

PROJECT DESCRIPTION AND BACKGROUND

Project Title:
Dennett Dam Removal

Lead agency name and address:
City of Modesto, 1010 10th Street, Modesto, CA 95354

Contact person and phone number:
Paul Liu, Senior Planner, 209 577 5267

Project Location:
Tuolumne River immediately downstream of the Ninth Street Bridge

Project applicant's name and address:
Patrick Koepele, Executive Director, Tuolumne River Trust
829 Thirteenth Street, Modesto, CA 95354

General plan description:
The project site is designated by the City of Modesto General Plan as Open Space.

Zoning:
The project site is designated by the City of Modesto zoning map as R-1 (low density residential)

Description of project (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation.):

Dennett Dam is located on the Tuolumne River, immediately downstream of the 9th Street Bridge in Modesto, California. The primary study area includes Dennett Dam, the constructed alternate channel immediately north of the dam, and a reach of the river approximately 750 feet upstream and downstream of the dam. The Proposed Project consists of removing Dennett Dam during projected low flow periods in the summer. Specific actions include installing a temporary upstream channel block, re-routing of mainstem flows along the recently constructed overflow channel north of the dam, and expeditious demolition of the existing structure. Conditions following removal would be consistent with designated land use of the Tuolumne River Regional Park (TRRP). The TRRP consists of over five-hundred acres of parkland that runs along seven river miles of the Tuolumne River from the Mitchell Street Bridge east to the Carpenter Road Bridge in Stanislaus County. Five major areas make up TRRP, including the Legion Park/Airport Area, the Gateway Parcel, Mancini Park, the Dryden Park Golf Course Area and the Carpenter Road Area. These areas include developed park sites in Legion Park and a

Riparian Habitat in the Gateway Parcel. Dennett Dam is located in the Tuolumne River immediately adjacent to the Gateway Parcel.

Purpose/Background:

Dennett Dam is a partially failed structure spanning the Tuolumne River that no longer serves a function, and has been an in-stream partial barrier to fish passage for over 60 years. It has also been a navigation hazard to recreational boating through Modesto due to the powerful hydraulic forces associated with the concentrated overflow near the failed middle of the dam. In addition to restoring completely natural fish passage conditions, this project will eliminate a hazard.

Originally built in the 1930s to create a seasonal recreational lake, Dennett Dam partially failed during high flows within a decade of its completion. The Tuolumne River Trust's involvement with Dennett Dam has been not only building public, governmental and agency support for its removal, but also pursuing funding for the necessary planning, engineering, environmental studies, and demolition necessary for removal. The Trust ultimately seeks to restore the river channel and enhance the surrounding landscape, resulting in restored instream habitat and fish passage conditions, improved native riparian habitat, and a safe recreational experience.

Complete removal of Dennett Dam would support extensive coordinated restoration efforts on the Tuolumne, which historically had the largest fall Chinook salmon runs in the San Joaquin River system, by facilitating upstream access during the fall to prime salmon and steelhead spawning gravels between Basso Bridge and Old La Grange Dam, as well as downstream outmigration of juvenile salmon during spring high flows. Dam removal would also eliminate conditions conducive to native and non-native predator species that likely feed on outmigrating juvenile salmonids as they pass through the deep scour hole immediately downstream of Dennett Dam.

With the dam removed, Chinook salmon, steelhead, pacific lamprey, and river lamprey will have unimpeded access to 37 miles of upstream habitat. Central Valley steelhead is an anadromous fish listed under both the State and Federal Endangered Species Act, and Central Valley fall-run Chinook salmon and Pacific lamprey are anadromous species of concern or candidates for listing.

The dam is located just west of the 9th Street Bridge in Gateway Park (Modesto), which is part of the Tuolumne River Regional Park (TRRP). The Trust has supported development of TRRP and its associated trail system as part of the overall economic redevelopment of this Central Valley town. When completed, the Tuolumne and Dry Creek trail system will stretch over 16 miles of scenic riverfront, providing Modesto with a fantastic amenity to its quality of life.

Removal would also complement efforts by the Tuolumne River Coalition to complete the Lower Tuolumne River Parkway, a mosaic of 25 park and habitat projects along the 52 miles of the Lower Tuolumne, and support development of a planned boat trail through this portion of the river.

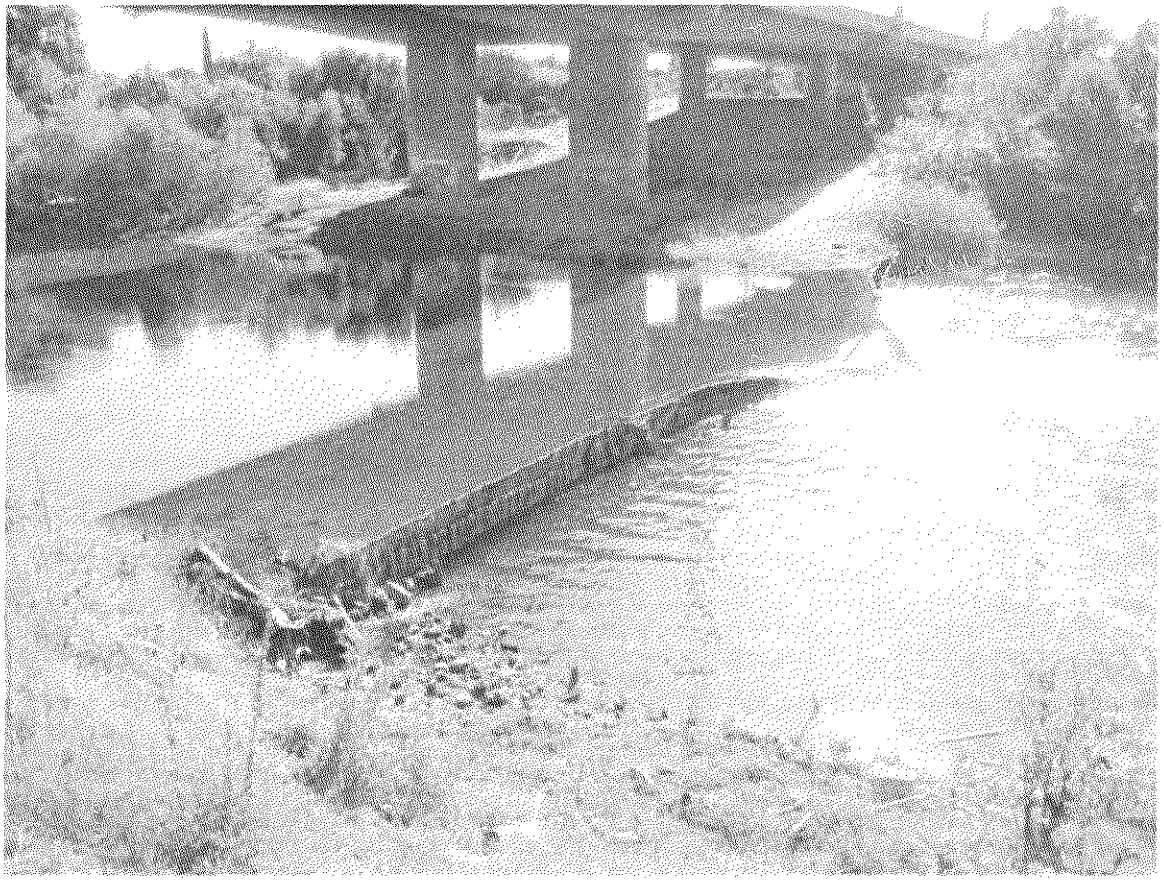

Figure 1: Photo of the existing Dennett Dam from the north bank

Dennett Dam Removal

Prior to removing the dam, Tuolumne River late summer / early fall low flows would be re-routed around the demolition site through a temporary diversion into the existing alternate channel connected to the main channel upstream and downstream of the dam. Temporary sheet piles, an inflatable bladder dam, or an equivalent channel block system would be installed immediately upstream and downstream of the dam, which would allow the demolition site to be completely dewatered, providing access to low-elevation components of the dam which are not currently visible. This would also allow for a controlled re-grading of the instream channel bed and avoid excessive discharge of sediments disturbed during dam removal demolition activities. A small fraction of the sediment immediately upstream of the dam may be removed from behind the dam and disposed of off-site.

Figure 2: Aerial of the project site, with Dennett Dam in magenta points just downstream of the 9th Street Bridge

Demolition Methods and Timing

The following construction methods are consistent with approaches applied at other, similar sites, and have been developed and approved by state and local resource agencies during the dam removal design process that has produced the 30% design documents for this project. These methods are intended to avoid potential significant impacts associated with dam removal. Construction is anticipated to begin in August and conclude by October, during low-flow periods that will avoid impacts to the riverine ecosystem. The majority of activities outlined below are expected to use standard construction techniques with a crane, excavator(s), and standard hauling vehicles for delivery and removal of equipment and debris. It is also possible that a bulldozer and/or grader could be used during part of the re-routing and/or demolition activities.

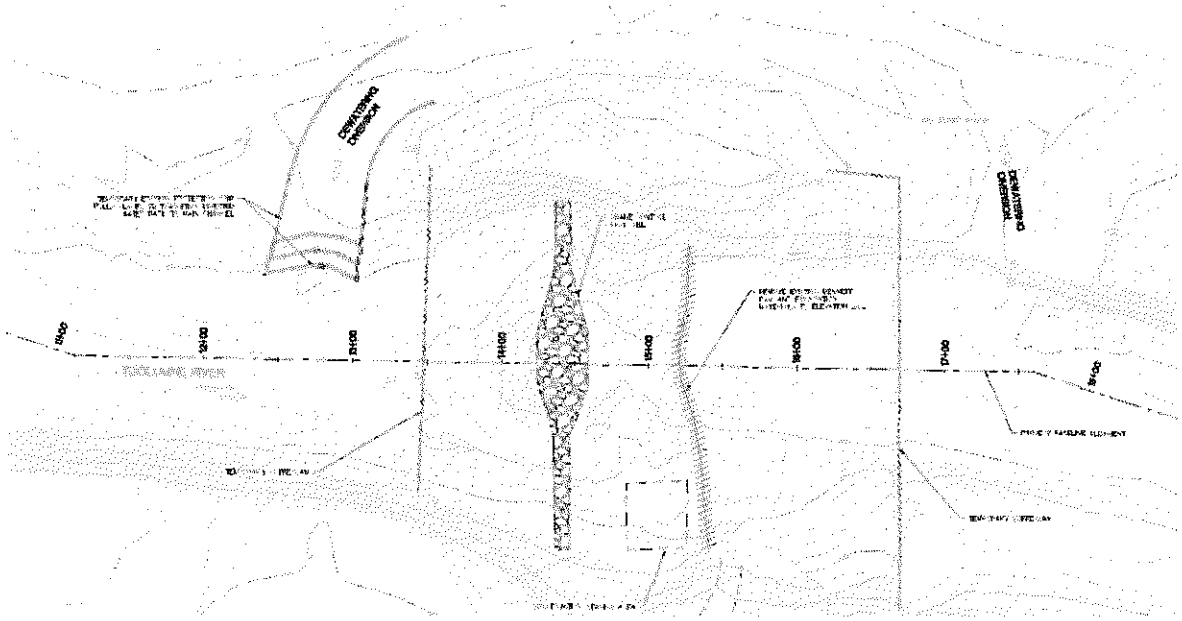

Figure 3 Site plan of the project site from the 30% design drawings.

Demolition Sequencing

Removal of the dam would generally follow the sequencing outlined below. Final guidance for demolition sequencing is currently being refined, and it is expected that contractors bidding on the removal work will propose some adjustments to the sequencing outline below. To ensure that the refinements would not cause unidentified impacts, sequencing evaluated here represents a "worst-case scenario" with respect to environmental conditions. Specific final dam removal actions will be coordinated with resource agencies to minimize and avoid environmental impacts where possible. The primary example of this is the choice of cofferdam material. The contractor will have the option to form the cofferdam from their choice of steel sheet piling, sandbags, or products like an inflatable cofferdam (Aquadam) or a portable wood-framed plastic-lined cofferdam (Portadam). Since a sheet pile cofferdam would have the most significant environmental impact, that is the material and installation method discussed below.

1. **Begin Cofferdam Installation.** Installation of the sheet pile cofferdam at the demolition site would be initiated from the north bank of the Tuolumne River and would extend across the river as far as possible without placing equipment into the river. Sheet piles would be installed with equipment outfitted with an impact hammer (often referred to as a "pile driver") or a vibratory hammer. This installation would occur both upstream and downstream of the dam. If cofferdam installation upstream and downstream is possible from the banks of the river, then step 2, interim river diversion will not be necessary.

2. **Interim River Diversion.** This step will only be necessary if cofferdam placement is not possible from the banks of the river. If this is the case, an interim stream crossing will be constructed with a bulldozer and/or excavator to divert Tuolumne River flows through the

alternate channel and around the demolition site. Construction equipment would push or place appropriately prepared rock into the river and build a temporary access berm across the river that would re-route the river into the alternate channel. Construction equipment would use the berm as access to push or place rock further into the river until adequate flow was moving onto the overflow channel.

3. **Finish Cofferdam Installation.** Sheet pile installation would complete the cofferdam and allow for de-watering of the demolition site.

4. **De-water Demolition Site.** Sump pumps would be installed at the bottom of the demolition site to allow a dry work area for dam removal. Improvements to the north bank alternate channel including minor earthwork and temporary erosion control may be made to direct diverted flows and minimize or prevent impacts to the channel.

5. **Remove Dam.** The dam will be demolished using standard construction equipment, likely a combination of excavator and crane to remove components of the dam. All removed dam components and associated debris would be removed to an appropriate disposal site. The area inside the cofferdam will be graded to restore more natural geomorphic conditions and a rock gradient control structure may be installed below the finished grade of the restored channel immediately downstream of the existing dam site. Disturbed channel bank areas will be restored with native vegetation planting, bioengineered bank protection, or some combination of these two measures.

6. **Remove Cofferdam.** The cofferdam sheet piles will be removed using equipment similar to that used for installation. If necessary, removal equipment will be outfitted with a vibratory hammer to assist with pile extraction.

7. **Remove Interim River Diversion.** If necessary, the rock berm will be removed from the river using an excavator working either from the middle of the river to each bank, or from one side of the river to the other.

8. **Monitor Post-Removal Conditions at the Site.** The site will be monitored and assessed after the demolition is complete to identify occurrence of excessive erosion, scour, or other channel change following demolition. If necessary, installed riparian vegetation and/or bioengineered bank protection measures will be refined as needed to maintain stable conditions at the site.

Discretionary Actions Covered by CEQA Document

- Dam removal project approval (authorizes Tuolumne River Trust to advertise project for bid and award)

- Section 1601 Streambed Alteration Agreement (authorizes the California Department of Fish and Game to issue agreement based on the City's CEQA documentation)

- Section 401 Water Quality certification or waiver (authorizes the California Regional Water Quality Control Board to issue water quality certification or waiver based on the City's CEQA documentation)

- New General Lease - Public Agency Use for access to the dam removal project footprint (authorizes the California State Lands Commission to issue a new General Lease - Public Agency Use to the City of Modesto / Tuolumne River Trust)

- Various grant applications and funding sources.

Surrounding land uses and setting (briefly describe the project's surroundings):
Land use is entirely open space in the project area, consistent with the TRRP.

Other public agencies whose approval is required (e.g. permits, financial approval, or participation agreements):

Army Corps of Engineers
California Department of Fish and Wildlife
State Water Resources Control Board
San Joaquin Valley Air Pollution District

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project. Please see the checklist beginning on page 5 for additional information.

☐	Aesthetics	☐	Agriculture and Forestry	☒	Air Quality
☒	Biological Resources	☒	Cultural Resources	☐	Geology/Soils
☐	Greenhouse Gas Emissions	☒	Hazards and Hazardous Materials	☒	Hydrology/Water Quality
☐	Land Use/Planning	☐	Mineral Resources	☒	Noise
☐	Population/Housing	☐	Public Services	☐	Recreation
☐	Transportation/Traffic	☐	Utilities/Service Systems	☐	Mandatory Findings of Significance

DETERMINATION:

On the basis of this initial evaluation:

☐	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
☒	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
☐	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
☐	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
☐	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required

Signature: _____ **Date:** _____

Printed Name: _____

EVALUATION OF ENVIRONMENTAL IMPACTS:

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an

EIR is required.

4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

a. **Earlier Analysis Used.** Identify and state where they are available for review.

b. **Impacts Adequately Addressed.** Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

c. **Mitigation Measures.** For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measure which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) The explanation of each issue should identify:
a. the significance criteria or threshold, if any, used to evaluate each question; and

b. the mitigation measure identified, if any, to reduce the impact to less and significance

The proposed project is the removal of Dennett Dam and is consistent with the 2008 Urban Area General Plan and 2001 TRRP Master Plan. This Mitigated Negative Declaration references and uses information from the 2008 Urban Area General Plan MEIR (SCH #2007072023), 2001 TRRP MEIR (SCH #2000022028), 2002 Ninth Street Bridge Replacement MND, and the 2005 TRRP Gateway Precise Plan Initial Study (Gateway IS).

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
I. AESTHETICS: Would the project:				
a) Have a substantial adverse effect on a scenic vista	☐	☐	☐	☒
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway	☐	☐	☐	☒
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	☒
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☐	☒

Removal of Dennett Dam will result in an aesthetic condition consistent with the land management objectives of the Gateway Park. A free-flowing river is consistent with the open space nature of the surrounding area. Natural aesthetic characteristics associated with riparian vegetation and river flow within the river corridor establish high scenic value for the project area. Removal of the dam will improve the aesthetic nature of the river corridor. The combination of natural aesthetic value from river resources, combined with developed park features nearby, will significantly enhance the aesthetic value of the area.

The project does not involve a designated Wild and Scenic River, and is not within 0.25 miles of a protected Wild and Scenic river corridor. Portions of the Tuolumne River are designated as Wild and Scenic River, however, these locations are not within the urban areas of Modesto or Ceres.

Discussion

a) There are no scenic vistas within the planning area.

b) There are no state scenic highways within the planning area.

c) There would be little change to the visual character of this area, removal of the dam would enhance the natural setting of the park, no significant impact will occur on the visual character with the proposed project. The visual character of the area

immediately surrounding the project site would be temporarily affected during dam removal, but this impact would be limited to eight weeks or less, and does not constitute an impact to the aesthetic character of the area.

d) There is no new light or glare associated with project completion. No light or glare would be generated during dam removal, as the work would be conducted during normal daylight hours.

Resources

See pages V-19-1 to V-19-9 in the 2008 Modesto Urban Area General Plan Master EIR (MEIR) and page 12 of the Gateway IS.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
II. AGRICULTURE AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

No agricultural or forest production is present in the project area, and therefore, dam removal will not affect any agricultural or forest resources.

Discussion

a) The project site is currently a public park. There would not be any conversion of farmland.

b) The site is not used for agricultural purposes and there is no Williamson Act contract.

c) There is no forest land on project site or within the city.

d) See Item c above.

e) See Items a-c above.

Resource

See pages V-4-1 to V-4-13 in the MEIR, pages I-4 IV-5 of the TRRP MEIR, and page 15 of the Gateway IS.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
III. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				

a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☒	☐
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non- attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☒	☐
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☒	☐	☐
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒

The project would require temporary use of construction equipment, but long term state of the project would not. Therefore the effect on air quality will be limited to the Project construction period. The use of internal combustion engines would be minimized by turning machinery off when not in use, and equipment would be properly maintained. In order to prevent or suppress generation of particulate matter during construction, dust-suppression techniques would be incorporated into all project activities.

Project-Specific Mitigation Measures

MIT-AQ-1: Prior to initiating dam removal, a certified asbestos contractor will survey the project site to assess the site for Category I or II asbestos-containing material. The likelihood of asbestos occurring on site is considered *de minimus*, but is a requirement of the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD). The absence of asbestos-containing material will be documented on an Asbestos Notification form and submitted to the SJVUAPCD. If asbestos-containing material is identified, it will be removed by a Cal-OSHA licensed contractor and disposed in an appropriate facility.

MIT-AQ-2: Prior to initiating dam removal, the Tuolumne River Trust will submit a Demolition Permit Release for the site. The Demolition Permit Release will confirm that the dam removal footprint is less than 5 acres and that less than 2,500 cubic yards of materials moved on any single day, and not more than 7,500 cubic yards moved during the project. If either the 5-acre or 2,500 / 7,500 cubic yard thresholds are exceeded, then the project will need to complete a dust control plan for the project. A dust control plan would outline means for maintaining regular

watering of dust-prone areas and for managing track-out at road-dirt access points.

MIT-AQ-3: All portable equipment with independent generation capacity used on site will be registered with either the California Air Resources Board or the SJVUAPCD.

Discussion

a) The proposed project would not conflict with applicable air quality plan.

b) The project would be required to comply with all Air Pollution District rules and requirements such as Regulation VIII and Indirect Source Review. Implementation of mitigation measures outlined above will assure that impacts remain within SJVUAPCD thresholds and therefore remain less than significant. Therefore, the project specific criteria pollutant emissions would have a less than significant impact on air quality.

c) See item b above. Long term condition of the project site will not include emissions of any kind.

d) See item b above. The mitigation outlined above will assure that impacts remain within SJVUAPCD thresholds and therefore remain less than significant. Therefore, the project specific criteria pollutant emissions would have a less than significant impact on air quality.

e) The project would not create any objectionable odors.

Resource

See pages V-2-1 to V-2-29 in the MEIR, page IV-B-1 of the TRRP MEIR, and page 16 of the Gateway IS.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
IV. BIOLOGICAL RESOURCES: Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	☐	☒	☐	☐
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☒	☐	☐
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☒	☐	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

The potential for impacting special status species from dam removal activities has been investigated and will be avoided or mitigated to a less than significant level. Chinook salmon utilize the Tuolumne River for spawning and migration purposes. Actual spawning occurs in spawning areas located well upstream of the project site. Migration periods have been determined from long-term monitoring data, and dam removal will occur outside of known migration periods. Additionally, the project provides passage around the work area during dam removal activities.

As part of the Ninth Street Bridge Replacement Project, general biological reconnaissance surveys were conducted in 1999 and 2000 in coordination with CDFW and NMFS to determine the impact on habitat and special status species for prior studies related to the bridge replacement effort. These studies considered a footprint for the bridge replacement consistent with the dam removal footprint. Since the bridge replacement in 2004, the Gateway Park has been the subject of several studies, including the Final Gateway Precise Plan, which included biological surveys in December 2014. Both the Bridge Replacement Project and Precise Plan included separate CNDDB records searches for documented presence of federal or State special status species and special status habitat. The results of both database searches were

the same. Field surveys were conducted by a qualified biologist to further determine potential presence of special status species for both projects, including wetland determinations in 2004 and 2014.

The primary method for avoiding impacts for the Ninth Street Bridge Replacement was restriction of in-river construction timing to the period between June 1 and October 1. The proposed removal of Dennett Dam Coordination is well within this window, therefore riverine impacts are considered to be similar. Biological conditions at the Project site are substantially similar to the conditions observed originally during the Ninth Street Bridge Replacement Project, and subsequently confirmed in the surveys for the Precise Plan in 2014.

No special-status plant species were observed during the December 4, 2014, survey and no suitable habitat is present in the study area. The study area contains suitable foraging habitat for Swainson's hawk, but it is unlikely to support nesting given the lack of suitable nesting trees in the study area.

A preconstruction survey for western pond turtle was recommended because of the potential for this species to occur in the study area. A qualified biologist should conduct a preconstruction survey in aquatic habitats (Tuolumne River) and adjacent suitable uplands that would be disturbed by project activities.

Re-verification of the 2004 wetland delineation map could be requested from USACE as a part of the Section 404 CWA permit process. The survey conducted on December 4, 2014, confirmed that conditions had not changed since the initial delineation was conducted in 2004. The footprint of the current project is well within the survey conducted for the Precise Plan.

The proposed project may have an effect on biological resources that utilize the river and adjacent habitat resources. However, the project area is fairly disturbed, and it is unlikely that special status species will be impacted beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR (which incorporates the TRRP EIR by reference). Mitigation measures outlined in the TRRP EIR specifically address temporary impacts to riparian habitats during construction activities related to implementation of the TRRP. Impacts and mitigation described here are consistent with impacts and mitigation described in the TRRP; specifically:

Impact Bio-1 Impacts to riparian habitat from temporary construction
Mitigation Measure Bio-1 Orange barrier fencing, Compliance with Section 404 (USACE) and Section 1600 (CDFW) permit requirements

Impact Bio-2 Jurisdictional waters of the US
Mitigation Measure Bio-2 Wetland determination, Section 404 and Section 1600 permitting, "No-net-loss" of wetlands, grading plans with adequate setbacks

Impact Bio-3 Fish and Fish Habitat
Mitigation Measure Bio-3 Avoidance of heavy equipment in active river channels, river-adjacent construction in summer months, ESA consultation

Impact Bio-2 Jurisdictional waters of the US
Mitigation Measure Bio-1 Orange barrier fencing, Compliance with Section 404 (USACE) and Section 1600 (CDFW) permit requirements

Where wetlands or other sensitive habitats cannot be avoided, replacement habitat at a nearby off-site location shall be provided. The replacement habitat should be substantially equivalent to the nature of the habitat lost and should be provided at a ratio suitable to assure that, at a minimum, there is no net loss of habitat acreage or value. Specific replacement requirements will be determined in conjunction with the Army Corps of Engineers following final design, however, total impact is anticipated to be less than significant and substantially less than for the Bridge Replacement Project.

Project-Specific Mitigation Measures

MIT-BR-1: A qualified biologist shall survey the project site for western pond turtles. Should any turtles be identified they will be relocated to an area outside of the project site.

MIT-BR-2: Prior to initiating construction, snow fence shall be installed along the limits of work to prevent encroachment into the riparian areas adjacent to the construction site.

MIT-BR-3: The large valley oak west of the project site shall be protected during all construction activities. Prior to initiating construction, snow fence shall be installed around the tree at the dripline.

MIT-BR-4: All graded or disturbed areas in the riparian corridor along the Tuolumne River resulting from project implementation (approximately 1,210 square meters/ 0.3 acre) shall be revegetated with riparian species in accordance with project design specifications.

MIT-BR-5: Contract specifications will include the following BMPs, where applicable, to reduce erosion during construction:

- During project activities, all trash that may attract predators shall be properly contained, removed from the work site, and disposed of regularly. Following construction, all trash and construction debris shall be removed from work areas.

- All fueling and maintenance of vehicles and other equipment and staging areas shall occur at least 20 meters from any riparian habitat or water body. All workers shall be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.

Discussion

a) The project includes temporary impacts to habitat during dam removal. The long-term benefits of removing the dam will offset the short-term impacts related to the demolition of the dam. The temporary effects that will occur will be less than significant with the mitigation measures, which include avoidance of impacts and restoration. Long-term effects will be more beneficial because removal of the dam will allow for a more natural, functional river system.

b) The project would result in a temporary impact to riparian habitat, which will be offset by long-term condition of the project after dam removal. The temporary effects that will occur will be less than significant with the mitigation measures. Long-term effects will be more beneficial because removal of the dam will allow for a more natural, functional river system.

c) The project would result in a temporary impact to wetlands, which will be offset by long-term condition of the project after dam removal. The temporary effects that will occur will be less than significant with the mitigation measures. Long-term effects will be more beneficial because removal of the dam will allow for a more natural, functional river system.

d) The project could impact migration of fish through the project area, however the timing of the project would correlate with the minimum occurrence of fish in the area. The temporary effects that will occur will be less than significant with the mitigation measures. Long-term effects will be more beneficial because removal of the dam will allow for a more natural, functional river system.

e) The project is consistent with local policies and ordinances.

f) The project would not conflict with provisions of habitat conservation plans.

Resource

See pages V-7-1 to V-7-31 in the MEIR page IV-F1 of the TRRP MEIR, pages 17-20 of the Ninth Street MND, and page 47 of the Gateway IS.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
V. CULTURAL RESOURCES: Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☐	☐	☒

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☒	☐	☐
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☒	☐	☐

Originally built out of wood in the 1930s to create a seasonal recreational lake, Dennett Dam partially failed during high flows within a decade of its completion, and has been degraded into its current form by forces associated with decades of river flows through the site.

The proposed dam removal project will not disturb any known archaeological or historic sites that were identified in the Negative Archaeological Survey Report conducted in 1999 for the Ninth Street Bridge Replacement Project. That study reviewed an Area of Potential Effect (APE) that included the exact project area required for the Dam Removal effort. That survey identified three historic sites within 0.5 miles of the Bridge Replacement APE: the Tidewater Southern Railway, Lion's Market, and W.H. Breshears, Inc, Chevron Products. Dennett Dam is not a historic site.

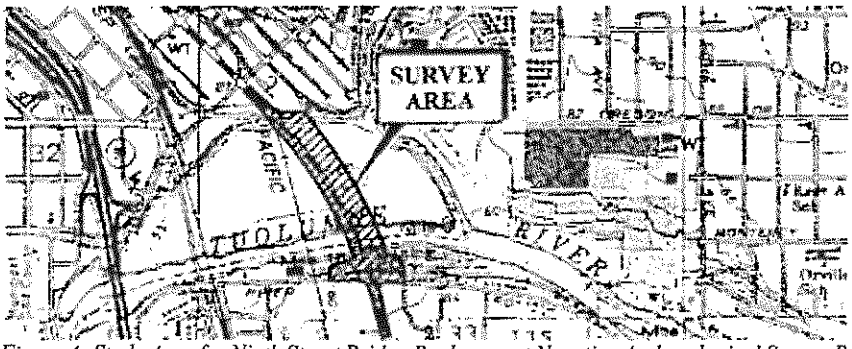

Figure 4: Study Area for Ninth Street Bridge Replacement Negative Archaeological Survey Report

Although there are no known cultural resources at the project site, there is a potential for ground-disturbing activities to uncover prehistoric or archaeological resources. Should cultural resources be discovered during construction, all ground-disturbing activities would cease immediately until a qualified archaeologist could be contacted to assess the discovery.

Project-Specific Mitigation Measures

MIT-CR-1: Should any cultural or archaeological resources be found during excavation, work would stop immediately.

MIT-CR-2: Should any human remains be found during dam removal, work would stop immediately.

Discussion

a) The project is consistent with the historical resource policies in the General Plan.

b) The project is consistent with the archeological resource policies in the General Plan. Projects near to the proposed project were referred to the Native American Tribes for consultation and no concern was provided. Should any cultural or archaeological resources be found during excavation, work would stop immediately. With implementation of this mitigation, impacts are less than significant.

c) The proposed project would not impact unique paleontological resource or site or unique geologic feature.

d) The proposed project would not disturb any known human remains. Should any human remains be found during dam removal, work would stop immediately. With implementation of this mitigation, impacts are less than significant.

Resource

See pages V-8-1 to V-8-25 in the MEIR page IV-E-1 of the TRRP MEIR, and page 37 of the Gateway IS.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
VI. GEOLOGY AND SOILS: Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	☐	☐	☐	☒
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?	☐	☐	☐	☒
ii) Strong seismic ground shaking?	☐	☐	☐	☒

iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
iv) Landslides?	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☒
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☐	☒
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒

The Dam Removal Project would not affect geological or soil resources.

Discussion

a) No faults known to be active or zoned as active by the State of California under the Alquist-Priolo Act are within the Modesto planning area. The risk of fault rupture in Modesto is considered low and related impacts are identified as less than significant.

b) The erosion hazard for soils in the Modesto planning area is generally considered slight. Dam removal activities would not affect erosion.

c) The project would not be located on soil that is unstable, or that would become unstable as a result of the project.

d) Project activities would not be affected by the potential presence of expansive soils.

e) City sewer is available for this project during construction, but is not required after dam removal.

Resource

See pages V-17-1 to V-17-16 in the MEIR and page 40 of the Gateway IS.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
VII. GREENHOUSE GAS EMISSIONS: Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	☒

Discussion

a) Dam Removal would temporarily increase greenhouse gas emissions during removal efforts, but would not contribute greenhouse gas emissions following project completion. Emissions during construction are less than significant based on use of SVAPCD BMP's for construction efforts, therefore the impact of the Project is less than significant.

b) The proposed project would not conflict with any applicable plan adopted for the purpose of reducing emissions of greenhouse gases.

Resource

See pages V-21-1 to V-21-17 in the MEIR.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
VIII. HAZARDS AND HAZARDOUS MATERIALS: Would the project:				

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☒	☐	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☒	☐	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒

Hazardous materials usage and/or storage were noted in the area as being limited to industrial and retail commercial uses immediately adjacent to the project area. Past agricultural production on the floodplain would have employed the use of herbicides, pesticides and fertilizers for citrus production, and residual amounts of those contaminants may still be detected in surface soils. The existing rail line may have been a source of contamination,

although there is no evidence indicating accidental spills have occurred. In general, there is no evidence of hazardous wastes contamination detected in the area. The potential for hazardous waste discharge is low due to the largely small retail, light industrial and other operations occurring in the vicinity.

Construction staging and equipment storage will be immediately south of the existing dam, adjacent to the existing earthen access road from River Road. Implementation of construction BMPs and development of a Spill Prevention Control and Countermeasures (SPCC) plan would minimize the risk of an uncontrolled spill and consequent contamination of the river during project operations. The identification of staging areas for fueling and maintenance of heavy equipment would limit potential spills to designated areas where observation and cleanup could be readily accomplished. Should an oil or fuel spill occur during construction or maintenance activities, all work would cease immediately, the Central Valley Regional Water Quality Control Board would be notified if the quantity of the spill were above state and/or federal reporting requirements, and cleanup procedures would begin immediately.

As part of the Ninth Street Bridge Replacement, an Initial Site Assessment was conducted for previous projects immediately adjacent to the project area. A government records search was conducted for the project area. The search provides documentation for sites within or proximate to the project area that involve the use of hazardous materials or wastes, spills, releases, accidents, etc. either currently or in the past. Also included are permitted underground and above-ground storage tanks, treatment facilities, generators and other elements that are marked for inclusion in the database search.

A general site reconnaissance was also conducted of the project area for presence of hazardous materials and toxic substances. Preliminary indication reveals that there is no evidence of any issues or concerns with regard to the use or storage of hazardous waste materials, etc. While several businesses and uses require the use of these materials (e.g., gas stations), none of the uses in the project area are known to be problematic.

Project-Specific Mitigation Measures

MIT-HHM-1: Implementation of construction BMPs and development of a Spill Prevention Control and Countermeasures (SPCC) plan would minimize the risk of an uncontrolled spill and consequent contamination of the river during project operations. SPCC would include identification of staging areas for fueling and maintenance of heavy equipment would limit potential spills to designated areas where observation and cleanup could be readily accomplished. Additionally, should an oil or fuel spill occur during construction or maintenance activities, all work would cease immediately, the Central Valley Regional Water Quality Control Board would be notified if the quantity of the spill were above state and/or federal reporting requirements, and cleanup procedures would begin immediately.

Discussion

a) The project does comply with all applicable federal, state, and county standards and regulations relative to the handling, storage, disposal, and transport of hazardous or toxic materials or wastes. The proposed project will not produce hazardous materials, however some hazardous materials may be used during dam removal. With implementation of the mitigation measure, potential impacts would be less than significant.

b) The proposed project will not produce hazardous materials, however some hazardous materials may be used during dam removal. With implementation of the mitigation measure, potential impacts would be less than significant.

c) See Item a above. The site is not within ¼ mile of a school.

d) The proposed site is not on the list of hazardous materials site.

e) The site is within the Traffic Pattern Zone that is not a significant safety hazard zone.

f) The site is not within the vicinity of a private airstrip.

g) The proposed project would not interfere with any emergency response plan or evacuation plan.

h) No wild land is within the vicinity of the project site.

Resource

See pages V-21-1 to V-21-19 in the MEIR, page IV-G-1 of the TRRP MEIR, and page 43 of the Gateway IS.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
IX. HYDROLOGY AND WATER QUALITY: Would the project:				
a) Violate any water quality standards or waste discharge requirements?	☐	☒	☐	☐
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table	☐	☐	☐	☒

level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☐	☒	☐
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☐	☐	☒	☐
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☒	☐	☐
f) Otherwise substantially degrade water quality?	☐	☐	☒	☐
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☒
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒
j) Inundation by seiche, tsunami, or mudflow	☐	☐	☐	☒

The project involves demolition in the Tuolumne River. Construction activities will increase sediment production in the river during the short-term. Some bank erosion may also occur during construction. Attachment 1 presents the "Tuolumne River Two Dimensional Hydraulic

Model Development and Analysis of Hydraulic and Sediment Transport Conditions Relevant to Dam Removal Initial Study" which details the current sediment transport dynamics of the site and projects that sediment transport characteristics will be similar to current conditions floowing project completion. These conclusions indicate that additional handling of sediment is not necessary because removal of the dam would not change sediment transport characteristics. The project's status within the RWQCB Basin Plan (Central Valley) will be characterized with respect to the beneficial uses of the basin.

Specific measures would be taken to avoid and minimize impacts to water quality. These steps will be similar to steps employed at other instream construction sites following best management practices (BMPs). Construction access roads, stream crossings, cofferdams, and dam removal could potentially cause water turbidity and suspended sediment levels to exceed water quality objectives for brief periods. Newly disturbed soils also have the ability to increase water turbidity and settleable sediment levels, should these materials enter flowing waters of the Tuolumne River.

Project-Specific Mitigation Measures

MIT-HWQ-1: To avoid or minimize impacts to potential increases in turbidity and settleable materials, the proposed project shall include, at a minimum, the following measures:

- Equipment would not be operated in the stream channels of flowing live streams except as may be necessary to construct crossings, cofferdams, and the interim diversion berm necessary to implement the proposed project.
- All construction equipment would be cleaned prior to use on site.
- When work in a flowing stream is unavoidable, the entire streamflow would be gradually diverted around the work area into the existing alternate channel to the north. The alternate channel would be prepared to minimize sediment discharges.

MIT-HWQ-2: Construction areas would be isolated from the free-flowing river through construction of cofferdams, sediment berms, filter fabric and/or grass straw bales. Uncrushed, cleaned gravels would be used to construct an equipment work support floor, if necessary, inside the cofferdam. The support floor would help ensure construction equipment inside the cofferdam did not get stuck or fail in the river sediments.

MIT-HWQ-3: Complete revegetation and stabilization of disturbed soils would include seeding and mulching of disturbed areas with native grass species.

Discussion

a) The project would not violate water quality standards or waste discharge requirements after completion. However, during dam removal, the potential to temporarily impact water quality exists. Implementation of mitigation measures described above would reduce the possible impact to less than significant.

b) The project would not impact groundwater because it will not change groundwater recharge from the river.

c) After completion, the project would not substantially alter the existing drainage pattern of the site, area or a watercourse in a manner that would result in erosion or siltation. (See Attachment 1). Temporary re-routing of the flow will be required during dam removal, but this effect would be less than significant because flow would be routed onto an existing high-flow channel at velocities lower than typical high-flow events. Therefore, long term drainage patterns would not change.

d) See Item c above.

e) The project would have a less than significant impact due to compliance with regulations and incorporation of mitigation measures.

f) See Item a above.

g) The project is located within a 100-year flood plain, but would not affect housing.

h) The Project would not result in any permanent structures that would impede flood flow. The impact of temporary damming or re-routing of river flow would not create flooding risk because work would occur during low flow time period for river.

i) Dennett Dam does not provide flood control so its removal will result in a less than significant impact on flooding.

j) The City of Modesto is not subject to risks related to seiche or tsunami. Modesto is inland about 80 mile from the Pacific Ocean. The project site and the surround area is relatively flat is not subject to mudslides.

Resource

See pages V-9-1 to V-9-13 and V-10-1 to V-10-15 in the MEIR, page IV-F-1 of the TRRP MEIR, and page 47 of the Gateway IS.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
X. LAND USE AND PLANNING: Would the project:				

a) Physically divide an established community?	☐	☐	☐	☒
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒

Existing land use in the project vicinity is primarily open space associated with the Tuolumne River Regional Park.

North of Tuolumne River: The Union Pacific Railroad (UPRR) extends to the south along the west side of 9th Street from B Street and across the Tuolumne River floodplain. This section of the floodplain was used for citrus production, however, all the citrus groves have been removed. The floodplain area is now part of the Tuolumne River Regional Park. Beard Brook Park (north and east of the project area) has been developed along Dry Creek, a tributary to the Tuolumne River. Above the floodplain on the north side of the park site, mostly industrial type land uses, including warehousing and open storage, have been developed along the bluff edge.

South of Tuolumne River: Adjacent to the river and east of the existing bridge is a trailer park facility (Terrace and Riverside Driftwood Trailer Parks) that provides space for approximately 50 or more mobile homes. This facility rents space to mobile home owners for both interim (i.e., temporary) and permanent time frames. Many of the mobile home sites have been subject to previous inundation during peak river flooding conditions, and have remained in a vacant condition. To the west of the bridge is outdoor storage for an industrial use. A loop road extends under the bridge structure connecting at both ends to River Road. River Road extends along the top of the south river bank. At the intersection of 9th Street and River Road is a vacant parcel and retail commercial (southeast corner) and retail commercial (southwest corner).

Discussion

a) The project would not physically divide an established community. The location and course of the river flow will not be altered after removal of the dam.

b) The project does not conflict with the land use plan, policies and regulations of the City of Modesto. The portion of the river affected by the project is located within a park area. The project promotes City policies on improving environmental conditions by removing dam which has adverse environmental impacts.

c) The project does not conflict with applicable habitat conservation plans or natural community conservation plans. The project is not located within an existing conservation plan area.

Resource

See pages V-20-1 to V-20-21 in the MEIR and page 52 of the Gateway IS.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
XI. MINERAL RESOURCES: Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

The project sites has not been identified as a potential mineral resource in any previous studies.

Discussion

a) The site is near an urban area and there is no known mineral resource.

b) The site is not identified on any plan as a location with mineral resources.

Resource

See pages V-17-1 through V-17-16 of the MEIR and page 53 of the Gateway IS.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
XII. NOISE: Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☒	☐	☐

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

The greatest source of noise from removal of the dam involves temporary construction noise, including noise from pile driving for construction of the cofferdams. It is anticipated that pile driving will require approximately 1-2 weeks to complete, and will have the greatest impact on the mobile homes adjacent to the south side of the river. Other residential uses to the east of 9th Street and south of River Road in Stanislaus County, the park users of Beard Brook Park, and even the retail and industrial uses in the area may be affected by pile driving activities. No significant impacts will be generated as a result of the dam removal effort, nor will the neighborhood be impacted as a result of this use. It will not create additional significant effects and the Mitigation measures listed in the MEIR for Generation of Noise (page V-3-22) are, therefore still valid.

Project-Specific Mitigation Measures

The following mitigation from the MEIR is specifically applicable to this project:

MIT-N-1: The noise ordinance prohibits the loud and raucous operation or use of any of the following before 7:00 a.m. or after 9:00 p.m. daily (except Saturday and Sunday and state or federal holidays, when the prohibited time shall be before 9:00 a.m. and after 9:00 p.m.):

a. A hammer, or any other device or implement used to pound or strike an object.

b. An impact wrench, or other tool or equipment powered by compressed air.

c. A hand-powered saw.

d. Any tool or piece of equipment powered by an internal-combustion engine such as, but not limited to, chain saw, backpack blower, and lawn mower.

e. Any electrically powered (whether by alternating current electricity or by direct current electricity) tool or piece of equipment used for cutting, drilling, or shaping Chapter V. Environmental Analysis Modesto General Plan Update Final Master EIR V-3-13 Section 3. Generation of Noise October 2008 wood, plastic, metal, or other materials or objects, such as, but not limited to, a saw, drill, lathe, or router.

f. Any of the following: heavy equipment (such as but not limited to bulldozer, steam shovel, road grader, back hoe), ground drilling and boring equipment (such as but not limited to derrick or dredge), hydraulic crane and boom equipment, portable power generator or pump, pavement equipment (such as but not limited to pneumatic hammer, pavement breaker, tamper, compacting equipment), piledriving equipment, vibrating roller, sand blaster, gunite machine, trencher, concrete truck, and hot kettle pump.

Discussion

a) The proposed project would not generate noise levels in excess of noise standards after completion. Temporary noise impacts due to construction activities during dam removal are anticipated to be temporary and less than significant after the implementation of mitigation measures and compliance with City Noise Ordinance.

b) See Item a above.

c) See Item a above.

d) The project will not result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity. See Item a) above for discussion of temporary noise due to construction activities.

e) The Modesto County Airport would not expose the project site to excessive noise levels.

f) The project site is not within the vicinity of a private airstrip.

Resource

See pages V-3-1 to V-3-23 in the MEIR, page IV-C-1 of the TRRP MEIR, and page 54 of the Gateway IS.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
XIII. POPULATION AND HOUSING: Would the project:				

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

The proposed project would not affect population and housing resources.

Discussion

a) The project site is in an urban area that is developed. No additional residential development will occur as a result of this project.

b) The project would not displace any existing housing.

c) See Item b above

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
XIV. PUBLIC SERVICES				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	☐	☐	☐	☒
Fire protection?	☐	☐	☐	☒

Police protection?	☐	☐	☐	☒
Schools?	☐	☐	☐	☒
Parks?	☐	☐	☒	☐
Other public facilities?	☐	☐	☐	☒

The proposed dam removal project extends through a park/project interface. The park is largely undeveloped, and dam removal is consistent with the established Master Plan to establish park uses, design, development standards, etc. Continued short- and long-term development of the park will benefit from dam removal.

The proposed dam removal project will not have an effect upon the parks or open space needs in the area. The project is consistent with the policies described in the MEIR for the Increased Demand for Parks and Open Space (page V-11-11).

Discussion

a) The project would not result in the need for construction of new or significantly altered police and fire facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives. The project meets City Standards for emergency services access. The project is located within an existing park and would temporarily preclude access to a portion of the park while the dam is removed; however, this impact would only limit access to a small portion of the park occur over 6-8 weeks. Therefore this impact is less than significant. There would be no effect on schools.

Resource

See pages V-11-1 to V-11-12, V-12-1 to V-12-11, V-13-1 to V-13-8, and V-14-1 to V-14-11 in the MEIR, page IV-H-1 of the TRRP MEIR, and page 62 of the Gateway IS.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
XV. RECREATION:				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒

Long-term effects from dam removal would have a positive effect on recreation in the park. The Project would not increase the use of the park in a manner that would result in the need for the construction of more facilities.

Discussion

a) The project would temporarily impact recreation facilities, but the impact would be less than significant. The long-term condition would be beneficial.

b) See Item a above.

Resource

See pages V-11-1 to V-11-12 in the MEIR and page 64 of the Gateway IS.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
XVI. TRANSPORTATION/TRAFFIC: Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but	☐	☐	☐	☒

not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?				
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☒
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
e) Result in inadequate emergency access?	☐	☐	☐	☒
f) Conflict with adopted policies, plans or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☐	☒

Dam removal will not affect traffic and circulation.

Discussion

a) The proposed project is consistent with applicable plans and policies establishing measures of effectiveness for the performance of the circulation system. The project would not generate more than 100 peak hour trips, which is the General Plan's threshold for a traffic study. Therefore, Project impact is less than significant.

b) See Item a above.

c) The project would not impact air traffic patterns.

d) There would be no increase in traffic hazards with the project.

e) There would be no increase in need for emergency access hazards with the project.

f) The project would not conflict with any alternative transportation plan.

Resource

See pages V-1-1 to V-1-36 in the MEIR page IV-A-1 of the TRRP MEIR, and page 65 of the Gateway IS.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
XVII. UTILITIES AND SERVICE SYSTEMS: Would the project				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☒	☐

g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☒

The project would generate a small amount of solid waste during the removal of the dam. Following removal, there would be no effect on utilities and service systems.

Discussion

a) The project would not require additional wastewater treatment.

b) The project would not require the expansion of any wastewater or water facility.

c) The long-term state of the project would not generate storm water runoff. There is no impact to any public storm drainage facility.

d) The proposed project would not require water or wastewater service.

e) See Item b above.

f) There is sufficient landfill capacity to serve this project.

g) All regulations related to solid waste would apply to this project.

Resource

See pages V-5-1 to V-5-16, V-6-1 to V-6-12, V-9-1 to V-9-12, and V-15-1 to V-15-10 in the MEIR, page IV-H-1 of the TRRP MEIR, and page 78 of the Gateway IS.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☒	☐

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☐	☒
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒

With inclusion of the mitigation measures outlined for the project, the proposed project would have a less-than-significant impact on the environment.

Discussion

a) The project has the potential to temporarily impact wildlife resources during dam removal, but the long-term condition of the project is considered beneficial. See discussion of impact on Biological Resources above.

b) The project would not result in any significant cumulative impact.

c) This document identifies that the project would have some environmental impact, but because this is essentially a temporary demolition effort that will result in a beneficial condition and many impacts have been evaluated for nearby projects. The impacts are less than significant.

Resource

See pages IV-2-1 in the MEIR, pages V-1 and VI-1 of the TRRP MEIR, and page 80 of the Gateway IS.

ATTACHMENT 1

TUOLUMNE RIVER TWO DIMENSIONAL HYDRAULIC MODEL DEVELOPMENT AND ANALYSIS OF HYDRAULIC AND SEDIMENT TRANSPORT CONDITIONS RELEVANT TO DAM REMOVAL INITIAL STUDY

TUOLUMNE RIVER TWO DIMENSIONAL HYDRAULIC MODEL DEVELOPMENT AND ANALYSIS OF HYDRAULIC AND SEDIMENT TRANSPORT CONDITIONS RELEVANT TO DAM REMOVAL INITIAL STUDY

PREPARED FOR: Tuolumne River Trust
PREPARED BY: Mark Tompkins P.E., Ph.D., Bethany Hackenjos, Paul Frank, P.E.,
DATE: 5/23/16

INTRODUCTION

Dennett Dam has functioned as a hydraulic control and at least a partial constraint on natural sediment transport since it was constructed in the 1950s. At base flow conditions and during peak flows with recurrence intervals of less than a year, the dam creates a small backwater condition in the river reach upstream of the dam. More importantly, the dam itself creates a topographic control point that is slightly higher (between two to four feet) than the native channel bed upstream and downstream. While the dam does locally influence sediment transport through this reach during low flows, a large breach in the center of the dam (Figure 1) allows sediment transport (both bedload and suspended load) through the dam during flows that occur almost every year.

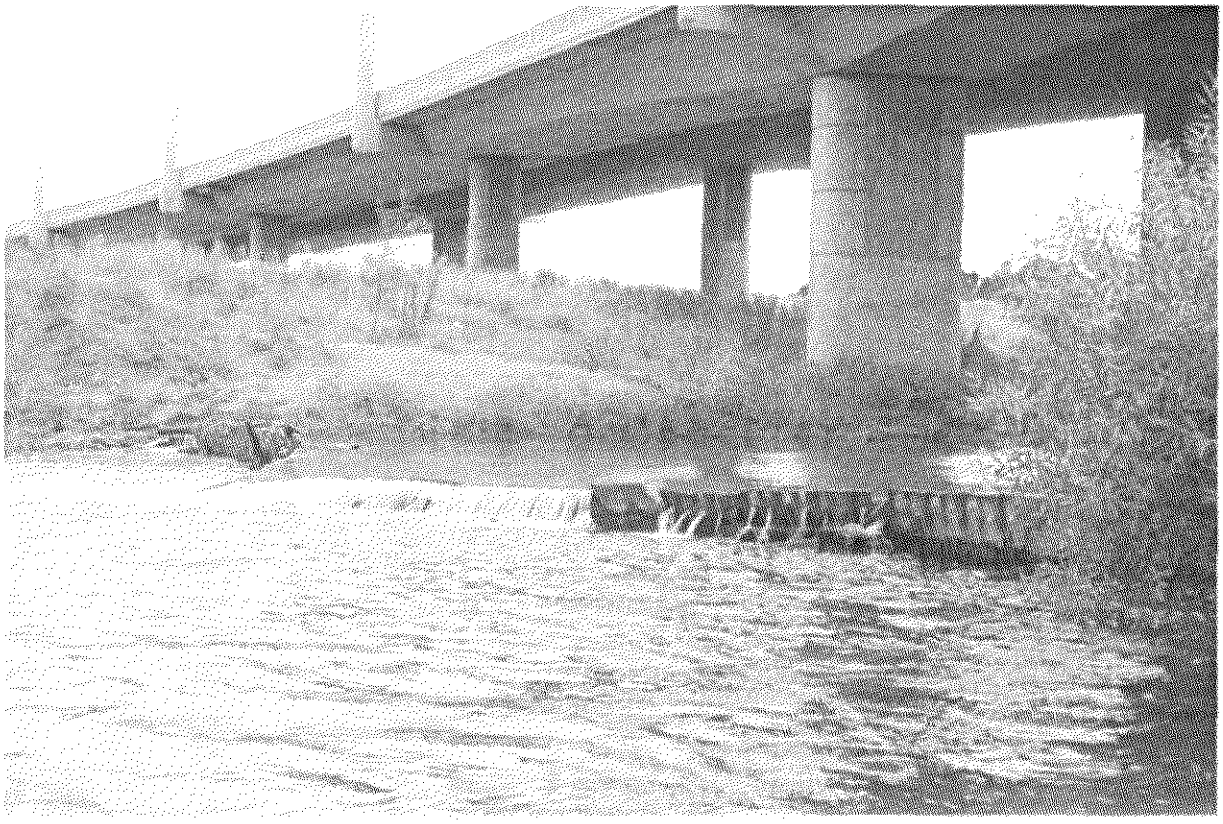

FIGURE 1: LOOKING UPSTREAM FROM THE SOUTH BANK TO THE NORTH BANK AT THE BREACH IN DENNETT DAM ON OCTOBER 24, 2010 WHEN THE FLOW IN THE RIVER WAS APPROXIMATELY 525 CFS.

Based on our analysis of the historical factors influencing hydraulics and sediment delivery to the lower Tuolumne River, a detailed topographic and bathymetric survey of the river channel in the vicinity of the dam, and incipient motion calculations for bulk channel bed sediments sampled upstream of the dam, we determined the following:

- Removal of Dennett Dam will not increase water surface elevations or significantly change channel bed shear stresses in the Tuolumne River.
- La Grange Dam (constructed in 1893) and Old Don Pedro Dam (constructed in 1923) are upstream of and predate Dennett Dam (reconstructed in 1955). These upstream reservoirs have trapped bedload sediments from the upper watershed, preventing them from being delivered to Dennett Dam. Therefore, any channel bed sediment upstream of Dennett Dam originated in the reach of river between Lagrange Dam at river mile 52 and Dennett Dam at river mile 15 after 1955.
- Dennett dam is very small, and the middle of the dam has breached, allowing active bedload sediment transport through the dam. Channel bed elevations upstream and downstream of the dam reflect this (Figure 2), with upstream channel bed elevations nearly identical to channel bed elevations downstream of the scour hole immediately adjacent to the dam. There is not a significant volume of stored sediments upstream of Dennett Dam.
- Median grain size of bed sediments upstream of the dam is 0.8 mm, and 90% of the bulk bed sediments upstream of the dam are less than 9mm in diameter. Therefore, the mobile bed load in this reach of the Tuolumne River is primarily coarse sand with a small quantity of fine gravel.
- Incipient motion calculations indicate that the fine channel bed sediments upstream of Dennett Dam will be mobilized during peak flows at or less than a 2-year recurrence interval. Therefore, dam removal will only result in a de minimus change in sediment transport during the first modest peak flow after dam removal, with no long term impact on sediment transport.

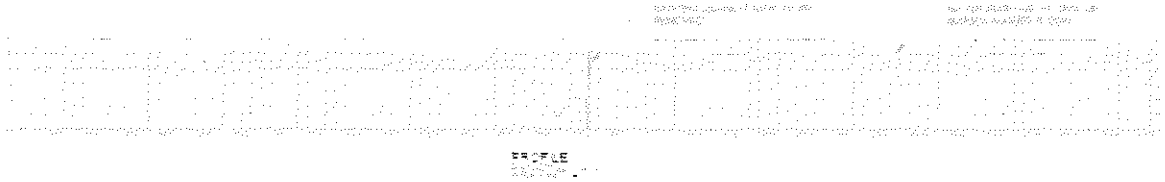

FIGURE 2: LONGITUDINAL PROFILE SHOWING CHANNEL BED ELEVATION (DASHED LINE), WATER SURFACE ELEVATION (SOLID LINE) AND DENNETT DAM (VERTICAL LINE AT STATION 15+25). CHANNEL BED ELEVATIONS DOWNSTREAM OF THE SCOUR HOLE (STATIONS 13+00 TO 15+25) REACH 38 FEET, EQUAL TO CHANNEL BED ELEVATIONS UPSTREAM OF THE DAM.

We conducted two-dimensional hydraulic modeling to evaluate potential changes in water surface elevations caused by the removal of Dennett Dam, and to quantify the frequency of mobilization of fine sediment temporarily stored upstream of Dennett Dam, and to identify any areas of potential longer-term sediment storage. The results of this modeling investigation serve as our basis for sediment management during and immediately after removal of the dam. This technical memorandum summarizes our hydraulic model development, calibration, and results relevant to water surface elevation change and sediment transport conditions with and after removal of Dennett Dam.

HYDRAULIC MODEL DEVELOPMENT

We used HEC-RAS 5.0 to conduct two-dimensional hydraulic analyses and performed standard incipient motion sediment transport calculations in a Geographic Information System (GIS). We used local

streamflow gage data and standard flow frequency analyses to develop the hydrology input data for both hydraulics and sediment transport evaluations. The following sections describe basic hydraulic model development.

HEC-RAS v5.0

Hydraulic models perform calculations of physical properties of water (such as depth of flow, velocity of flow, etc.) based on long-established equations that describe the movement of water. The accuracy of model results depends on the quality of input data, construction and testing of the model itself, and the extent to which the model is calibrated with real measurements of water surface elevation. A 2-D model treats the river as a continuous three-dimensional (3-D) surface, but makes predictions of water flow on that surface neglecting the vertical movement of water. For many practical applications (including this one), this "depth-averaged" model approach (so-called because water flow properties at each model node are calculated in lateral and longitudinal components but averaged in the vertical or depth component) is appropriate.

Model Input Data

Our model boundary extends from upstream of the confluence with Dry Creek to the railroad tracks just upstream of the 7th Street Bridge (Figure 3). We chose the lateral extent of the model boundary to adequately capture the project area flooding extent under different flow conditions, while limiting the number of cells to a computationally manageable value. Before we created the model mesh, we created breaklines along linear topographic features (e.g., channel banks, Dennett Dam, etc.) to enforce mesh cell face alignment and accurate representation of these features by the model. We then created the model grid using a 5-ft cell size. Key data used to construct the two-dimensional hydraulic model for the Dennett Dam Removal Project are described below and summarized in Table 1.

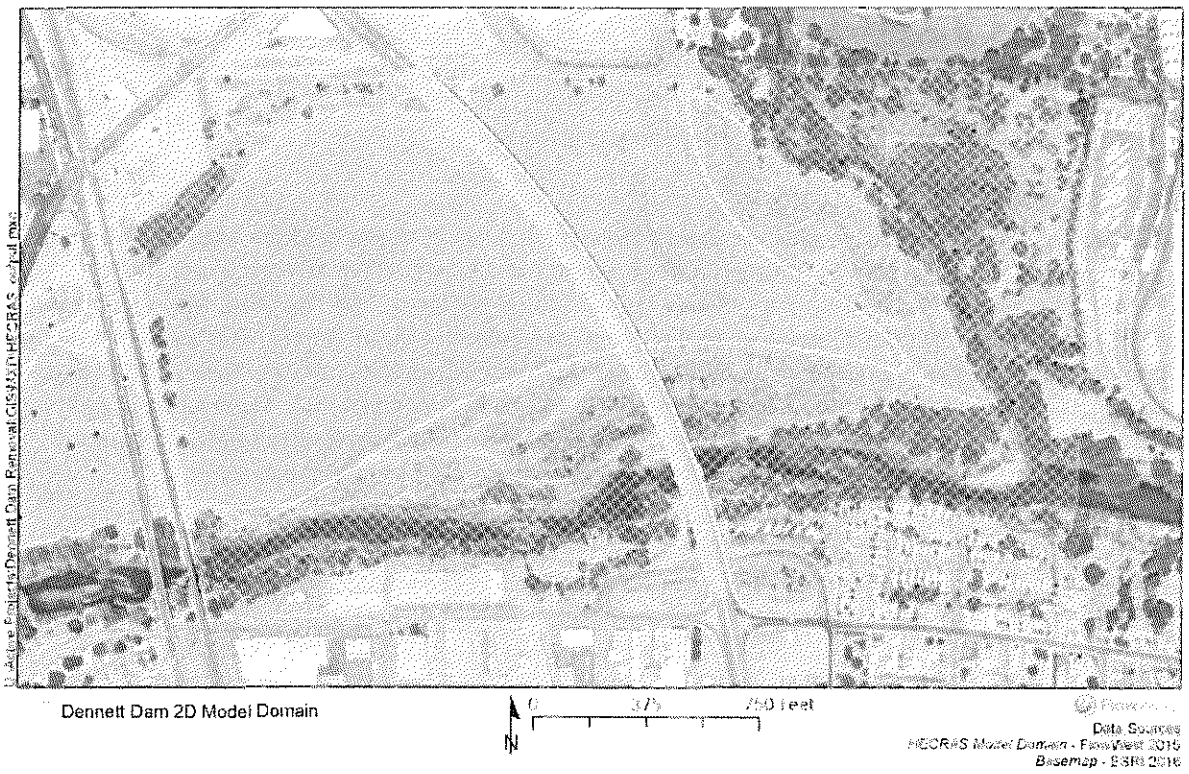

FIGURE 3: HEC-RAS HYDRAULIC MODEL DOMAIN.

TABLE 1: DENNETT DAM REMOVAL HYDRAULIC MODEL INPUT DATA SUMMARY

Input Data	Type	Date of Collection	Source
Topography and Channel Bathymetry	1) FlowWest survey 2) Pre-Gateway Parcel Project contours 3) National Elevation Dataset (NED)	1) 8/6/2015 2) 2005 3) 2013	1) FlowWest 2) HDR 3) USGS
Hydrology	2-, 5-, 10-, 25-, 50-, and 100-year recurrence intervals	2015	Tuolumne River (USGS 11290000) and Dry Creek (USGS 11289950, WDR B04130)
Roughness Coefficients	Manning's coefficients assigned to : 1) Land cover types from aerial photo 2) Facies mapping	1) 9/16/1998 2) 7/9/2015	1) USGS 2) FlowWest
Boundary Conditions	1) Water surface elevation survey 2) Tuolumne River flow	1) 8/6/2015 2) 8/6/2015	1) FlowWest 2) USGS 11290000

Topography and Bathymetry Input Data

To represent historical hydraulic conditions, we created a digital elevation model (DEM) of the study area using a combination of previously developed existing conditions contours prior to construction of the Tuolumne River Regional Park: Gateway Parcel project (HDR 2005) and bathymetric survey data that

we collected in August 2015. We processed the two datasets in AutoCAD to remove erroneous points and then merged them as a raster at 1-ft resolution. We filled in areas outside of the survey extents but inside the model boundary with publically available, lower resolution (32.8-ft) National Elevation Dataset (NED) data using the HEC-RAS terrain generation tool.

Hydrology Input Data

HEC-RAS requires user input of upstream and downstream flow boundary conditions to perform model runs. Typically, the upstream boundary condition is the selected volumetric flow rate, and the downstream boundary condition is a known water surface elevation at that flow rate. We used a total of three boundary conditions (two upstream and one downstream) for this study. The upstream boundary conditions were based on analyses of historical flows from the Tuolumne River at Modesto (USGS 11290000) and Dry Creek near Modesto (USGS 11289950, WDR B04130). We conducted Bulletin 17B flow frequency analyses at both locations using HEC-SPP to calculate expected flows corresponding to the return periods summarized in Table 2. All default values were used in the analyses.

TABLE 2: BULLETIN 17B FLOW FREQUENCY ANALYSIS EXPECTED FLOWS

USGS Gage	Period of Record	Percent Chance Exceedance (Return Period) and Expected Flows in cfs					
		1% (100-yr)	2% (50-yr)	4% (25-yr)	10% (10-yr)	20% (5-yr)	50% (2-yr)
Tuolumne R A Modesto 11290000	1895, 1940-2015	52,882	39,211	28,330	17,370	11,124	4,877
Dry C NR Modesto 11289950	1939-1973	11,712	9,302	7,198	4,823	3,295	1,550

Differences in the timing of peak flows in the Tuolumne River and Dry Creek ranged from 0 – 173 days (mean = 15 days) for the overlapping period of record. Since continuous flow data from the Dry Creek gage was unavailable, further analysis of its contributions to total peak flows at the Tuolumne River gage was not possible. As a result, we conducted sensitivity analyses by changing the relative contributions from Dry Creek and the Tuolumne River and observing differences in model results in the area of interest. At the downstream end of the hydraulic model, we set the boundary condition as a "normal depth." This enables model runs to be completed without a known downstream water surface elevation based on the assumption that flow is at normal depth (i.e. the depth of flow in a channel when the slope of the water surface and channel bottom is the same and the water depth remains constant).

Land Cover Classification and Roughness Input Data

We developed roughness coefficients for land cover types digitized from recent aerial photography and facies mapping of channel bed sediments completed during 2015 field surveys. We based model roughness coefficients on Manning's values (Chow 1959) reduced by 50% to account for 2D flow characteristics (
Table 3). We then mapped a spatial representation of land cover types and their associated roughness coefficients onto the model mesh.

TABLE 3: ROUGHNESS COEFFICIENTS BY LAND COVER TYPE

Land Cover or Facies Type	Roughness Coefficient
Land Cover	
Grass	0.015
Mixed Trees and Grass	0.02
Trees	0.03
Urban	0.02
Facies	
Gravel with Sand	0.024
Riprap	0.015
Sand	0.024
Sand with Gravel	0.024
Sand with Gravel and Silt	0.024
Sand with Silt	0.024
Silt with Sand	0.024

Dennett Dam Structure in Hydraulic Model

We included a transverse structure in the hydraulic model to simulate Dennett Dam using the SA/2D Area Connection tool in HEC-RAS. This tool allows the user to input weir elevations along the lateral extent of the structure. We assigned dam elevations based on field survey points collected at the top of the structure in August 2015 (FlowWest 2015).

Downstream Boundary Condition

HEC-RAS requires a downstream boundary condition to perform model runs. We built the downstream extent of the model to just upstream of the 7th Street Bridge and input the boundary condition as a normal depth with a friction slope of 0.00009. This slope was derived from the water surface slope as surveyed during our August 2015 field effort.

Model Calibration

The model was calibrated using a combination of measured water surface elevations from our August 6, 2015 field effort and mean daily flowrates in the Tuolumne River (124 cfs, USGS 11290000) and Dry Creek (34 cfs, USGS 11289950). From the water surface elevation survey, we developed two different downstream boundary conditions. The "known stage boundary" used the water surface elevation as surveyed at the downstream end of the model domain, and the "normal depth boundary" used the water surface slope. We then compared the results with each other and with surveyed water surface elevations over the entire model domain (Figure 4). Modeled water surface elevations generally matched well with our survey data. The model calibrated to ±0.06 ft at the reported mean flow (124 cfs). The greatest differences occurred nearest to the dam structure. We also completed several analyses to test model sensitivity to mesh cell size, computation interval, roughness, and peak flow timing, and determined that the model performs accurately for the evaluations it was developed to support.

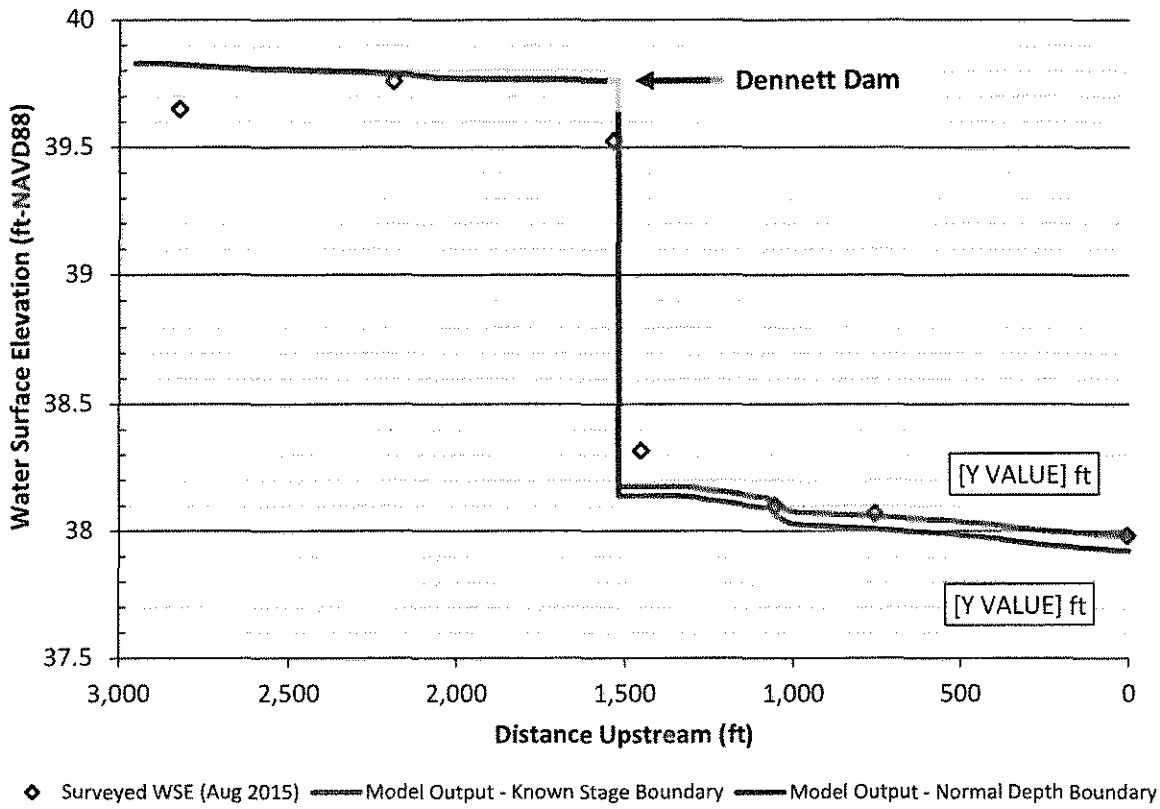

FIGURE 4: LONGITUDINAL PROFILES FOR MODEL CALIBRATION

HYDRAULIC MODEL ANALYSIS RESULTS

We modeled the following three basic conditions in the Tuolumne River near Dennett dam to accurately capture changing conditions through time.

1) Historical: Channel geometry without the high flow channel constructed along the north bank as part of the Gateway Project in 2007/2008. Dennett dam and instream channel geometry as surveyed in 2015. This model was used primarily for channel bed sediment mobilization evaluations.
2) Existing: Channel geometry with the high flow channel constructed along the north bank as part of the Gateway Project in 2007/2008. Dennett dam and instream channel geometry as surveyed in 2015. This model was used to compare pre- and post-dam removal hydraulic conditions.
3) Proposed: Channel geometry with the high flow channel constructed along the north bank as part of the Gateway Project in 2007/2008. Dennett dam removed.
    a. Interim instream channel geometry as surveyed in 2015.
    b. Expected instream channel geometry with scour hole downstream of Dennett Dam filled.

    These models were used to compare pre- and post-dam removal hydraulic conditions.

The following set of figures summarizes representative hydraulic conditions for each of these models. Figures 5 and 6 show flow depth and shear stress, respectively, for historical conditions. It is important

to note that these results do not show flows in the overflow channel to the north because this channel was not present before 2007/2008. In addition, because Dennett Dam does not impact sediments in the overflow channel, hydraulic modeling from this historical condition was used in the analysis of sediment mobilization described in the following section. At 1,000 cfs, depths range from zero to approximately 19 feet in the scour hole downstream of the dam, and shear stresses are mostly greater than 0.03 pounds per square foot.

Figures 7 and 8 show flow depth and shear stress, respectively, for existing conditions during a two year flow (4,877 cfs). Depths increase to approximately 26 feet, and shear stresses remain mostly greater than 0.03 pounds per square foot. Figures 9, 10, 11, and 12 show flow depth and shear stress, respectively, for the interim and expected proposed conditions without Dennett Dam. Depth decreases by nearly 10 feet as the scour hole fills in the expected proposed conditions model, and shear stresses increase where the scour hole fills in the expected proposed conditions model, but remain similar to both the existing and interim proposed conditions model elsewhere. Perhaps most importantly, the hydraulic model analyses clearly demonstrated that the removal of Dennett Dam will not result in increased water surface elevations upstream or downstream of the dam site. This is a logical result, as the dam is currently a hydraulic control.

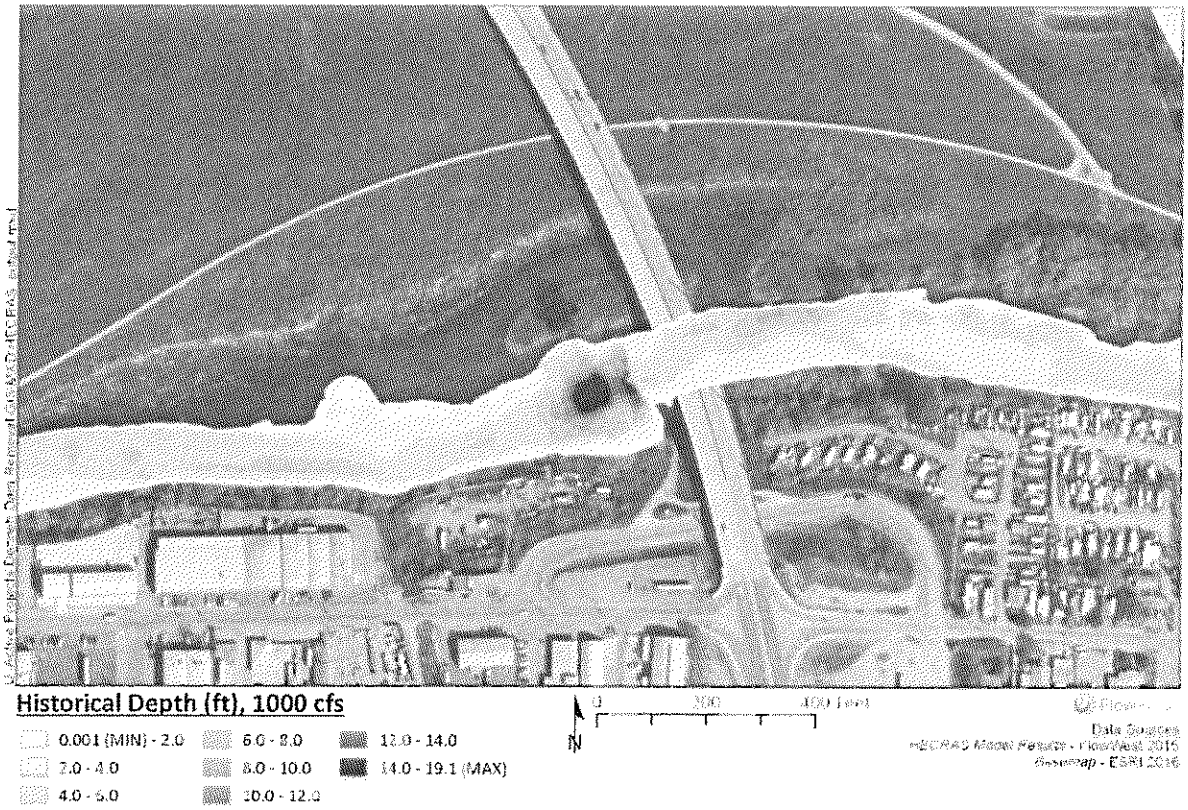

FIGURE 5: HEC-RAS WATER DEPTH RESULTS, 1000 CFS, HISTORICAL CONDITIONS

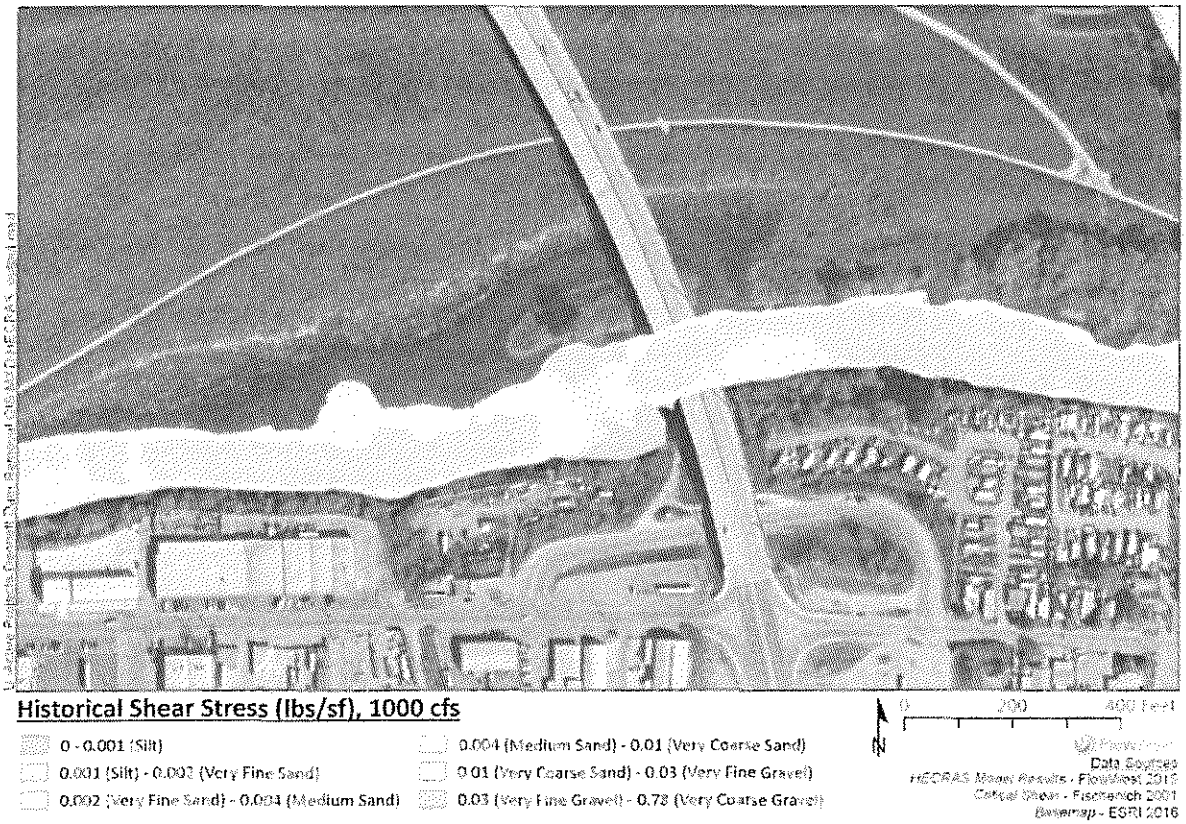

FIGURE 6: HEC-RAS SHEAR STRESS RESULTS (AND MOBILE GRAIN SIZE CLASS), 1000 CFS, HISTORICAL CONDITIONS

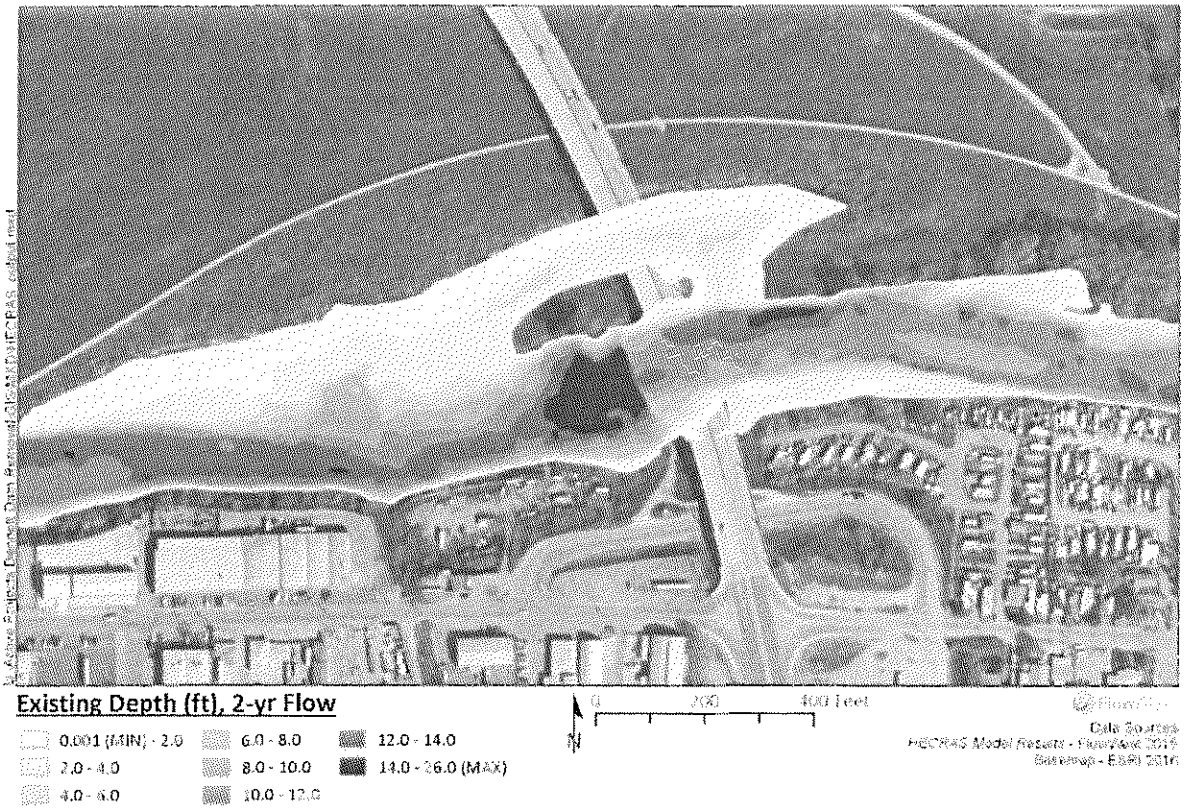

FIGURE 7: HEC-RAS WATER DEPTH RESULTS, 2-YR FLOW, EXISTING CONDITIONS

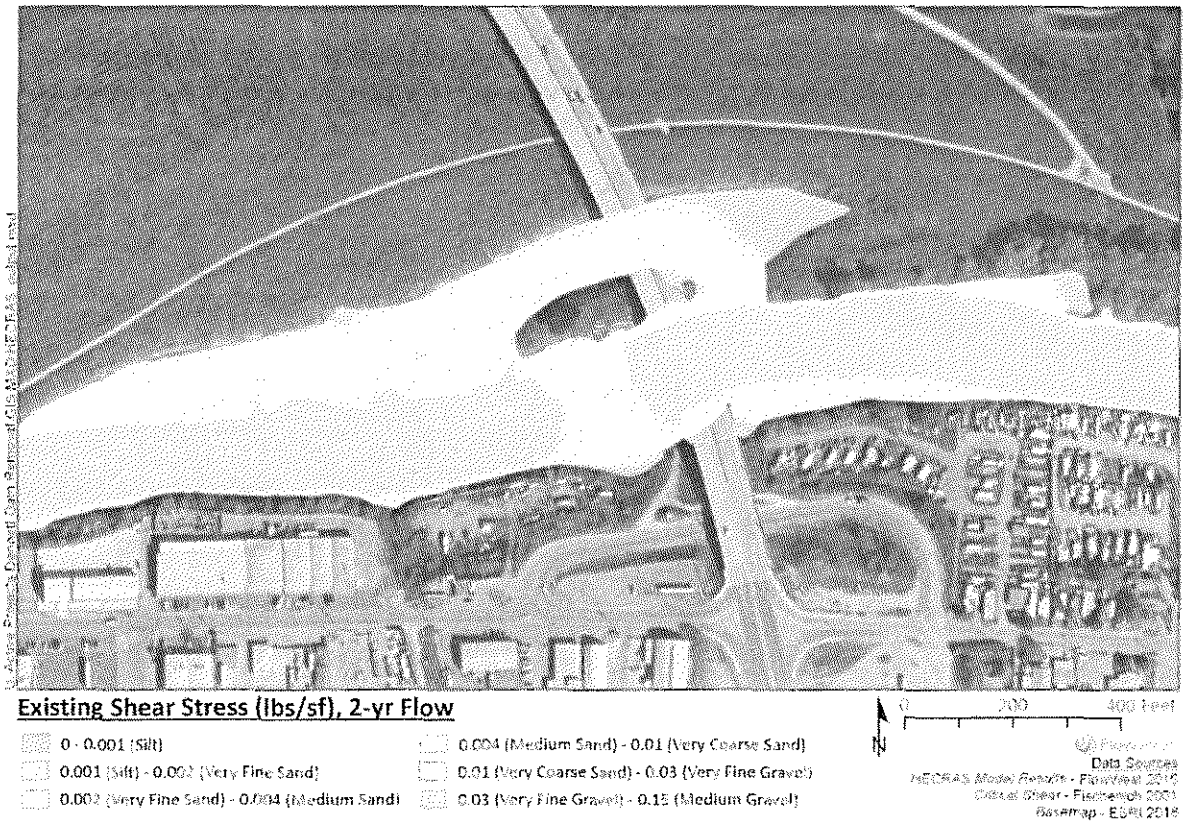

FIGURE 8: HEC-RAS SHEAR STRESS RESULTS (AND MOBILE GRAIN SIZE CLASS), 2-YR FLOW, EXISTING CONDITION

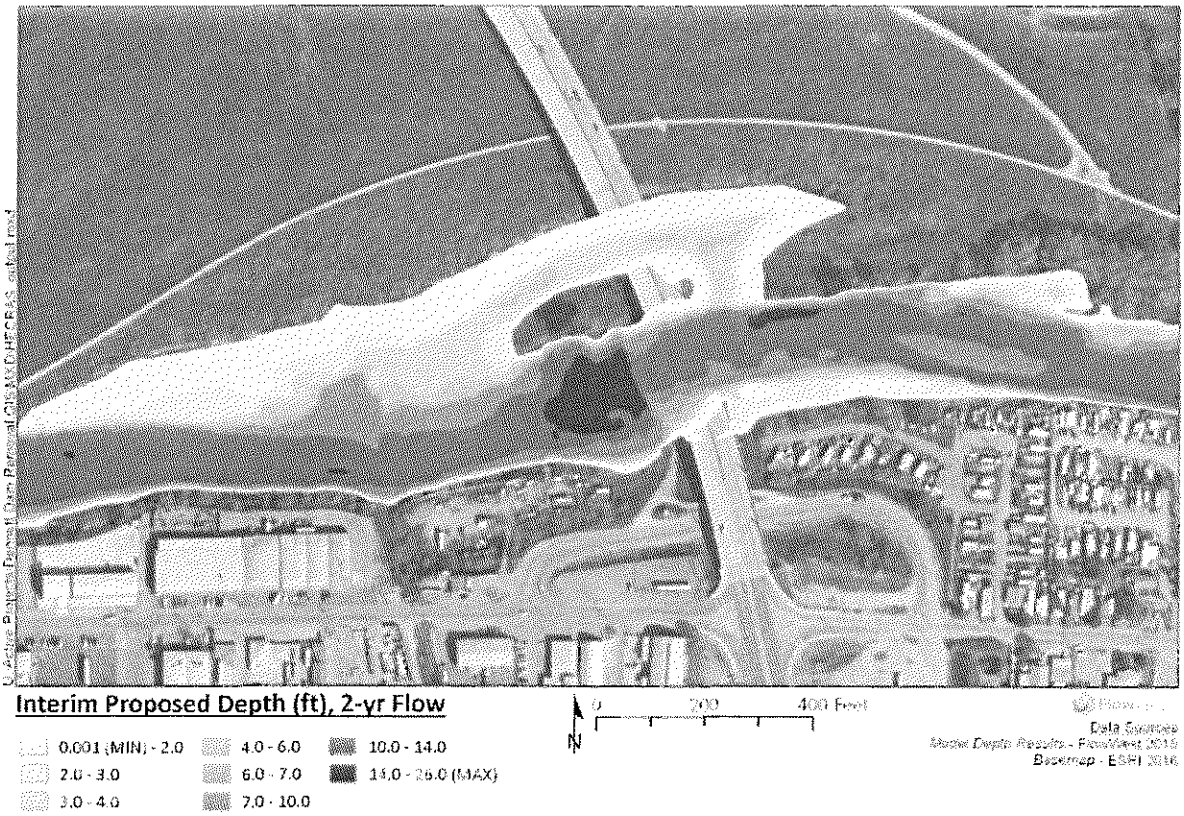

FIGURE 9: HEC-RAS WATER DEPTH RESULTS, 2-YR FLOW, INTERIM PROPOSED CONDITIONS

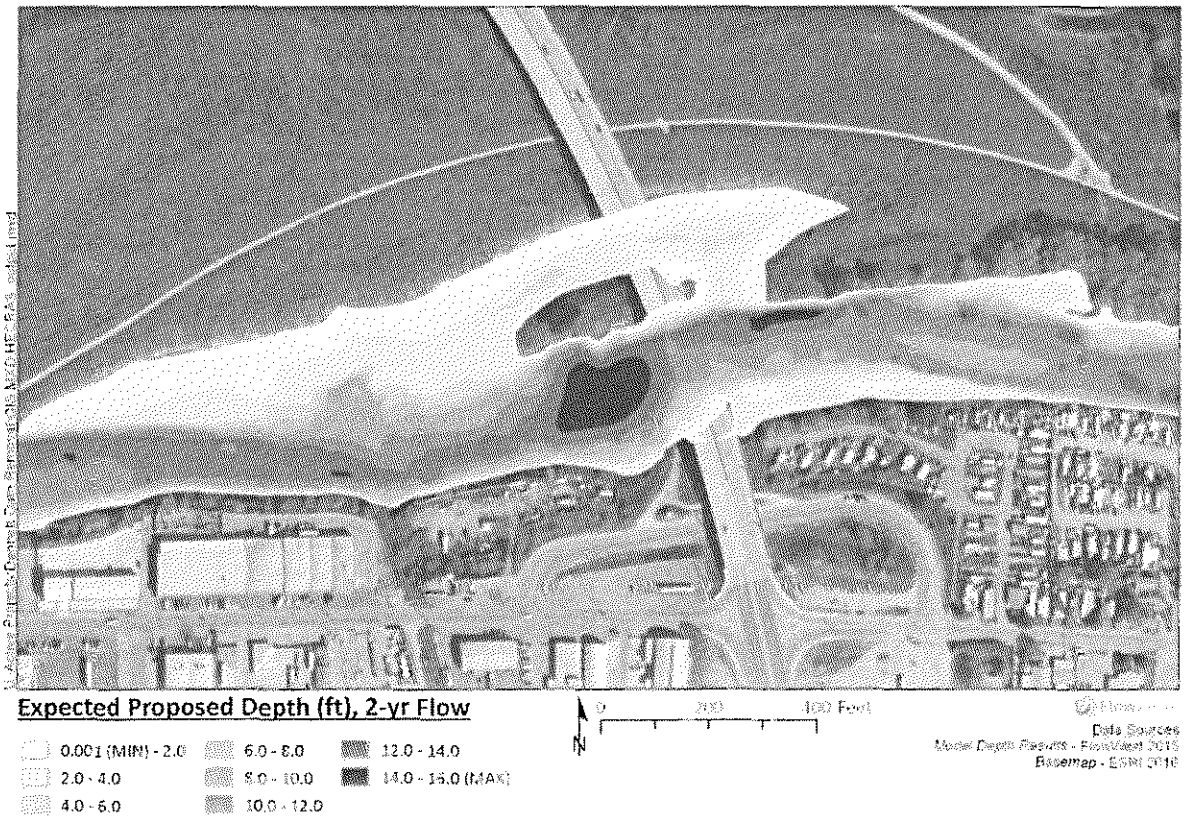

FIGURE 10: HEC-RAS WATER DEPTH RESULTS, 2-YR FLOW, EXPECTED PROPOSED CONDITIONS

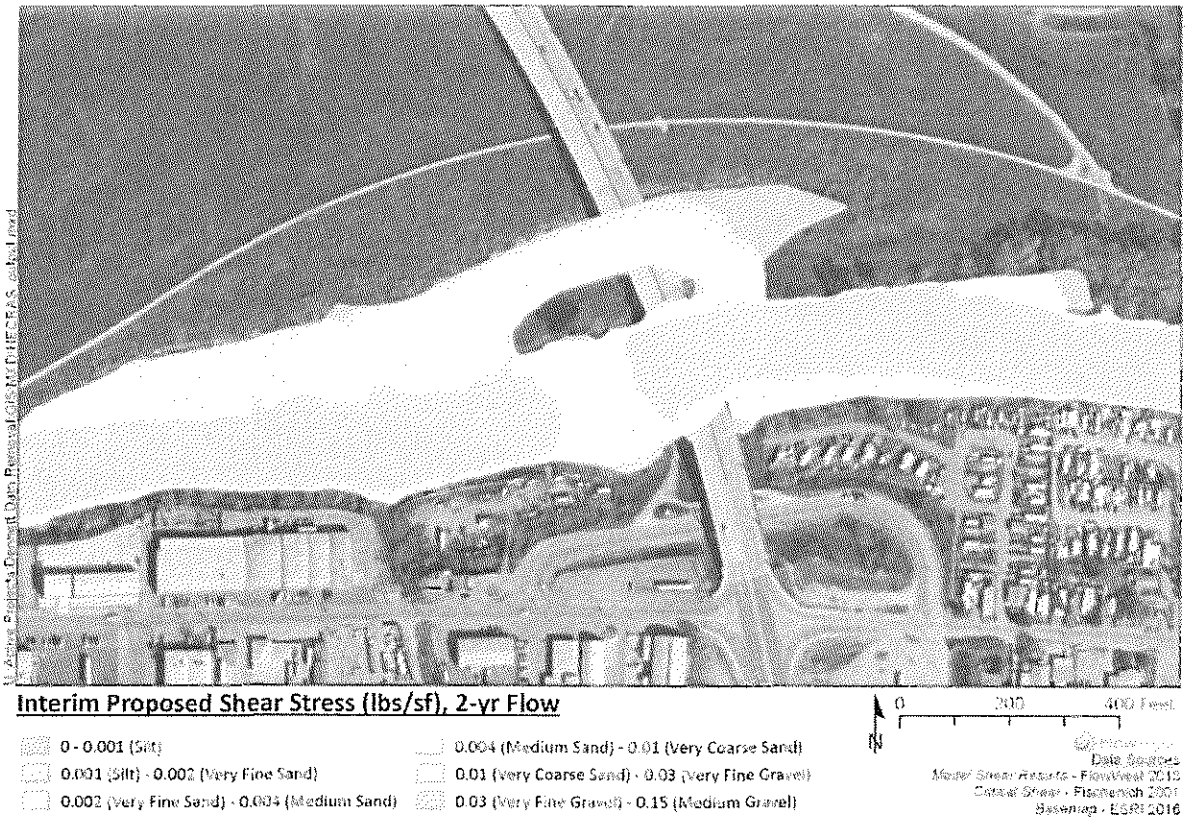

FIGURE 11: HEC-RAS SHEAR STRESS RESULTS (AND MOBILE GRAIN SIZE CLASS), 2-YR FLOW, INTERIM PROPOSED CONDITIONS

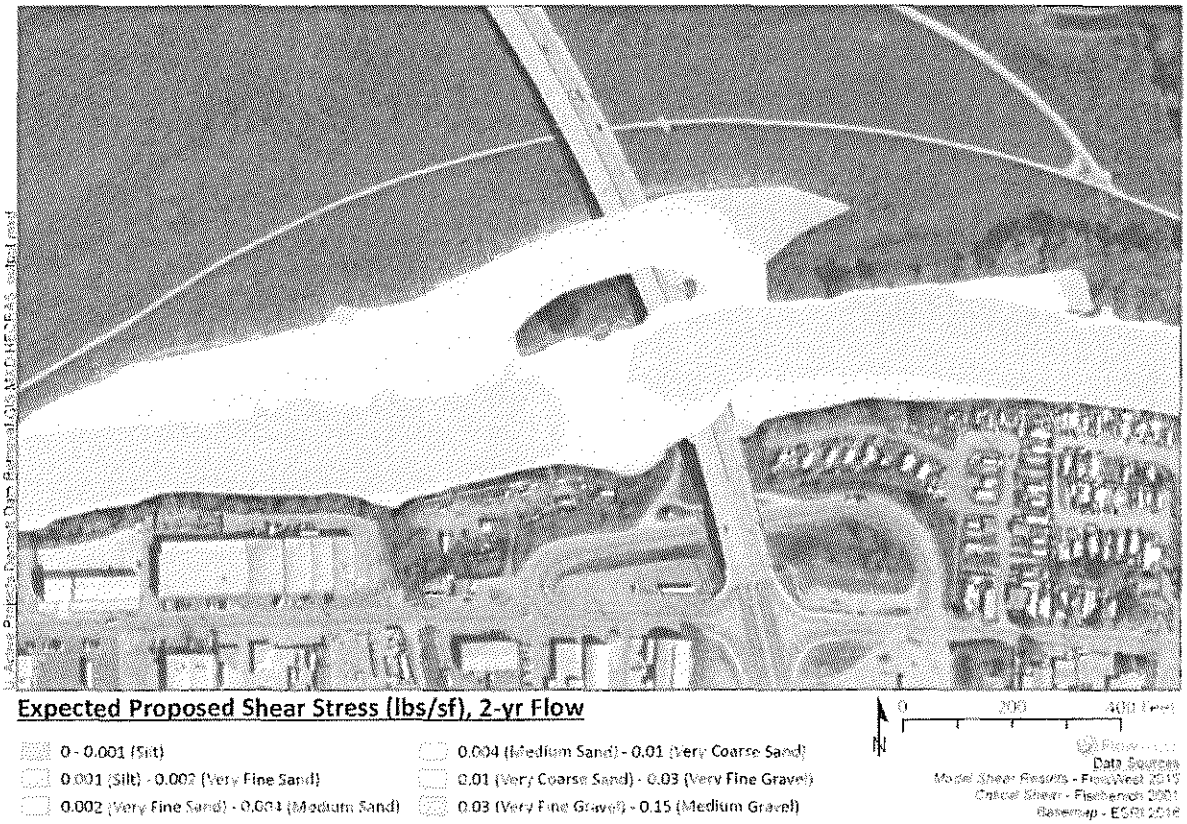

FIGURE 12: HEC-RAS SHEAR STRESS RESULTS (AND MOBILE GRAIN SIZE CLASS), 2-YR FLOW, EXPECTED PROPOSED CONDITIONS

CHANNEL BED SEDIMENT INCIPIENT MOTION ANALYSIS

BED SEDIMENT CHARACTERIZATION

We completed field data collection and sediment analyses to combine with the hydraulic modeling results presented in the previous section and determine the frequency of channel bed sediment mobilization upstream of Dennett Dam. We sampled bulk bed sediments in the upper 3 feet of the channel bed in an area upstream of Dennett Dam with bed conditions typical of the majority of the reach. Transport of sediments in the upper 3 feet of the channel bed could be influenced by Dennett Dam. Figure 13 shows the grain size distribution of these sediments.

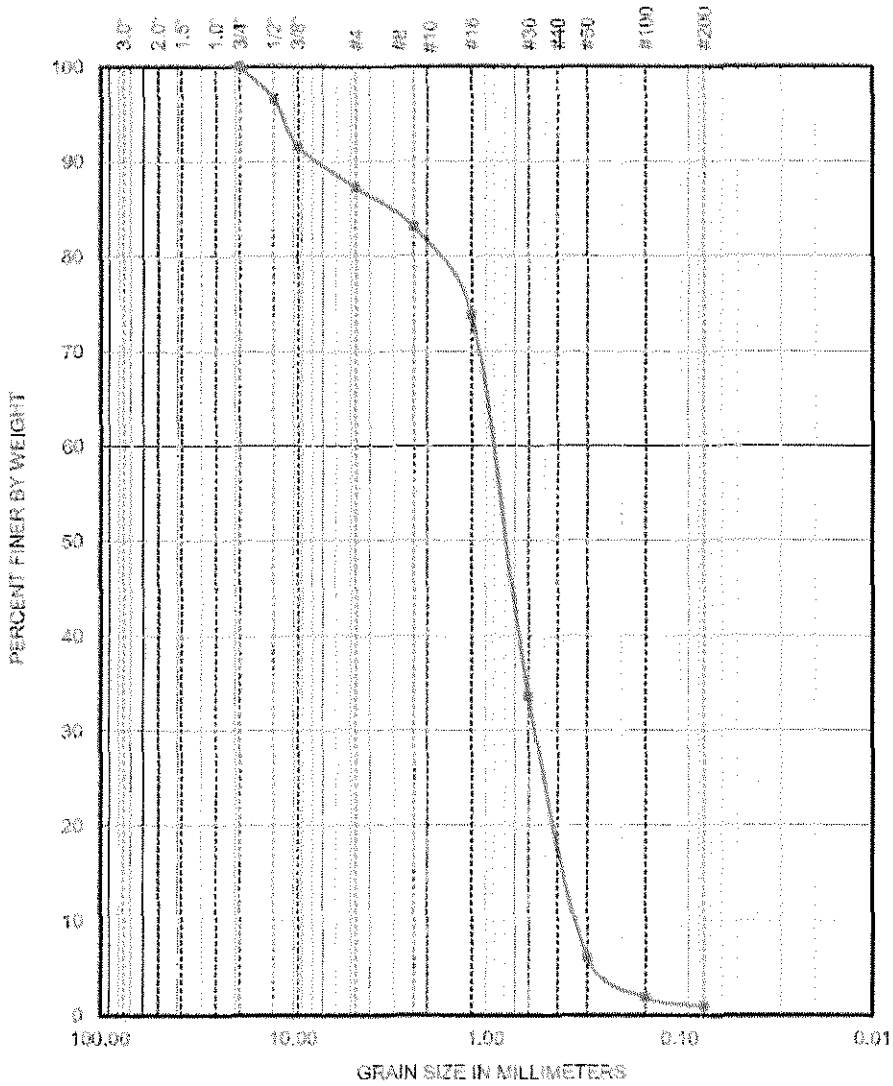

FIGURE 13: GRAIN SIZE DISTRIBUTION OF CHANNEL BED SEDIMENTS UPSTREAM OF DENNETT DAM.

FACIES MAPPING

We completed channel bed facies mapping to document bed heterogeneity in the Tuolumne River upstream and downstream of Dennett Dam. The intent of the facies mapping was to quantify areas with slightly coarser or finer bed sediments than those in the area sampled. Figure 14 shows that nearly all of the channel bed is comprised of sand mixed with either finer silts or coarser gravels. We converted the facies map into a GIS layer that includes both the facies designation and its critical shear stress value, at which the channel bed sediments would become mobile. Table 4 summarizes these critical shear stress values.

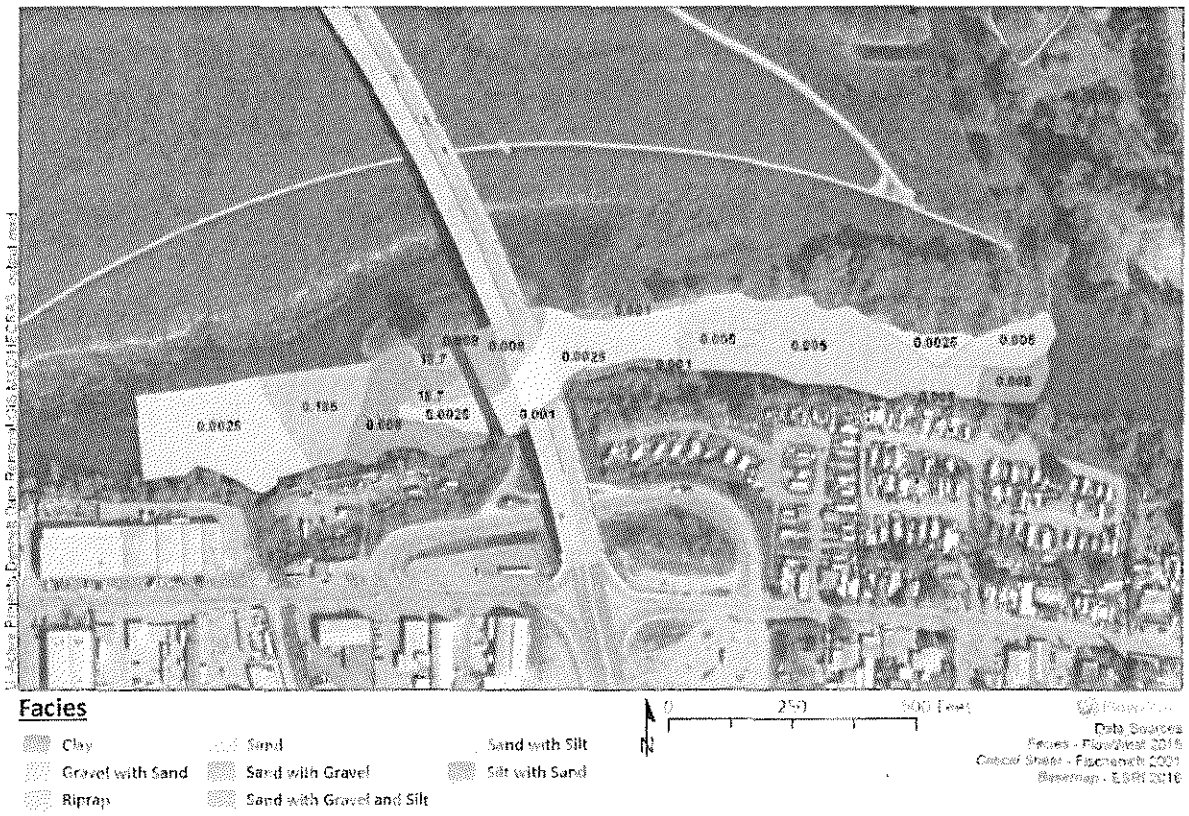

FIGURE 14: AUGUST 2016 FACIES MAP AND CRITICAL SHEAR STRESSES (LBS/FT^2)

TABLE 4: CRITICAL SHEAR STRESSES FOR FACIES MAPPED IN THE PROJECT AREA

Bed Material	Median Grain Size (mm)	Critical Shear (lb/sf)
Sand	0.375	0.005
Sand with Silt	0.0938	0.0025
Sand with Gravel	0.75	0.008
Clay	0.00195	0.001
Silt with Sand	0.047	0.001
Sand with Gravel and Silt	0.75	0.008
Riprap	762	18.7
Gravel with Sand	12.07	0.185

INCIPIENT MOTION ANALYSIS

We combined the hydraulic model shear stress results for all modeled flows in the historical channel condition model with the critical shear stress map shown in the previous section to calculate the approximate frequency of channel bed sediment mobilization upstream of Dennett Dam. This analysis showed that most of the channel bed upstream of Dennett Dam is mobile at flows as low as 500 cfs. To be more conservative with respect to the flows required to mobilize the channel bed (i.e. to avoid underestimating these flows), we also increased the critical shear stress assigned to each channel bed

facie by 20%. Figure 15 shows that even with artificially elevated critical shear stress values, nearly all of the channel bed sediments upstream of Dennett Dam are mobilized by 1,000 cfs.

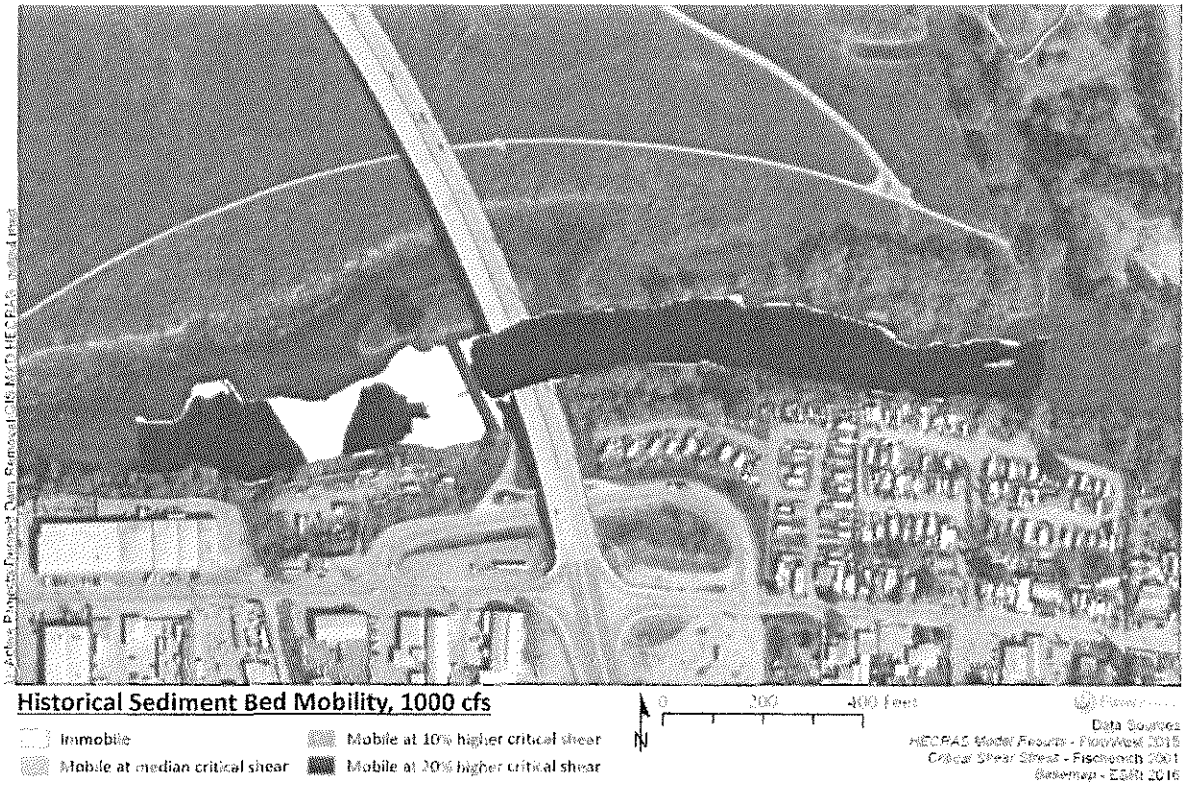

FIGURE 15: HISTORICAL BED MOBILITY AT 1000 CFS.

To assess the frequency of bed mobilization upstream of Dennett Dam in the recent past, we calculated the number of days since 1990 that flows exceeded 1,000 cfs in this reach of the Tuolumne River. Figure 16 shows how bed mobilizing flows occur almost every year. In fact, approximately 21% of the days between 1990 and the present had mean flows greater than 1,000 cfs. This makes it extremely unlikely that channel bed sediments in the upper two to four feet of the bed upstream of Dennett Dam would have residence times longer than one year.

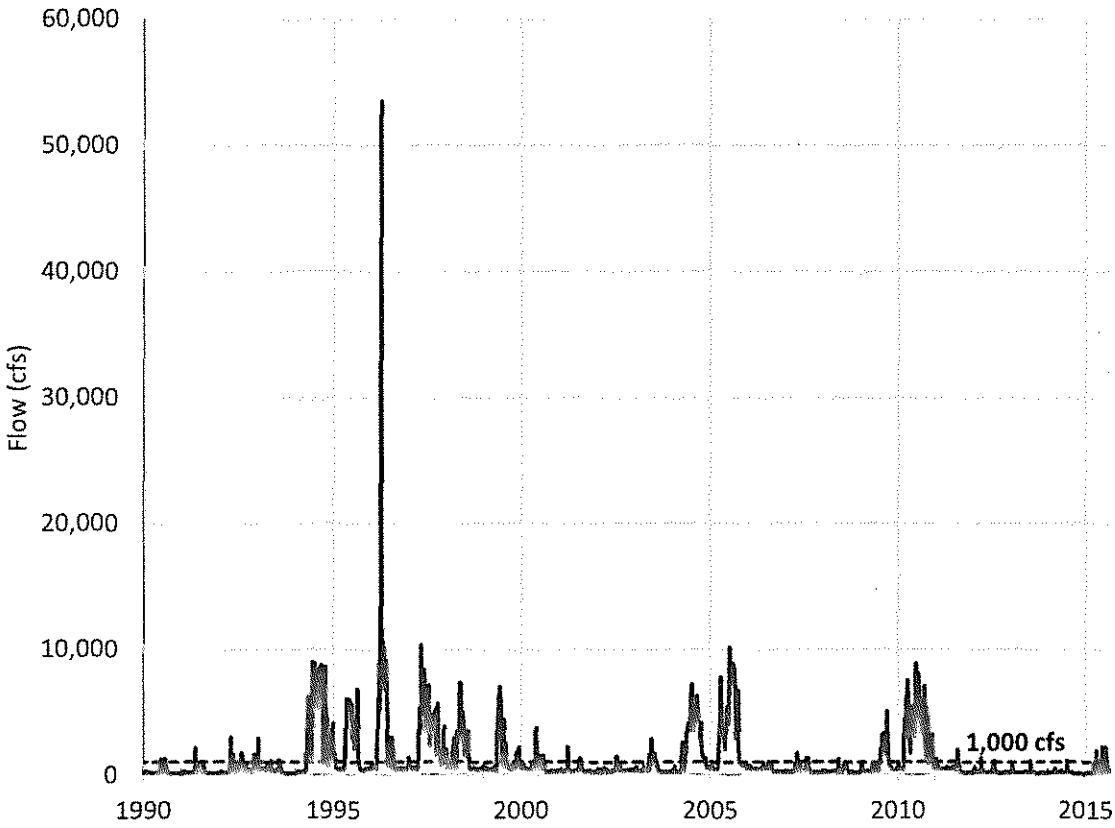

FIGURE 16: TUOLUMNE RIVER MEAN DAILY FLOW AT MODESTO (1990–2016) SHOWING FLOWS GREATER THAN THE 1,000 CFS KNOWN TO MOBLIZE CHANNE BED SEDIMENTS UPSTREAM OF DENNETT DAM.

CONCLUSIONS AND RECOMMENDATIONS

The hydraulic model and channel bed sediment incipient motion analysis demonstrated that water surface elevations will not increase with dam removal, that channel bed sediments upstream of the dam are mobilized very regularly, and that these sediments will continue to be mobilized regularly after dam removal. Based on these results, we do not recommend significant handling or removal of channel bed sediments upstream of Dennett Dam. Conversely, these sediments are a valuable resource that will accelerate reestablishment of equilibrium channel bed conditions by filling in the scour hole created and maintained by the failed Dennett Dam. Because the residence time of bed sediments immediately upstream of the dam is so short, the risk of contamination or other sediment problems is de minimus, and far outweighed by the geomorphic and habitat benefits of allowing this bedload material to move naturally downstream after dam removal.

REFERENCES

Chow, V.T., 1959. Open-channel hydraulics. New York, McGraw- Hill Book Co. Available at: http://krishikosh.egranth.ac.in/handle/1/2034176

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US EPA. 2000a. California Toxics Rule, Volume 65, No. 97 (Thursday, 18 May 2000), pp. 31682-31719; and Federal Register, Volume 66, No. 30 (Tuesday, 13 February 2001), pp. 9960-9962 [California Toxics Rule Correction] http://www.gpoaccess.gov/fr/browse.html

2013 NED data: https://www.sciencebase.gov/catalog/item/5311fab1e4b0d490f4ab50ca

1998 USGS landcover data: http://earthexplorer.usgs.gov/

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-331

RESOLUTION APPROVING A WILL SERVE LETTER AND OUTSIDE SERVICE AGREEMENT FOR WATER SERVICE BETWEEN THE CITY OF MODESTO AND BURCHELL NURSERY, INC. FOR THE PROPERTY LOCATED AT 4201 MCHENRY AVENUE IN MODESTO (APN 046-005-010 & 014; 046-008-016 & 024) AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO APPROVE THE WILL SERVE LETTER AND EXECUTE THE OUTSIDE SERVICE AGREEMENT

WHEREAS, Burchell Nursery, Inc., owns property located at 4201 McHenry Avenue, and

WHEREAS, the owner if proposing to construct an auto dealership on the property, and

WHEREAS, a representative of the property owner has requested water service, and

WHEREAS, on May 22, 2012, the City Council approved Resolution No. 2012-202 that amended City Council Policy 5.001, and

WHEREAS, on June 5, 2012, the City Council approved final adoption of Ordinance No. 3566-C.S. amending City of Modesto Municipal Code Section 11-1.05, and

WHEREAS, both of these amendments included language which required that the City Manager, upon the recommendation of the Director responsible for utility system planning, request City Council approval for all extensions of water services into unincorporated areas, and

WHEREAS, on November 25, 2014, the City Council approved Resolution No. 2014-472 that amended City Council Policy 5.001, and

WHEREAS, on December 9, 2014, the City Council approved adoption of Ordinance No. 3611-C.S. amending City of Modesto Municipal Code Section 11-1.05, and

WHEREAS, both of these amendments included language allowing the City Manager upon the recommendation of the Director responsible for utility system planning, to approve standard agreements of service for extension of water services into certain unincorporated areas that are located within the former Del Este Water Service Area without City Council approval, and

WHEREAS, the property located at 4201 McHenry Avenue is not located within the former Del Este Water Service area and therefore requires City Council approval prior to allowing the new water service connection, and

WHEREAS, it has been determined that a sufficient quantity of potable water is available for normal usage by the proposed development, and

WHEREAS, the water connection fees will be paid and associated permits be obtained prior to beginning any on site construction, and

WHEREAS, the property owner has executed an Outside Service Agreement for Water Service as required to receive water service outside of City limits,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Will Serve Letter and Outside Service Agreement for Water Service for the property located at 4201 McHenry Avenue in Modesto (APN: 046-005-010 & 014; 046-008-016 & 024).

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to approve the Will Serve Letter and execute the Outside Service Agreement for Water Service.

The foregoing documents were introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of August, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-332

RESOLUTION APPROVING THE FINAL MAP OF THE VIRGINIA AVENUE SUBDIVISION, AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE SUBDIVISION IMPROVEMENT AGREEMENT WITH RESIDENTIAL PARTNERS LP, A CALIFORNIA LIMITED PARTNERSHIP AND AUTHORIZING THE CITY CLERK TO CERTIFY THE FINAL MAP AND RECORD IT WITH THE STANISLAUS COUNTY RECORDER'S OFFICE

WHEREAS, Residential Partners LP, a California Limited Partnership ("SUBDIVIDER"), is in possession of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 0.95 acres, known as the VIRGINA AVENUE SUBDIVISION ("SUBDIVISION"), located between Virginia and Hackberry Avenue, north of Griswold Avenue, and

WHEREAS, a Vesting Tentative Parcel Map was approved by the Planning Commission on March 20, 2006 per Planning Commission Resolution No. 2006-21, and

WHEREAS, the proposed Final Subdivision Map will divide 0.95 acres into 6 lots, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto and the City Engineer have certified that the Final Map of said tract substantially conforms to the approved Tentative Map, and

WHEREAS, the public improvements have not been completed, and

WHEREAS, as required by Section 4-4.605 of the Modesto Municipal Code, the SUBDIVIDER has executed a Subdivision Improvement Agreement, and

WHEREAS, the City Engineer of the City of Modesto has certified that the Final Map of said SUBDIVISION meets all of the provisions of the California Subdivision

Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and the City Surveyor has determined that the map is technically correct, and

WHEREAS, the SUBDIVIDER has furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities are in forms acceptable to the City Attorney and in the amounts required by the City Engineer,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said Final Map be approved; that the dedications for public streets and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Manager or designee be authorized to execute the Subdivision Improvement Agreement.

BE IT FURTHER RESOLVED that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of August, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-333

RESOLUTION AMENDING THE AGREEMENT WITH SUNGUARD PUBLIC SECTOR TO UPGRADE EXISTING UTILITY BILLING AND ACCOUNTS RECEIVABLE SOFTWARE TO A CLOUD VERSION CLICK2GOV WEB PAY SYSTEM FOR AN ESTIMATED COST OF $132,101 OVER A FIVE (5) YEAR PERIOD AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, on September 25, 2012, the Modesto City Council approved Resolution No. 2012-385, to execute an agreement with SunGard Public Sector for the purchase of an online Web Pay System (WPS) called GovNow, and

WHEREAS, citizens use GovNow WPS to pay their utility or Accounts Receivable bills, and

WHEREAS, the Finance Department processes over 98,000 payments in excess of $14,000,000 annually using the GovNow WPS, and

WHEREAS, the City's current GovNow WPS will no longer be certified and audited by the SunGuard Public Sector after October 2016 and will then fail to meet Payment Card Industry standards (PCI compliance), and

WHEREAS, the Finance and Information Technology Departments worked together to address shortfalls of the current WPS and identify updated software to take advantage of efficient functionality and modernized technology as well as improve the citizen experience, and

WHEREAS, SunGard recently developed an enhanced WPS with a Cloud option called Click2Gov, and

WHEREAS, staff did not consider a City-hosted WPS to be a viable option or an efficient, cost-effective solution, and

WHEREAS, staff did not consider a City-hosted WPS to be in line with the City's "Cloud First" IT strategy and City Strategic Commitments, and

WHEREAS, the Chief Information Officer concurs with the upgrade of this system to a Cloud-based version of Click2Gov, and

WHEREAS, because the City upgraded to the GovNow WPS in 2012, SunGard Public Sector is offering the Cloud-hosted Click2Gov WPS at no cost, and

WHEREAS, the City will be required to pay for one-time conversion costs of $5,000 as well as an annual hosting fee and annual maintenance costs with total Fiscal Year 2016-17 year costs of $25,288, and

WHEREAS, the total annual cost of the Cloud-based version of the Click2Gov WPS ranges from $25,288 to $27,899, and

WHEREAS, the estimated cost of this amendment over five (5) years is $132,101.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it

hereby approves amending an agreement with SunGard Public Sector to upgrade existing utility billing and accounts receivable software to a Cloud version Click2Gov WPS for an estimated cost of $132,101 over a five (5) year period and authorizes the City Manager, or his designee, to execute the amendment.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of August, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-334

RESOLUTION APPROVING A CONTRACT WITH KIMLEY-HORN AND ASSOCIATES OF OAKLAND, CA TO DEVELOP A FIBER NETWORK INFRASTRUCTURE DESIGN AND SERCICES MASTER PLAN AT A COST OF $167,365 OVER A TERM OF SIX MONTHS, IN A FORM TO BE APPROVED BY THE CITY ATTORNEY, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto has a very limited availability of high speed fiber access to the internet and fiber connectivity for other private and public uses, and

WHEREAS, hundreds of cities across the country are keeping and attracting businesses by providing reasonably priced access to high speed fiber backbones, and

WHEREAS, the City of Modesto seeks to improve the local economy and enable more educational, health and cultural applications via the use of high speed fiber communications, and

WHEREAS, needs expert advice on the optimal use of existing assets such as fiber, conduit, light and power poles in right of way (ROW) and plan for an appropriately sized and positioned fiber communications backbone for the City's and Community's use, and

WHEREAS, the City Manager and the Healthy Economy Committee authorized the Purchasing Manager to issue formal Request for Proposals (RFP) for the City of Modesto Fiber Network Infrastructure Design and Services Master Plan, and

WHEREAS, the Purchasing Division issued RFP No. 1316-16 Fiber Network Infrastructure Design and Services Master Plan, and

WHEREAS, proposals were formally opened in the City Clerk's Office. Two companies chose to respond, none of which was a local company, and

WHEREAS, both companies provided responsive and responsible proposals, and

WHEREAS, an evaluation committee comprised of five City staff members evaluated and graded proposals considering company background and references, staff qualifications, project approach and scope of work, time to complete and overall value, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases which meet or exceed $50,000 for material, equipment or contractual services to be formally bid, and

NOW, THEREFORE, BE IT RESOLVED that the City Manager, or his designee, is hereby authorized to execute the contract with Kimley-Horn and Associates for the Fiber Network Infrastructure Design and Services Master Plan, for contracted cost of $167,365, substantially in the form **attached** hereto as **Exhibit "A"** and as approved by the City Attorney .

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of August, 2016, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-335

RESOLUTION APPROVING AMENDMENT NO. 3 TO AN AGREEMENT WITH STANISLAUS COUNTY FOR THE OPERATION OF GOVERNMENT AND EDUCATIONAL PROGRAMMING ON ACCESSMODESTO COMMUNITY TELEVISION IN THE AMOUNT OF $142,360

WHEREAS, the City of Modesto and County of Stanislaus last amended the Agreement in 2012 to increase the contract amount;

WHEREAS, the Agreement was to expire on June 30, 2016;

WHEREAS, the parties have agreed to extend the term of the Agreement for an additional year and it will be administered on a month to month basis;

WHEREAS, the parties agree that additional compensation is due to the City for the extended term;

WHEREAS, the Agreement provides that the Agreement may be modified and amended at any time by the mutual agreement of the parties in writing,

WHEREAS, the Agreement includes an equal cost sharing for the operations of government and educational programming on AccessModesto community television.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves Amendment No. 3 to an Agreement with Stanislaus County for the operation of government and educational programming on AccessModesto community television in the amount of $142,360, and authorizes the City Manager or his designee to execute amendment in substantially similar form as **Exhibit A** and in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of August, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

AMENDMENT NO. 3
to
AGREEMENT FOR OPERATION OF GOVERNMENT AND EDUCATIONAL PROGRAMMING ON ACCESSMODESTO COMMUNITY TELEVISION

Reference is made to the Agreement ("Agreement") made and entered into between the City of Modesto ("City"), and the County of Stanislaus ("County") dated 4th day of March, 2003, as amended.

RECITALS:

WHEREAS, the Parties last amended the Agreement in 2012 to increase the contract amount;

WHEREAS, the Agreement was to expire on June 30, 2016;

WHEREAS, the parties have agreed to extend the term of the Agreement;

WHEREAS, the parties agree that additional compensation is due to City for the extended term;

WHEREAS, paragraph 28 of the Agreement provides that the Agreement may be modified and amended at any time by the mutual agreement of the parties in writing.

NOW, THEREFORE, the Agreement is hereby amended as follows:

1. Paragraph 27 of the Agreement is stricken and replaced by the following:

   This Agreement shall not be assignable. This Agreement is effective as of July 2, 2002, and shall remain in effect through June 30, 2017. The parties may renew this Agreement for one (1) additional one-year term ("Optional Renewal Term") by mutual, written agreement of the parties.

2. Paragraph 18 of the Agreement is stricken and replaced by:

   18. CITY agrees to accept from the COUNTY as full remuneration for performing all services and furnishing all staffing, facilities and materials for performance by the CITY of all its duties and obligations under this Agreement the amounts set forth in the table below. This will be considered the "baseline" amount for the contract. The annual payment shall be paid on July 2nd, each year for the duration of this Agreement. All payments shall be paid to the CITY within thirty (30) days following date of receipt. A one and one half-percent charge will assess on any late payment.

Period Covered	Amount
7/2/2002 - 7/1/2003	$198,000.00
7/2/2003 - 7/1/2004	$128,000.00
7/2/2004 - 7/1/2005	$128,000.00
7/2/2005 - 7/1/2006	$128,000.00
7/2/2006 - 7/1/2007	$131,500.00
7/2/2007 - 7/1/2008	$131,500.00
7/2/2008 - 7/1/2009	$131,500.00
7/2/2009 - 7/1/2010	$131,500.00
7/2/2010 - 7/1/2011	$131,500.00
7/2/2011 - 7/1/2012	$131,500.00
7/2/2012 - 7/1/2013	$131,500.00
7/2/2013- 7/1/2014	$142,360.00
7/2/2014 - 7/1/2015	$142,360.00
7/2/2015 - 7/1/2016	$142,360.00
7/2/2016 - 7/1/2017	$142,360.00
*7/2/2017 - 7/1/2018	$142,360.00
TOTAL	$2,214,300.00

** Optional renewal term*

The parties agree that the maximum amount to be paid under this Agreement through July 1, 2017, shall not exceed $2,071,940. If extended for an additional one-year term, the parties agree that the maximum amount to be paid under this Agreement shall not exceed $2,214,300.

3. The parties agree that except as otherwise provided herein, each and every and all of the terms and conditions of the original Agreement between the parties shall continue in full force and effect.3

IN WITNESS WHEREOF, the City of Modesto, a municipal corporation, has authorized the

execution of this Amendment to Agreement in duplicate by its City Manager and attestation by its City Clerk under authority of Resolution No. 2016- _____ adopted by the Council of the City of Modesto on the _____ day of _____, 2016, and the County of Stanislaus has caused this Amendment to Agreement to be executed by those of its employees duly authorized to do so.

COUNTY OF STANISLAUS

By: _____
Stan Risen
Chief Executive Officer
BOS Resolution #_____

APPROVED AS TO FORM:

John P. Doering
County Counsel

By:_____
Thomas Boze
Assistant County Counsel

CITY OF MODESTO

By:_____
James Holgersson
City Manager

ATTEST:

By:_____
Stephanie Lopez
City Clerk

APPROVED AS TO FORM:

By:_____
Adam Lindgren, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-336

RESOLUTION AUTHORIZING THE MODESTO POLICE DEPARTMENT TO ACQUIRE A REPURPOSED UNITED STATES AIR FORCE ARMORED PERSONNEL CARRIER VEHICLE THROUGH THE CALIFORNIA PUBLIC SAFETY PROCUREMENT PROGRAM, TO BE USED AS AN ADDITIONAL "ARMADILLO" THROUGHOUT THE COMMUNITY

WHEREAS, the Modesto Police Department participates in the California Public Safety Procurement Program (CPSPP), and

WHEREAS, the California Safety Procurement Program allows Law Enforcement access to excess federal property that is transferred pursuant to Title 1 0 USC § 2576a, and

WHEREAS, the Modesto Police Department currently utilizes equipment through the CPSPP and maintains inventory controls to maintain accountability required for annual recertification, and

WHEREAS, the Modesto Police Department wishes to acquire a repurposed Peacekeeper Armored Personnel Carrier (APC) through the California Public Safety Procurement Program to add to their armored vehicle fleet.

WHEREAS, the Modesto Police Department currently retains two armored vehicles known community-wide as "Armadillo's", used throughout the community to deter criminal activity and assist in solving crimes in the area of deployment with the use of cameras and license plate readers, and

WHEREAS, the addition of the Peacekeeper APC will allow greater coverage throughout the community, by allowing citizens and businesses the ability to request additional deployment in their area.

WHEREAS, there is no cost in the acquisition of the Peacekeeper APC, only normal annual operation and maintenance costs at approximately $450.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the acquisition of the repurposed United States Air Force Peacekeeper Armored Personnel Carrier vehicle by the City of Modesto through the California Public Safety Procurement Program.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of August, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-337

RESOLUTION APPROVING A WILDLIFE HAZARD MANAGEMENT PLAN (WHMP) AGREEMENT WITH COFFMAN ASSOCIATES AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXCUTE THE AGREEMENT IN AN AMOUNT NOT TO EXCEED $57,673

WHEREAS, the Modesto City-County Airport (Airport) is a federally obligated facility and is required to meet Federal Aviation Administration (FAA) standards, including maintaining a Wildlife Hazard Management Plan (WHMP) per FAA Regulation (FAR) 139.303(c) (5), and

WHEREAS, in 2013, the City accepted an FAA Grant Offer to complete the Wildlife Hazard Assessment (WHA), and

WHEREAS, City Council by Resolution No. 2014-535 approved the WHA, and

WHEREAS, the FAA required the Airport to complete the WHA which was completed in 2016, and

WHEREAS, The FAA now requires that a Wildlife Hazard Management Plan (WHMP) be completed and the FAA has made a grant offer 3-06-0153-040-2016 for a WHMP to be completed, and

WHEREAS, the City solicited qualifications from consultants to perform the WHMP, and

WHEREAS, Coffman Associates was selected as the most qualified and responsible consultant to perform the WHMP.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the agreement with Coffman Associates to perform the Wildlife Hazard Management Plan in an amount not to exceed $57,673.00.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to sign and execute the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of August, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-338

RESOLUTION AUTHORIZING THE CREATION OF AIRPORT CAPITAL PROJECT #100961 FOR THE FEDERAL AVIATION ADMINISTRATION (FAA) GRANT 3-06-0153-040-2016 (AIP 40), AND AMENDING THE FY 2016-2017 CAPITAL IMPROVEMENT BUDGET IN AN AMOUNT NOT TO EXCEED $60,556

WHEREAS, the City has approved Airport Capital Improvement Plan (ACIP) projects at the Modesto City-County Airport (Airport), and

WHEREAS, the City has accepted an Federal Aviation Administration (FAA) Grant Offer, AIP 40, to complete ACIP projects at the Airport, and

WHEREAS, Coffman Associates has been selected as the consultant to perform the Wildlife Hazard Management Plan (WHMP), and

WHEREAS, certain City administration will be entitled to reimbursement for work performed directly in connection with AIP 40.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the creation of a project and a budget amendment for AIP 40 not to exceed $60,556 for the Wildlife Hazard Management Plan (WHMP) project.

BE IT FURTHER RESOLVED that the City Finance Director, or her designee, is hereby authorized to do the budget adjustment and create appropriate revenue and expense account for project AIP 40.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of August, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-339

RESOLUTION APPROVING A PAVEMENT MAINTENANCE MANAGEMENT PLAN (PMMP) AGREEMENT WITH KIMLEY-HORN & ASSOCIATES AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT IN AN AMOUNT NOT TO EXCEED $87,614

WHEREAS, the Modesto City-County Airport (Airport) is a federally obligated facility and is required to meet Federal Aviation Administration (FAA) standards, including maintaining a Pavement Maintenance Management Plan (PMMP) per FAA Regulation (FAR) 139.305, and

WHEREAS, the FAA is requiring the Airport to complete a PMMP, and

WHEREAS, the FAA has made a grant offer 3-06-0153-040-2016 (AIP 40) for a PMMP to be completed, and

WHEREAS, the City solicited qualifications from consultants to perform the PMMP, and

WHEREAS, the FAA required the City to retain a qualified airport engineer, and

WHEREAS, by Resolution 2015-114, Council approved Kimley-Horn and Associates as the most qualified and responsible consultant.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Pavement Maintenance Management Plan agreement with Kimley-Horn & Associates in an amount not to exceed $87,614.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to sign and execute the agreement with Kimley-Horn and Associates to develop the Pavement Maintenance Management Plan.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of August, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-340

RESOLUTION AUTHORIZING THE CREATION OF AIRPORT CAPITAL PROJECT, #100962 FOR THE FEDERAL AVIATION ADMINISTRATION (FAA) GRANT 3-06-0153-040-2016 (AIP 40), AND AMENDING THE FISCAL YEAR 2016-2017 CAPITAL IMPROVEMENT BUDGET IN AN AMOUNT NOT TO EXCEED $91,995

WHEREAS, the City has approved Airport Capital Improvement Plan (ACIP) projects at the Modesto City-County Airport (Airport), and

WHEREAS, the City has accepted an FAA Grant Offer, AIP 40, to complete ACIP projects at the Airport, and

WHEREAS, Kimley-Horn has been selected as the consultant to perform the Pavement Maintenance Management Plan (PMMP) and,

WHEREAS, certain City administration will be entitled to reimbursement for work performed directly in connection with AIP 40.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the creation of a project and a budget amendment for AIP 40 not to exceed $91,995 for the PMMP project.

BE IT FURTHER RESOLVED that the City Finance Director, or her designee, is hereby authorized to do the budget adjustment and create an appropriate revenue and expense account for project AIP 40.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of August, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-341

RESOLUTION APPROVING THE AMENDMENT TO EXHIBIT "A" OF THE SHARED ELECTRICAL MAINTENANCE AGREEMENT BETWEEN THE CITY OF MODESTO AND CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS), DISTRICT 10, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, the Shared Electrical Agreement ("Agreement") between the City of Modesto (City) and the California Department of Transportation (Caltrans), District 10 needs to be updated from time to time, and

WHEREAS, the proposed development at the Yosemite Boulevard at Mariposa Road intersection will add a fourth approach to the existing "T" intersection, and the cost for 25% of the signal maintenance will begin at completion of the signal modifications to accommodate the additional approach to the intersection. The cost to maintain the current "T" intersection traffic signal is paid by Caltrans and Stanislaus County, and

WHEREAS, the Pelandale Interchange Project has resulted in changes to the signalized intersections near that interchange. The City's share of the SR-99 and Salida Boulevard signal maintenance will be 33%.

WHEREAS, the City's share of the McHenry Avenue and Pelandale/Claratina Avenue intersection will be reduced to 25% from the current 50% since Caltrans was charging Modesto for an approach that is under Stanislaus County's jurisdiction, and

WHEREAS, an adjustment in **Exhibit "A"** is needed as a result of the aforementioned changes to the original Shared Electrical Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Amendment to **Exhibit A** to the Shared Electrical and Maintenance Agreement between the City of Modesto and Caltrans, District 10.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute the Amendment.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of August, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

DEPARTMENT OF TRANSPORTATION
DISTRICT 10
P.O. Box 2048, STOCKTON, CA 95201
(1976 E. DR. MARTIN LUTHER KING JR. BLVD. 95205)
PHONE (209) 948-7883
FAX (209) 948-3670
TTY 711
www.dot.ca.gov

Serious drought.
Help save water!

TRAFFIC

JUN 27 2016

Engineering & Operations

June 1, 2016

Mr. James N. Holgersson
City Manager
City of Modesto
P.O. Box 642
Modesto, Ca 95353

Dear Mr. Holgersson:

Attached for the City of Modesto's (City) approval is an amendment to the Shared Electrical Agreement between the City and the California Department of Transportation (Caltrans), District 10. This amendment reflects:

- The continuation of the Opticom equipment (emergency detection equipment) at the signals and lighting located on SR-99 at Carpenter Road and Briggsmore Avenue off ramps. Caltrans will maintain the emergency vehicle detection equipment, however the cost of the equipment and replacement of said equipment will be covered fully by the City and the City will furnish any and all equipment necessary for the operation of the system.

- The addition of the 4th leg of the signal and lighting at SR 132 and Mariposa Road.

- The reduction of the City's share to 33 percent at SR-99 and Salida Boulevard south bound on off ramps.

- The reduction of the City's share to 25 percent at SR-108 and Pelandale and Claratina Avenue.

Additional electrical billing for the new facility will begin at the completion of the signal and lighting installation and acceptance of the project. Please remove Exhibit "A" from your original Agreement and replace it with the attached amended Exhibit.

If you are in agreement with these changes, please acknowledge your concurrence by returning ***two signed copies*** of this letter to the attention of Ms. Becky Hawkes at the above referenced address.

Should you have questions, please contact Ms. Becky Hawkes at (209) 948-7357.

Sincerely,

for DEBRA "SAM" HAACK
Deputy District Director
Maintenance and Operations

Attachment:
(1) "Exhibit A"

Approved by:

_____
JAMES N. HOLGERSSON
City Manager
City of Modesto

c: Jon Bevan, Regional Maintenance Manager, Caltrans Maintenance
John Peters, Assistant Regional Manager, Caltrans Maintenance
Dan Ryan, Electrical Area Superintendent, Caltrans Maintenance
Michael Crites, Electrical Area Supervisor, Caltrans Maintenance
Becky Hawkes, Signals & Lighting Coordinator, Caltrans Maintenance

EXHIBIT "A" Amended June 1, 2016
TRAFFIC SIGNAL AND LIGHTING AGREEMENT
Caltrans and City of Modesto

BASIS OF COST DISTRIBUTION

State-Owned and Maintained
Billed by the State

No.	State Route	Post Mile	Location Description	Type of facility		Type Code	Units	Cost Distribution	
								State	City
1	99	16.700	N/B HWY 99 KANSAS OFF RAMP	EC006	SIGNAL	P	NA	40%	60%
				01670A	200W	E	0.5	40%	60%
				01670C	200W	E	0.5	40%	60%
				01670D	200W	E	0.5	40%	60%
2	99	16.710	S/B HWY 99 KANSAS OFF RAMP	EC079	SIGNAL	P	0.5	40%	60%
				01671A	200W	E	0.5	40%	60%
				01671B	200W	E	0.5	40%	60%
				01671E	200W	E	0.5	40%	60%
3	99	18.540	N/B & S/B HWY 99 CARPENTER RD & BRIGGSMORE AVE OFF RAMPS	EC007	SIGNAL	P	NA	50%	50%
				EC008	SIGNAL	P	NA	50%	50%
				01854D	200W	E	0.5	50%	50%
				01854E	200W	E	0.5	50%	50%
				01854F	200W	E	0.5	50%	50%
				01854G	200W	E	0.5	50%	50%
				01854H	200W	E	0.5	50%	50%
				01854J	200W	E	0.5	50%	50%
4	99	20.240	BECKWITH RD & HWY 99	EC049	SIGNAL	P	NA	50%	50%
				EC050	SIGNAL	P	NA	50%	50%
				02024D	200W	E	0.5	50%	50%
				02024E	200W	L	0.5	50%	50%
				02024F	200W	E	0.5	50%	50%
				02024N	200W	E	0.5	50%	50%
				02024G	200W	E	0.5	50%	50%
				02024H	200W	E	0.5	50%	50%
				02024J	200W	E	0.5	50%	50%
				02024P	200W	E	0.5	50%	50%
5	99	21.750	HWY 99 & PELANDALE AVE & SALIDA BLVD	EC116	SIGNAL	P	NA	75%	25%
				02175A	165W	E	0.4	75%	25%
				02175B	165W	L	0.4	75%	25%
				02175C	165W	L	0.4	75%	25%
				02175D	165W	E	0.4	75%	25%
				02175E	165W	E	0.4	75%	25%
				02175F	165W	L	0.4	75%	25%
6	99	21.760	HWY 99 & SALIDA BLVD S/B ON/OFF RAMPS	EC1117	SIGNAL	P	NA	34%	33%
				02176A	165W	E	0.4	34%	33%
				02176B	165W	L	0.4	34%	33%
				02176C	165W	L	0.4	34%	33%
				02176D	165W	E	0.4	34%	33%
				02176E	165W	E	0.4	34%	33%

No.	State Route	Post Mile	Location Description	Type of facility		Type Code	Units	Cost Distribution	
								State	City
7	108	23.080	NEEDHAM MCHENRY,J,	EC009	SIGNAL	P	NA	100%	100%
			17TH DOWNEY-W/S J	02308A	200W	E	0.5	100%	100%
			ST 200' S/O NEEDHAM	02308B	250W	E	0.5	100%	100%
			100% = State Maintains	02308C	200W	E	0.5	100%	100%
			City Provides Energy	02308D	200W	E	0.5	100%	100%
				02308E	250W	E	0.5	100%	100%
8	108	23.440	INTERS OF MCHENRY AVE	EC010	SIGNAL	P	NA	100%	100%
			& MORRIS AVE	02344A	200W	E	0.5	100%	100%
				02344B	200W	E	0.5	100%	100%
9	108	24.060	INTERS MCHENRY AVE &	ECO11	SIGNAL	P	NA	100%	100%
			ROSENBURG AVE	02406A	250W	E	0.5	100%	100%
				02406B	250W	E	0.5	100%	100%
10	108	24.320	INTERS ORANGEBURG AVE	EC012	SIGNAL	P	NA	100%	100%
			& MCHENRY AVE	02432A	200W	E	0.5	100%	100%
				02432B	200W	E	0.5	100%	100%
				02432C	200W	E	0.5	100%	100%
				02432D	200W	E	0.5	100%	100%
11	108	24.560	INTERS MCHENRY AVE	EC013	SIGNAL	P	NA	100%	100%
			& GRANGER AVE	02456A	250W	E	0.5	100%	100%
				02456B	250W	E	0.5	100%	100%
12	108	24.810	INTERS MCHENRY AVE	EC014	SIGNAL	P	NA	100%	100%
			& BRIGGSMORE AVE	02481A	137W	E	0.4	100%	100%
				02481B	137W	E	0.4	100%	100%
				02481C	137W	E	0.4	100%	100%
				02481D	137W	E	0.4	100%	100%
13	108	24.950	HWY 108 AT TOKAY AVE	EC077	SIGNAL	P	NA	50%	50%
				02495A	137W	E	0.4	50%	50%
				02495B	137W	E	0.4	50%	50%
				02495C	137W	E	0.4	50%	50%
				02495D	137W	E	0.4	50%	50%
14	108	25.060	INTERS MCHENRY AVE	EC015	SIGNAL	P	NA	100%	100%
			& BOWEN AVE	02506A	137W	E	0.4	100%	100%
				02506B	137W	E	0.4	100%	100%
				02506C	137W	E	0.4	100%	100%
				02506D	137W	E	0.4	100%	100%
15	108	25.320	INTERS OF MCHENRY	EC016	SIGNAL	P	NA	67%	33%
			AVE & FLOYD AVE	02532A	137W	E	0.4	67%	33%
				02532B	137W	E	0.4	67%	33%
16	108	25.410	LEVELAND LN & HWY 108	EC072	SIGNAL	P	NA	50%	50%
				02541A	137W	E	0.4	50%	50%
				02541B	137W	E	0.4	50%	50%
17	108	25.600	INTERS MCHENRY AVE	EC017	SIGNAL	P	NA	50%	50%
			& RUMBLE RD N/S	02560A	137W	E	0.4	50%	50%
			RUMBLE 30' E/O MCH.	02560B	137W	E	0.4	50%	50%
18	108	25.820	MCHENRY AVE & ROBIN-	EC018	SIGNAL	P	NA	50%	50%
			HOOD DR/ WOODROW	02582A	137W	E	0.4	50%	50%
			AVE N/E QUAD	02582B	137W	E	0.4	50%	50%

No.	State Route	Post Mile	Location Description	Type of facility		Type Code	Units	Cost Distribution	
								State	City
19	108	26.060	MCHENRY AVE SYLVAN AVE N/S SYLVAN 75' E/O MCHENRY AVE	EC019	SIGNAL	P	NA	50%	50%
				02606A	137W	E	0.4	50%	50%
				02606B	137W	E	0.4	50%	50%
				02606C	137W	E	0.4	50%	50%
				02606D	137W	E	0.4	50%	50%
20	108	26.400	HWY 108 & UNION RD	EC044	SIGNAL	P	NA	50%	50%
				02640A	137W	E	0.4	50%	50%
				02640B	137W	E	0.4	50%	50%
21	108	26.810	PELANDALE AVE/CLARATINA AVE	EC086	SIGNAL	P	NA	50%	**25%**
				02681A	137W	E	0.4	50%	**25%**
				02681B	137W	E	0.4	50%	**25%**
				02681C	165W	E	0.4	50%	**25%**
				02681D	137W	E	0.4	50%	**25%**
22	132	13.410	HWY 132 & CARPENTER RD INC PM 13.17 & 13.42	EC024	SIGNAL	P	NA	50%	25%
				01341A	137W	E	0.4	50%	25%
				01341B	137W	E	0.4	50%	25%
				01341C	137W	E	0.4	50%	25%
				01341D	137W	E	0.4	50%	25%
				0134A1	75W	G	0.5	50%	25%
				0134B1	75W	G	0.5	50%	25%
23	132	13.950	HWY 132 & EMERALD AVE N/E QUAD	EC031	SIGNAL	P	NA	50%	50%
				01395A	200W	E	0.5	50%	50%
				01395B	200W	E	0.5	50%	50%
24	132	14.460	HWY 132 & MARTIN LUTHER KING DR	EC032	SIGNAL	P	NA	50%	50%
				01446A	200W	E	0.5	50%	50%
				01446B	200W	E	0.5	50%	50%
25	132	15.140	11TH ST & D ST	EC057	SIGNAL	P	NA	50%	50%
				01514A	200W	E	0.5	50%	50%
				01514B	200W	E	0.5	50%	50%
				01514C	200W	E	0.5	50%	50%
				01514D	200W	E	0.5	50%	50%
26	132	15.330	HWY 132/14 & D ST	EC045	SIGNAL	P	NA	50%	50%
				01533A	200W	E	0.5	50%	50%
				01533B	200W	E	0.5	50%	50%
				01533C	200W	E	0.5	50%	50%
				01533D	200W	L	0.5	50%	50%
				01533E	200W	L	0.5	50%	50%
27	132	15.62	HWY 132 & MORTON BLVD	EC122	SIGNAL	P	NA	67%	33%
				01562A	137W	E	0.4	67%	33%
				01562B	137W	E	0.4	67%	33%
				01562C	137W	E	0.4	67%	33%
				01562D	137W	L	0.4	67%	33%
28	132	15.900	HWY 132 & SANTA ROSA AVE	EC021	SIGNAL	P	NA	50%	50%
				01590A	200W	E	0.5	50%	50%
				01590B	137W	E	0.4	50%	50%
				01590D	200W	E	0.5	50%	50%
				01590E	200W	E	0.5	50%	50%

No.	State Route	Post Mile	Location Description	Type of facility		Type Code	Units	Cost Distribution	
								State	City
29	132	16.200	HWY 132 & SANTA CRUZ AVE	EC092	SIGNAL	P	NA	67%	33%
				01620A	200W	E	0.5	67%	33%
				01620B	200W	E	0.5	67%	33%
30	132	16.320	HWY 132 & LA LOMA AVE	EC093	SIGNAL	P	NA	67%	33%
				01632A	200W	E	0.5	67%	33%
				01632B	200W	E	0.5	67%	33%
31	132	16.550	HWY 132 AT EMPIRE AVE	EC034	SIGNAL	P	NA	67%	33%
				01655A	250W	E	0.5	67%	33%
				01665B	200W	E	0.5	67%	33%
				01665C	200W	E	0.5	67%	33%
32	132	16.800	HWY 132 AT SAN JUAN DR & DALY AVE	EC040	SIGNAL	P	NA	50%	25%
				01680A	250W	E	0.5	50%	25%
				01680B	250W	E	0.5	50%	25%
				01680C	250W	E	0.5	50%	25%
				01680D	250W	E	0.5	50%	25%
33	132	17.150	HWY 132 EL VISTA AVE & MITCHELL RD	EC035	SIGNAL	P	NA	50%	25%
				01715A	250W	E	0.5	50%	25%
				01715B	250W	E	0.5	50%	25%
				01715C	250W	E	0.5	50%	25%
				01715D	250W	E	0.5	50%	25%
34	132	17.660	HWY 132 & RIVERSIDE DR	EC041	SIGNAL	P	NA	50%	25%
				01766A	200W	E	0.5	50%	25%
				01766B	200W	E	0.5	50%	25%
				01766C	200W	E	0.5	50%	25%
				01766D	200W	E	0.5	50%	25%
35	132	18.150	HWY 132 & LINCOLN AVE	EC102	SIGNAL	P	N/A	67%	33%
				01815A	200W	E	0.5	67%	33%
				01815B	200W	E	0.5	67%	33%
				01815C	200W	E	0.5	67%	33%
				01815D	200W	E	0.5	67%	33%
36	**132**	**18.380**	**HWY 132 & MARIPOSA RD**	**EC043**	**SIGNAL**	**P**	**NA**	**50%**	**25%**
				01838A	**200W**	**E**	**0.5**	**50%**	**25%**
				01838B	**200W**	**E**	**0.5**	**50%**	**25%**
37	132	18.64	HWY 132 & MCLURE AVE	EC090	SIGNAL	P	NA	50%	25%
				01864A	200W	E	0.5	50%	25%
				01864B	200W	E	0.5	50%	25%
				01864C	200W	E	0.5	50%	25%
				01864D	200W	E	0.5	50%	25%
38	132	18.970	HWY 132 & CREEKWOOD PK	EC056	SIGNAL	P	NA	67%	33%
				01897A	200W	E	0.5	67%	33%
				01897B	200W	E	0.5	67%	33%
39	132	19.100	RTE 132 & CLAUS/GARNER RD	EC070	SIGNAL	P	NA	50%	25%
				01910A	200W	E	0.5	50%	25%
				01910B	137W	E	0.4	50%	25%
				01910C	200W	E	0.5	50%	25%
				019100	200W	E	0.5	50%	25%

No.	State Route	Post Mile	Location Description	Type of facility		Type Code	Units	Cost Distribution	
								State	City
40	219	1.850	HWY 219 & DALE RD	EC104	Signal	P	NA	50%	25%
				00185A	137W	E	0.4	50%	25%
				00185B	200W	E	0.5	50%	25%
				00185C	137W	E	0.4	50%	25%
				00185D	137W	E	0.4	50%	25%
				00185E	200W	L	0.5	50%	25%
				00185F	137W	L	0.4	50%	25%

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MODESTO CITY COUNCIL
RESOLUTION NO. 2016-342

RESOLUTION ACCEPTING THE LED STREET LIGHT UPGRADE PROJECT AS COMPLETE AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO TAKE ALL NECESSARY STEPS TO CLOSE THE PROJECT ACCOUNT

WHEREAS, the LED Street Light Upgrade Project has been completed by Tanko Lighting Inc., of San Francisco, CA in accordance with the contract agreement signed November 3, 2014, and

WHEREAS, Tanko Lighting Inc., completed the installation of 9,845 Light Emitting Diode (LED) street light fixtures in Modesto.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the LED Street Light Upgrade Project is hereby accepted as complete from said contractor, Tanko Lighting Inc. of San Francisco CA.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is authorized to take all necessary steps to close this project account in which payment was previously completed per the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of August, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

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MODESTO CITY COUNCIL
RESOLUTION NO. 2016-343

RESOLUTION ADOPTING WATER SERVICE RATES, EFFECTIVE SEPTEMBER 1, 2016, FOR FISCAL YEARS 2016-17 THROUGH 2020-21 IN ACCORDANCE WITH PROPOSITION 218 AND AMENDING RESOLUTION NO. 2004-627

WHEREAS, the City of Modesto provides water service to over 73,000 accounts consisting of residential, multi-family, commercial, and industrial customers located within the City of Modesto, as well as the communities of Salida, Empire, Grayson, Del Rio and portions of Ceres, Turlock and unincorporated Stanislaus County, and

WHEREAS, the City of Modesto's water sources are groundwater and treated surface water purchased from the Modesto Irrigation District; and

WHEREAS, the City's water utility is a self-supporting utility enterprise funded by customer revenues; and

WHEREAS, Modesto Municipal Code Section 11-6.05 authorizes Council, by resolution, to establish charges for metered water services, and Section 11-6.06 authorizes the Council, by resolution, to establish charges for unmetered water services; and

WHEREAS, the City last conducted an in-depth cost of service rate study in 2004; and

WHEREAS, due to the unprecedented fourth year of drought, a significant reduction in Water Fund revenues resulted from conservation requirements in 2015, and water sales revenue continues to fall short of expenses 2016; and

WHEREAS, this loss of revenue has negatively impacted the Water Fund's Bond coverage requirements, where although the legal requirement for the debt service coverage ratio is 1.25, the City has adopted a policy to maintain a 1.50 ratio; and

WHEREAS, based on the current Water Fund Proforma, the debt coverage ratio is projected to fall well below 1.25 in fiscal year 2016-17 without a rate increase, and the City's current water rate structure will not adequately fund increased operating expenditures, capital improvement and maintenance needs, state-mandated studies or meet debt service coverage requirements; and

WHEREAS, the City's current water rate structure requires significant adjustments to fund the utility; and

WHEREAS, Proposition 218 amended the California Constitution to establish a process that public agencies must follow when imposing new or increasing "property related fees" (Cal. Const. Article XIID); and

WHEREAS, water service fees are property-related fees and thus subject to Proposition 218's procedural and substantive requirements; and

WHEREAS, the City previously approved a water rate structure in accordance with Proposition 218 by Resolution No. 2004-627 in 2004 and adopted subsequent adjustments based on the rate structure thereafter; and

WHEREAS, the City engaged Bartle Wells Associates ("BWA") in July 2015 to conduct a comprehensive review of the City's water rates and charges in accordance with Proposition 218; and

WHEREAS, BWA prepared a report dated May 2016 entitled "City of Modesto Water Rate and Fee Study" ("Report"), containing analyses and recommendations for adjusting the City's water rates and charges; and

WHEREAS, the Report analyzes the number of water customers, projections for customer growth, water revenues, water capital improvement programs, operations and maintenance needs, customer services costs, and volumetric use; and

WHEREAS, the Report concludes that the revenues generated under existing water rates are insufficient to meet water utility's revenue requirements for fiscal year 2016-17 and subsequent years, given changes and new developments in the City's water system, including new capital improvement projects identified in the soon to be completed Water Master Plan; and

WHEREAS, the Report recommends increasing the City's existing water rates and charges, and makes certain recommendations for the City's water services rates for the period beginning fiscal year 2016-17; and

WHEREAS, the Report demonstrates that the recommended rates do not exceed the reasonable cost of providing such service or regulatory activity and, as such, the proposed rates are not levied for general revenue purposes; and

WHEREAS, the Report also demonstrates that the recommended rates result in charges to property owners or ratepayers that do not exceed the proportionate cost of providing water services attributable to the parcel or persons; and

WHEREAS, the City mailed a notice of the public hearing, and notice of oral and written protest procedures against the proposed rate increases to all affected property owners and ratepayers in compliance with California Constitution Article XIII D, Section

6; at least forty-five days in advance of the public hearing at which this Resolution was considered; and

WHEREAS, on August 9, 2016, the City Council duly held the public hearing , and at its conclusion the City Clerk tabulated the number of written and oral protests received, if any, and reported that there was not a majority protest of the proposed rates by owners or authorized representatives of identified property owners or ratepayers receiving wastewater services.

FINDINGS

WHEREAS, the Council of the City of Modesto hereby finds as follows:

(A) The purposes of the updated water services rates established pursuant to this Resolution are to: (1) recover the reasonable estimated cost of the services for which the rates are charged; (2) provide that such costs are allocated among City water customers so as to bear a fair and reasonable relationship to customers' burdens on and benefits from City water services; (3) ensure that charges for water services do not exceed the proportionate cost of providing water services attributable to each parcel ; (4) secure the financial stability of the water system; (5) ensure high quality service; and (6) provide a sound financial plan that will assist in funding capital improvement projects necessary to serve water customers.

(B) The updated water services rates established pursuant to this Resolution are not levied for general revenue purposes.

(C) After consideration of the Report, the testimony received at the noticed public hearing, the agenda report, the background documents to the agenda report, and all correspondence received (together, "Record"), the City Council of the City of Modesto approves and adopts the Report by this Resolution.

(D) Adoption of the rates set forth in this Resolution is intended to recover costs necessary to maintain the current level of City water services for current and future City customers. As such, such rates as they relate to provision of water services to City customers are not a "project" within the meaning of the California Environmental Quality Act or C.E.Q.A. (Public Resources Code § 21080(b)(8)(D)).

(F) The Record establishes that the costs listed in the Report as those incurred by the City in providing water services to City customers are reasonable estimates of the cost of providing such services, and that the revisions recommended in the Report for existing water service rates are necessary to recover the reasonable, estimated cost of providing such services for which the rates are charged, to allocate such costs among City customers so that they bear a fair and reasonable relationship to customers' burdens on and benefits from City's water services, to ensure that charges for water services do not exceed the proportionate cost of providing water services attributable to each parcel and to secure the financial stability of City's water utility in accordance with the analyses contained in the Report.

The procedures followed and the rates adopted are in compliance with California Constitution Article XIIID.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto as follows:

SECTION 1. WATER RATE SCHEDULE- METERED WATER RATES. The following contains the maximum fixed meter water service charges for metered ratepayers for each of the next five fiscal years—beginning in Fiscal Year 2016/17 and ending at the end of Fiscal Year 2020/21. In addition, metered ratepayers shall pay a water (volume) rate for water as follows, and the drought water rates shall be imposed when the State Water Resources Control Board imposes a mandatory conservation target that exceeds the City's self-imposed conservation target.

Meter Size	Current	FY2016/17	FY2017/18	FY2018/19	FY2019/20	FY2020/21
Fixed Meter Charges ($/month)						
5/8 inch	$15.03	$20.79	$21.72	$23.63	$25.75	$28.14
3/4 inch	$15.03	$20.79	$21.72	$23.63	$25.75	$28.14
1 inch	$21.33	$29.30	$30.82	$33.97	$37.45	$41.40
1.5 inch	$36.90	$50.58	$53.57	$59.80	$66.72	$74.56
2 inch	$55.68	$76.11	$80.86	$90.81	$101.84	$114.35
3 inch	$105.80	$156.98	$167.29	$188.98	$213.04	$240.35
4 inch	$162.13	$276.14	$294.66	$333.66	$376.92	$426.03
6 inch	$318.47	$561.28	$599.44	$679.85	$769.06	$870.34
8 inch	$506.20	$1,029.42	$1,099.82	$1,248.22	$1,412.88	$1,599.80
10 inch	$725.56	$1,625.23	$1,736.66	$1,971.61	$2,232.28	$2,528.21
12 inch	$1,350.92	$2,135.93	$2,282.53	$2,591.66	$2,934.63	$3,323.99
Water Rate ($/ccf)						
Drought	$1.40	$1.97	$2.02	$2.12	$2.22	$2.32
Non-drought	$1.40	$1.79	$1.86	$1.97	$2.10	$2.22

SECTION 2. WATER RATE SCHEDULE- UNMETERED WATER RATES. The following contains the maximum water (volume) rate service charges for unmetered ratepayers for each of the next five fiscal years—beginning in Fiscal Year

2016/17 and ending at the end of Fiscal Year 2020/21. The drought water (volume) rate shall be imposed when the State Water Resources Control Board imposes a mandatory conservation target that exceeds the City's self-imposed conservation target.

DROUGHT Charges

Rate Code	Monthly Water Use (ccf)	Drought Water Rate ($/ccf)	Water Use Charges	Customer Service	Demand Charge	Total Drought Monthly Charge
PRO1 - 0 to 5,000 sq ft	10.1	$1.97	$19.90	$8.02	$21.28	$49.20
PRO2 - 5,001 to 7,000 sq ft	14.2	$1.97	$27.97	$8.02	$21.28	$57.27
PRO3 - 7001 to 11,000 sq ft	22.3	$1.97	$43.93	$8.02	$21.28	$73.23
PRO4 - 11,001 to 17,000 sq ft	34.4	$1.97	$67.77	$8.02	$21.28	$97.07
PRO5 - Over 17,000 sq ft	40.5	$1.97	$79.79	$8.02	$21.28	$109.09

NON-DROUGHT Charges

Rate Code	Monthly Water Use (ccf)	Non-Drought Water Rate ($/ccf)	Water Use Charges	Customer Service	Demand Charge	Total Non-Drought Monthly Charge
PRO1 - 0 to 5,000 sq ft	10.1	$1.79	$18.08	$8.02	$21.28	$47.38
PRO2 - 5,001 to 7,000 sq ft	14.2	$1.79	$25.42	$8.02	$21.28	$54.72
PRO3 - 7001 to 11,000 sq ft	22.3	$1.79	$39.92	$8.02	$21.28	$69.22
PRO4 - 11,001 to 17,000 sq ft	34.4	$1.79	$61.58	$8.02	$21.28	$90.88
PRO5 - Over 17,000 sq ft	40.5	$1.79	$72.50	$8.02	$21.28	$101.80
TUR - Turlock Fire Charge	$4.19	$4.19	$4.19	$4.19	$4.19	$4.19

SECTION 3. AMENDING RESOLUTION NO. 2004-627. Sections 1, 2,4, 5, 6, and 7 of Resolution No. 2004-627 establishing charges for water services are hereby stricken and removed, and shall no longer have effect nor the force of law. All resolutions of the City Council setting any rates or fees whatsoever for the delivery of water, are hereby rescinded; except that water service rates established by the rescinded resolutions shall remain in effect until the rates established in this resolution take effect

on September 1, 2016. This resolution shall be the sole basis for determining any water service rates to be charged to a ratepayer or potential ratepayer, or paid on behalf of a potential ratepayer by the City on and after September 1, 2016.

SECTION 4. EFFECTIVE DATE. This Resolution shall go into effect and be in full force and operation on or after September 1, 2016.

SECTION 5. ANNUAL REVIEW OF ADOPTED RATE INCREASES. The City Council shall conduct an annual review of each adopted water rate increase prior to its implementation for fiscal years beginning after June 30, 2017. Said review shall be completed by the City Council at least ninety (90) days in advance of the new water rate becoming effective. The rates shown in this Resolution shall be implemented on the dates shown unless City Council takes action otherwise.

SECTION 6. SEVERABILITY. The rates, charges, and all portions of this Resolution are severable. Should any of the rates or any portion of this Resolution be adjudged to be invalid and unenforceable by a body of competent jurisdiction, the remaining rates, charges and/or portions of the resolution shall be and continue in full force and effect, except as to those rates, charges and/or portions of this Resolution that have been adjudged invalid. This City Council declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of this Resolution be enforced.

BE IT FURTHER RESOLVED, by the Council of the City of Modesto that:

A. City staff is directed to bring back a discount water rate program for low income seniors and families; and

B. City staff is directed to explore the possibility of transferring the water system that serves Del Rio community to the appropriate Del Rio community agency and return to Council for action.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of August, 2016, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold
NOES:	Councilmembers:	Zoslocki
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-344

RESOLUTION APPOINTING SUSAN WILLIAMS AND MARIA AREVALO AS MEMBERS CHOSEN AT LARGE TO THE CITY OF MODESTO GOLF COURSES ADVISORY COMMITTEE

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions, and

WHEREAS, the Appointments Committee met on August 24, 2016, and recommended the Golf Course Advisory Committee appointments of Susan Williams and Maria Arevalo as members chosen at large, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. Susan Williams is hereby appointed as a member of the Golf Course Advisory Committee representing the Modesto golfing community, with a term expiration of January 1, 2021.

SECTION 2. Maria Arevalo is hereby appointed as a member of the Golf Course Advisory Committee representing the Modesto golfing community, with a term expiration of January 1, 2021.

SECTION 3. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed members of the Golf Courses Advisory Committee, and the Secretary, thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of September, 2016, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
ADAM U. LINDGREN, City Attorney

Print

RESCINDED

MAY 23 2017

THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2017-191

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-345

RESOLUTION OF INTENTION TO ANNEX TERRITORY TO CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2007-1 (NORTH BEYER PARK #2) AND TO AUTHORIZE THE LEVY OF A SPECIAL TAX WITHIN THE TERRITORY PROPOSED TO BE ANNEXED (ANNEXATION #1)

WHEREAS, pursuant to Chapter 3.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the Act), proceedings for annexation of additional territory to an existing community facilities district may be instituted by the adoption by the legislative body of a resolution of intention to annex such territory, and

WHEREAS, pursuant to the Act, this Council did, by its Resolution No. 2007-270, adopted on, May 8, 2007 (the Resolution of Formation) establish Community Facilities District No. 2007-1 (North Beyer Park #2) (the District), and

WHEREAS, this Council hereby determines that the pubic convenience and necessity require the annexation, pursuant to Section 53339 of the Act, of certain territory to the District, and

WHEREAS, the territory to be annexed is within the City limits,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it finds as follows:

The above recitals are true and correct, and

The territory is proposed to be annexed to the District (the Annexed Territory) under the terms of the Act, and

The original boundaries of the District are shown on a map entitled "Proposed

Boundaries of Community Facilities District No. 2007-1 of the City of Modesto, County of Stanislaus, State of California" on file with the County Recorder of the County of Stanislaus, at Volume 4 of Maps of Assessment and Community Facilities Districts, at Page 83, and

The Annexed Territory is described in **Exhibit "A"** to this Resolution, and

The boundaries of the Annexed Territory are also shown on the map thereof, entitled "Proposed Boundaries of Annexation No. 1 to the City of Modesto Community Facilities District No. 2007-1 (North Beyer Park #2)", on file in the office of the City Clerk, and hereby approved and adopted. Pursuant to Sections 3110.5 and 3113 of the California Streets and Highways Code, the City Clerk shall endorse her certificate on the original and one copy of the map evidencing the date and adoption of this Resolution, file the original in her office and, not later than 10 days after the adoption of this Resolution, file a copy of the map with the County Recorder of the County of Stanislaus. The map shall contain the legends provided in Sections 3110 and 3110.5 of the California Streets and Highways Code; including a reference to the title, book, page and recording date of the original boundary map of the District, and

The type of services authorized to be provided to the District are set forth in the Formation Hearing Report, dated May 30, 2007, a copy of which is **attached** hereto as **Exhibit "B"**. These same types of services will be provided to the Annexed Territory, and

The Annual Maintenance Special Tax component of the special tax to be levied in the Annexed Territory shall be the same as the Maintenance Special Tax currently levied in the original District, as set forth in the Resolution of Formation. It is the intention of

the City Council that in the event all of the subject taxes are not approved by the qualified electors of the Annexed Territory at an election to be held subsequent to the approval of this Resolution of Intention, that then, and in that sole event, the annexation of the Annexed Territory shall be a nullity, and void from the date of the public hearing on this resolution where it is approved, and

Pursuant to the Formation Hearing Report, the Maximum Annual Special Maintenance Tax shall be adjusted annually.

Pursuant to the Formation Hearing Report, the Maximum One-Time Facilities Special Tax and Maximum Annual Maintenance Special Tax rates will be "assigned to Parcels added to the CFD as a result of future annexations." The Formation Hearing Report will be amended to reflect, in fiscal year 2007-2008 dollars, the following maximum tax rates for the Annexed Territory: the Maximum One-Time Facilities Special Tax for the Annexed Territory is $73,113.16 and the Maximum Annual Maintenance Special Tax is $12,104.31. Said rates are established in accordance with Section 53339.3 of the Act. In current dollars, the Maximum One-Time Facilities Special Tax for the Annexed Territory is $109,521.29 and the Maximum Annual Maintenance Special Tax is $18,131.89, and

A public hearing upon this Resolution shall be held at 5:30 p.m., or as soon thereafter as practicable, on Tuesday, October 25, 2016 in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, such time being not less than thirty (30) or more than sixty (60) days following the adoption thereof, and

At the hearing, any interested persons for or against the annexation of the Annexed Territory to the District, and the levy of the special tax therein, may appear and

will be heard and considered. Any protest may be made orally or in writing. However, any protests pertaining to the regularity or sufficiency of the proceedings shall be in writing and clearly set forth the irregularities and defects to which the objection is made. All written protests shall be filed with the City Clerk on or before the time fixed for the public hearing. Written protests may be withdrawn in writing at any time before the conclusion of the hearing, and

The City Clerk is directed to publish, not later than seven days prior thereto, a notice of the hearing, in the form required by the Act, in a newspaper of general circulation published in the area of the District, being the Modesto Bee, and otherwise in accordance with Section 6061 of the California Government Code, stating (a) the text or a summary of this Resolution, (b) the time and place of the hearing, and (c) that all interested persons for or against the proposed annexation or the levying of the special tax therein will be heard, and

If a majority (but at least six) of the registered voters residing within the District or a majority (but at least six) of the registered voters residing within the Annexed Territory, or the owners of one-half or more of the area of land in the District and not exempt from the special tax, or the owners of one-half or more of the Annexed Territory, file written protests against the proposed annexation of the Annexed Territory to the District, and the protests are not withdrawn so as to reduce the value of the protests to less than a majority, no further proceedings to annex the Annexed Territory, or to levy the District special tax therein, shall be taken for a period of one year from the date of the election of the Council on the issues discussed at the hearing, and

At the conclusion of the hearing, if the Council determines to annex the Annexed

Territory, it shall then submit the levy of the District special tax to the qualified electors of the Annexed Territory in a special election. If held, the proposed voting procedure at the election is expected to be a landowner vote with each landowner of record as of the close of the Hearing having one vote for each acre of land or portions thereof owned within the Annexed Territory. Ballots for the special election may be distributed by mail or by personal service.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of September, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

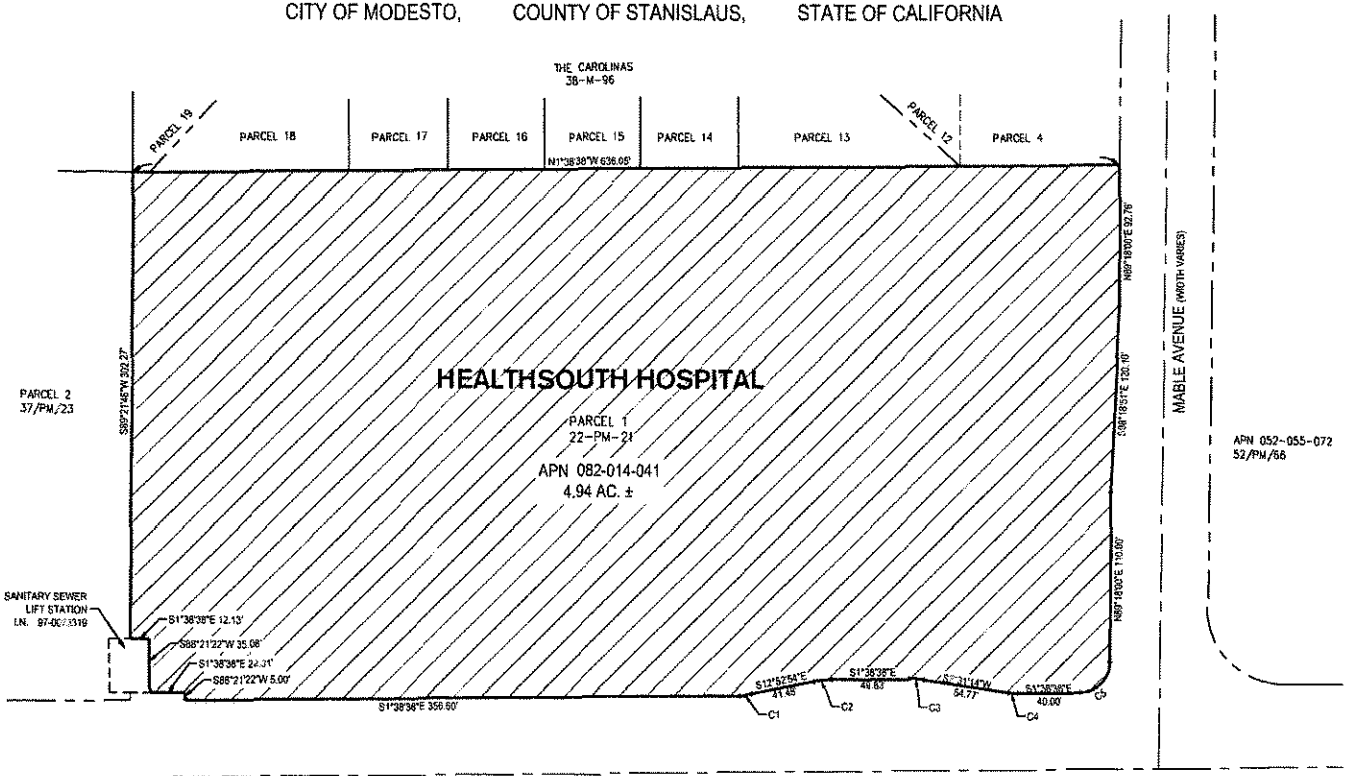
(SEAL)

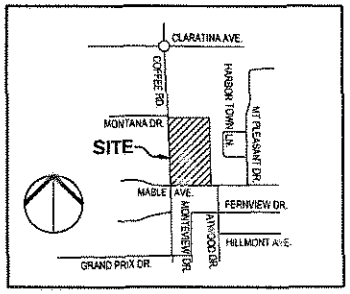
APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

PROPOSED BOUNDARIES OF ANNEXATION NO. 1 TO THE CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2007-1 (NORTH BEYER PARK #2)

CITY OF MODESTO, COUNTY OF STANISLAUS, STATE OF CALIFORNIA





VICINITY MAP

NO SCALE

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF MODESTO THIS _____ DAY OF _____, 2016.

STEPHANIE LOPEZ, CITY CLERK

BY: _____

_____
PRINT NAME

I HEREBY CERTIFY THAT THIS MAP SHOWING PROPOSED BOUNDARIES OF ANNEXATION #1 TO THE CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2007-1 (NORTH BEYER PARK #2), CITY OF MODESTO, COUNTY OF STANISLAUS, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF MODESTO AT A REGULAR MEETING THEREOF, HELD ON THE _____ DAY OF _____, 2016, BY ITS RESOLUTION NO. _____.

STEPHANIE LOPEZ, CITY CLERK

BY: _____

_____
PRINT NAME

FILED THIS _____ DAY OF _____, 2016, AT THE HOUR OF _____ O'CLOCK _____ M. IN BOOK _____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE(S) _____ IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA.

LEE LUNDRIGAN, COUNTY RECORDER OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA

BY: _____

_____
PRINT NAME

LEGEND

BOUNDARY OF PROPOSED ANNEXATION TO COMMUNITY FACILITES DISTRICT 2007-1

APN ASSESSORS PARCEL NUMBER

CURVE TABLE

CURVE #	LENGTH	RADIUS	DELTA	CHORD BEARING
C1	7.85	40.00	11°14'16"	S7°15'46"E 7.83'
C2	11.77	60.00	11°14'16"	N7°15'46"W 11.75'
C3	9.60	60.00	9°09'52"	N2°56'18"E 9.59'
C4	6.40	40.00	9°09'52"	S2°56'18"W 6.39'
C5	31.09	20.00	89°04'36"	S46°10'57"E 28.06'

0' 25' 50' 100'

SCALE: 1"=50'

SHEET 1 OF 1

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- SURVEYING
- PLANNING

3244 Brookside Road, Suite 100 Stockton, California 95219
209-943-2091 www.siegfriedeng.com Fx: 209-942-0214

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 2007-1
(NORTH BEYER #2)

DESCRIPTION OF AUTHORIZED SERVICES AND FACILITIES TO BE FUNDED BY COMMUNITY FACILITIES DISTRICT NO. 2007-1

The authorized services to be funded by special tax revenues include maintenance and repair of parks, landscaped medians, storm drainage basins, and related facilities, including but not limited to, concrete curbs and walks, trees, shrubs, vines, ground cover, turf, lights and irrigation systems. The services to be provided include, but are not limited to, litter and debris removal, graffiti abatement, painting repairs to landscape structures, building maintenance and repairs, pruning, staking, fertilizing, plant replacement and restoration, fire and weed control, erosion control, mowing of lawns, trimming of vegetation, and maintenance, repair and replacement of lighting systems within the parks.

The facilities authorized to be funded by special tax revenues include installation of the landscaped medians on Oakdale and Coffee Roads, which may but will not necessarily include, concrete curbs and walks, trees, shrubs, ground cover, lights, and irrigation systems.

The District may also fund any of the following: (i) administrative fees of the City related to the District, including costs associated with preparing the annual special tax levy, or (ii) costs associated with legal services, advertising, legal notices, and mailings related to formation or administration of the District.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-346

RESOLUTION APPROVING THE FIRST AMENDMENT TO THE NSP3 LOAN AGREEMENT WITH HABITAT FOR HUMANITY STANISLAUS COUNTY FOR AND AUTHORIZING THE CITY MANGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT AND RELATED DOCUMENTS.

WHEREAS, on September 4, 2012, the City of Modesto and Habitat for Humanity Stanislaus County (Habitat) entered into a NSP3 Loan Agreement (Original Agreement), and

WHEREAS, under the Original Agreement, the City agreed to make a loan to Habitat in the amount of $1,000,000 to acquire property and fund the construction of 21 affordable for-sale units commonly known as River Vista, and

WHEREAS, under the Original Agreement, Habitat was required to complete construction of the 21 affordable for-sale units by March, 2015, and

WHEREAS, the City also authorized the deferral of Capital Facilities Fees of $14,066 per unit for a total deferral of $295,386 (CFF Deferral), and

WHEREAS, the CFF Deferral was intended to mature into a fee exemption for each unit after ten (10) years of affordable occupancy, and

WHEREAS, the City has disbursed the entire $1,000,000 of the NSP3 Loan to Habitat, and

WHERAS, Habitat has either constructed or initiated construction on 10 of the 21 affordable for-sale units, and

WHEREAS, for myriad of reasons, Habitat was unable to complete all 21 of the affordable for-sale units by March, 2015, and

WHEREAS, Habitat informed the City that sale of the completed units affordable for-sale units is infeasible and will lead to homebuyers owing more than the fair market value of the unit and will violate affordable housing cost requirements, and

WHEREAS, Habitat has requested amendments be made to the Original Agreement to allow the project to be completed and for the units to be sold without violation of affordable housing cost requirements, and

WHEREAS, Habitat and the City agree the following amendments be made to the terms of the Original Agreement: (1) extend specified project milestones and completion timelines; (2) update the project financing proposal; (3) provide Habitat a pro-rata forgiveness of the NSP3 Loan at the time each unit is sold to an eligible homebuyer; (4) require each eligible homebuyer to execute and record the "City's Affordability Covenant Including Resale Restriction, Refinance Restriction and Option to Purchase" (Affordability Covenant) and the City's Performance Deed of Trust, to ensure the long-term affordability of each unit for a period of 20 years; (5) require audits and monthly progress meetings to ensure continued compliance with the terms of the Original Agreement and First Amendment; and (6) make non-substantive clarifications and revisions to the Original Agreement to conform to the changes of the First Amendment,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that it hereby authorizes the First Amendment to the NSP3 Loan with Habitat for Humanity Stanislaus County and authorizes the City Manager, or his designee, to execute the amendment and related documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of September, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-347

RESOLUTION APPROVING THE THIRD AMENDMENT TO THE HOME INVESTMENT PARTNERSHIPS PROGRAM LOAN AGREEMENT WITH STANISLAUS COUNTY AFFORDABLE HOUSING CORPORATION TO INCLUDE THE ACQUISITION OF THE PROPERTY FOR FOUR ONE BEDROOM PERMANENT SUPPORTIVE UNITS FOR PERSONS WITH MENTAL HEALTH DISABILITIES, THE HOME INVESTIMENT PARTNERSHIP PROGRAM ENTITLEMENT FUNDING OF $563,383 AND AUTHORIZING THE CITY MANGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT AND RELATED DOCUMENTS

WHEREAS, the City of Modesto, as an entitlement community, receives HOME Investment Partnership Program (HOME) funds annually, and

WHEREAS, under HOME regulations, a minimum of fifteen (15%) percent of HOME entitlement funds must be allocated to qualified Community Housing Development Organizations (CHDO) for housing development activities in which the CHDO is the owner, developer and/or sponsor, and

WHEREAS, these funds, referred to as HOME CHDO Set-Aside funds, may be used to acquire and/or rehabilitate rental housing and homebuyer properties or to construct rental or homebuyer properties, and

Whereas, on June 3, 2015, the City issued a Request for Qualifications for Affordable Housing Developers and a Request for Proposals for Community Housing Development Organizations (CHDOs), and

WHEREAS, on August 19, 2015, the City of Modesto's Citizens' Housing & Community Development Committee (CH&CDC) reviewed, discussed and approved a final funding recommendation to the City Council, and

WHEREAS, on September 8, 2015, the City Council, by Resolution No. 2015-344, approved the allocation of $490,000 in HOME entitlement funds and $50,000 in HOME CHDO Set-Aside funds to Stanislaus County Affordable Housing Corporation (STANCO) for the construction of four one-bedroom permanent supportive units for persons with mental health disabilities at 522 Granger Avenue (Project 100918), and

WHEREAS, on September 22, 2015, the City Council, by Resolution No. 2015-349, approved a HOME Loan Agreement with STANCO in the amount of $540,000, and

WHEREAS, on April 26, 2016, the City Council, by Resolution No. 2016-160, approved the First Amendment to the HOME Loan Agreement with STANCO, which reduced the default interest rate, clarified repayment obligations, clarified marketing and tenant selection obligations and adjusted insurance requirements, and

WHEREAS, on July 12, 2016, the City Council, by Resolution No. 2016-305, approved the Second Amendment to the HOME Loan Agreement with STANCO which increased the amount of HOME entitlement funds from $490,000 to $513,383 and, increased the overall HOME Loan Agreement from $540,000 to $563,383, and

WHEREAS, STANCO desires to use the HOME funds to purchase the property to develop the four one-bedroom permanent supportive housing units, and

WHEREAS, the City is agreeable to amending the HOME Loan Agreement to allow STANCO to use the HOME entitlement funds to purchase the property,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that it hereby authorizes the Third Amendment to the HOME Investment Partnerships Program Loan Agreement with Stanislaus County Affordable Housing Corporation for

the acquisition of the property for the construction of four one-bedroom permanent supportive units for persons with mental health disabilities, and authorizes the City Manager, or his designee, to execute the Third Amendment and related documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of September, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-348

RESOLUTION AMENDING THE FISCAL YEARS 2015-2016 AND 2016-2017 ANNUAL OPERATING AND CAPITAL IMPROVEMENT BUDGETS

WHEREAS, a financial analysis has been completed and it has been determined that a budget adjustment is required to the Annual and Capital Improvement Budgets of the City of Modesto for Fiscal Years 2015-2016 and 2016-17,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Years 2015-2016 and 2016-17 Annual Operating and Capital Improvement budgets as shown in **Exhibit A**, which is **attached** hereto and incorporated by reference herein.

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of September, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT A

FISCAL YEAR 2015-16

COMMUNITY & ECONOMIC DEVELOPMENT

A budget adjustment is necessary to correct the HUD FY15-16 Operating Budget for Fund 1130, Grants – CDBG Direct Program. This budget adjustment will add awarded grant funds from the U.S. Department of Housing and Urban Development that do not currently have authorization to be spent. Authorization to spend these funds will be received from the US Department of HUD once project agreements have been received and approved to use these funds. A total of $1,285,000 will be added to HUD Allocated Program Budget for funds allocated but not yet committed, and $148,188.27 to HUD Unallocated Program Carryover Budget for funds not yet allocated.

A budget adjustment is necessary to correct the HUD FY 15-16 Operating Budget for fund 1170, Grants – HOME Program. This budget adjustment will add awarded grant funds from the U.S. Department of Housing and Urban Development that do not currently have authorization to be spent. Authorization to spend these funds will be received from the US Department of HUD once project agreements have been received and approved to use these funds. A total of $866,135.71 will be added to HUD Unallocated Program Carryover Budget for funds not yet allocated.

A budget adjustment is necessary to correct the HUD FY 15-16 Operating Budget for fund 1155, Grants – RLF Program Income. This budget adjustment will add unspent program income received from CDBG Revolving Loan Fund Repayments that does not currently have authorization to be spent. A total of $674,276.26 will be added to HUD Unallocated Program Carryover Budget for funds not yet allocated.

A budget adjustment is necessary to increase the subsidy from the General Fund to the Community Center Operations Fund by $273,839 to cover the costs related to a full year of operations of the Modesto Centre Plaza. The FY 2015-16 Adopted Budget was made with the plan that the Centre Plaza negotiations would be completed in FY 2015-16 and there would be a new management agreement in place by mid-year. This did not happen and negotiations continue into FY 2016-17; therefore, the full year's costs of running the Centre Plaza must be supported by the General Fund subsidy in FY 2015-16.

FIRE

A budget adjustment is necessary to properly reimburse the Fleet Services Internal Services Fund (ISF) for expenses incurred performing maintenance on the Modesto Fire Department apparatus fleet in FY 2015-2016. In Fiscal Year 2015-2016, an agreement was reached between the Modesto Fire Department and the City Fleet Services Division to allocate fleet maintenance funds to offset the cost for repair and maintenance work performed on MFD's apparatus fleet. This adjustment is the formal transferring of funds from the Fire Department's General Fund operating budget to the Fleet Services Fund. This budget adjustment will establish a transfer in the amount of $307,000 from the General Fund; Fund 0100, to the Fleet Management Fund, Fund 5400, for costs in Fiscal Year 2015-2016 associated with the repair and maintenance Fire's apparatus fleet, and adjusts their respective expense budgets.

A budget adjustment is necessary to retain the funds received in FY 2015-2016 for assisting the local ambulance provider on various call types. These funds are part of an agreement with

American Medical Response (AMR). This agreement was entered into in December 2013 and runs through April 30, 2018. Over the course of the last several years, the Department's EMS budget has been reduced, with the justification being that these revenues could be utilized to offset EMS training and larger equipment purchases; however, no mechanism was ever put into place to make this a reality. This budget adjustment will establish a non-capital project for AMR/General EMS Project #100960; and 1) establish a transfer in the amount of $80,000 from the General Fund (Fund 0100) to the Fire Department Unrestricted Non-Capital Projects Fund (Fund 0180) and 2) reduce the FY 2015-2016 Emergency Medical Services Response Cost Center revenue budget, Cost Center 18220, and establish AMR/General EMS, Project #100960, discretionary expense budget respectively.

A budget adjustment is necessary for the lease payment of one Pierce 4X4 Freightliner Wildland Pumper at an estimated cost of $330,947. The lease was entered via Council approval in June of FY 2015. The Wildland Pumper is used for State of California Wildland Firefighting Strike Team assignments and receives reimbursement from the state for equipment costs when deployed. This adjustment will increase both revenue and expense budgets to capture the technical accounting entry. The adjustment has zero impact to the General Fund; it is solely an accounting adjustment to capture the Capital Lease Purchase for General Accepted Accounting Principle (GAAP) requirements.

A budget adjustment is necessary to transfer $72,000 from the General Fund to the Modesto Fire Department Facilities and Fleet project (#100889) in Fund 0180. As facility and vehicle maintenance have been deferred for multiple years, the department has established a maintenance and repair multi-year account in an effort to address long-standing issues at our fire stations. In FY 16-17, the department reduced its C Appropriations normally budgeted for station maintenance by $72,000 knowing it would transfer those funds out of the General Fund and into this multi-year budget. This action formalizes said transfer.

A budget adjustment is necessary to recognize additional revenue received in the Modesto Fire Department that was not budgeted in FY 2015-16 in the total amount of $551,849. These additional revenues were mainly a result of additional revenue received from the State of California for Strike Team Reimbursements for sending the MFD personnel to fight various wildfires throughout the state. This additional revenue will be used to offset the shortfall in expense budget that was experienced by the Fire Department by fiscal year end 2015-16. The Fire Department had a shortfall of $825,794 that was mainly caused by the department not budgeting for Holiday Cashouts for sworn positions. This oversight has been corrected in the Adopted FY 2016-17 budget that has since been adopted by Council. With the offset of additional revenues the remaining deficit is $273,945 which will be requested to be appropriated from General Fund surplus realized in FY 2015-16.

HUMAN RESOURCES

A budget adjustment is necessary to recognize $355,801 in unbudgeted revenue in the Dental Insurance Fund, Fund 5350, to reflect actual revenue received, and appropriate the revenue to the Claims Payments account for expenses that came in higher than budget.

A budget adjustment is necessary to recognize $385,000 in unbudgeted revenue in the Liability Insurance Fund, Fund 5330, to reflect actual revenue received, and reallocate to Claims Payments for an increase in expense that came in higher than anticipated.

A budget adjustment is necessary to recognize $5,417,455 in unbudgeted revenue in the Health Insurance Fund, Fund 5360, to reflect actual revenue received, and reallocate to Insurance Premiums and Retiree Medical Contribution Program for expenses that came in higher than anticipated.

A budget adjustment is necessary to recognize $300,299 in unbudgeted revenue in the Employee Benefits Insurance Fund, Fund 5380, to reflect actual revenue received, and reallocate to Insurance Premiums and Claims Payments for expenses that came in higher than anticipated.

A budget adjustment is necessary to recognize $127,952 in unbudgeted revenue in the Vision Insurance Fund, Fund 5390, to reflect actual revenue received, and reallocate to Insurance Premiums and Claims Payments for expenses that came in higher than anticipated.

POLICE DEPARTMENT

A budget adjustment is necessary to recognize $57,740 in unbudgeted revenue received from High Intensity Drug Trafficking Area (HIDTA) and CalMMET Grants in the Stanislaus Drug Enforcement Agency Cost Center with the General Fund, and reallocate to PC Software and Supplies and Intergovernmental Purchases for program expenses.

A budget adjustment is necessary to recognize $143,833 in unbudgeted revenue in the Records and Support Cost Center received for Police Officer Standards and Training (POST) attendance of sworn personnel reimbursable training courses, and cancelled training courses; and reallocate to Training Expense.

PUBLIC WORKS

A budget adjustment is necessary to recognize $55,000 in unbudgeted revenue in Project #100633, Right Turn Lane at Prescott Road & Plaza Parkway. This adjustment will also reduce the Utility and EIR budget and increase the Engineering/Design/Administration and Construction discretionary expense budget based on a revised cost estimate to construct the right turn lane southbound on Prescott Road to Plaza Parkway.

A budget adjustment is necessary to establish a transfer in the amount of $107,037 from the Green Waste Fund, Fund 4892, to the Cal Fire Tree Grant Project, #100955, for the In-Kind portion of the project and to increase expenses accordingly to cover personnel, supplies and equipment.

The Federal Aviation Administration has approved the City to apply over-collected Passenger Facility Charges to various airport projects, a budget adjustment is necessary to: 1) reduce the transfer out from the Airport Operations Fund (Fund 4310) to the Special Aviation Fund (Fund 4320) in the amount of $12,362 for project #100795 (Wildlife Study AIP-037) and $105,141 for #100858 (Airport Capital Improvements AIP-038); 2) reduce the transfer out from the County Aircraft Tax Fund (Fund 4330) to the Special Aviation Fund (Fund 4320) in the amount of $78,551 for project #100905 (Runway Rehab/West Apron AIP-039); and 3) Transfer a total of $196,054 of the current PFC Revenue in project #100936 (PFC Revenue) to project #100795 (Wildlife Study AIP-037), #100858 (Airport Capital Improvements AIP-038) and #100905 (Runway Rehab/West Apron AIP-039) for each project's local match.

A budget adjustment is necessary to recognize $770,000 in unbudgeted Department of Transportation revenue in Project #100893, Pavement Rehabilitation of Tully Rd and Orangeburg Ave; and increase the Construction Administration, Construction and Contingency – CIP discretionary expense budget based on the modification of the current E-76 to add one project location for 9th Street from Carpenter Rd – Tully Rd.

In review of Bus Repowering and Rehabilitation, project #100449, within the Bus Fixed Route Fund 4510 it was determined that an adjustment to reduce the PTMISEA grant revenue by $267,751 was necessary as the funds are not available for this project. A budget adjustment is also necessary to increase the total expense budget in the amount of $421,928, to fund the Rehabilitation of fourteen (14) model 2003 Gillig Transit Buses and to increase revenue accounts 4510-59999-42013-100449 by $310,957 (FTA revenue) and 4510-59999-42108-100449 by $378,722 (TDA revenue) to fund the increase to the expense budget.

A budget adjustment is necessary to correct the FY2015-16 Operating Revenue Budget for PW-Transit Services cost center 53472 under Bus Fixed Route MAX Operations Fund 4540, reducing revenues account #4540-53472-42107 by $62,082 and increasing revenue account #4540-53472-42110 by $62,082 to fund the operations of Route 28.

A budget adjustment is necessary to establish the budget for project # 100971 - Geer Road Landfill Litigation. The current estimate for the total cost is $675,000 (including prior year costs) with an equal amount of revenue coming in from the insurance companies. Any cost not covered by the insurance companies will be covered by the Waste to Energy Reserves.

A budget adjustment is necessary to increase the FY 2015-16 10th Street JPA Allocation from various City funds for the Stanislaus County invoice related to the secured tax roll expenses for FY 15-16. The City's portion of the tax is $2,797. This assessment of $2,797 has been split amongst a number of funds which the breakdown can be seen below:

Fund Name	Fund	Budget Increase/(Decrease)
General Fund	0100	$ 1,658
Grants - CDBG Direct Program	1130	$ 58
Capital Improvement Support	1300	$ 249
Surface Transportation Fund	1700	$ 88
Infrastructure Financing Program Administration	3220	$ 92
Water Fund	4100	$ 248
Sewer Operations Fund	4210	$ 47
Bus Fixed Route Max Operations Fund	4540	$ 85
Solid Waste Fund	4891	$ 73
Mail Services ISF Fund	5120	$ 7
Information Technology Fund	5230	$ 177
Insurance - Administration Fund	5310	$ 14
Employee Benefits Administration Fund	5520	$ 11
Grand Total		**$ 2,797**

This adjustment will also increase the revenue and expense in the 10th Street JPA Fund by $2,797 in the following accounts:

Account	Amount
5810-52310-42405 (City of Modesto Contribution)	$2,797
5810-52310-54300 (Taxes and Assessments)	$2,797

A budget adjustment up to the amount of $532,967 is necessary in the Surface Transportation Fund, Fund 1700, to true-up the FY 2015-16 transfers into Fund 1700 from its sub-funds; Fund 1720, Fund1730 and Fund 1740 to reflect the FY 2015-16 actual expense.

A budget adjustment is necessary to true-up the end of the year Fleet Replacement Fund (Fund 5409). This is accomplished on an annual basis by transferring funds from the various fleet replacement sub-funds for the replacement of vehicles and/or equipment in other City Funds. Below is the accounting of the transfer accounts that need to increase to complete this adjustment:

	Account		Amount
Out:	1319-71319-75409	Solid Waste Admin. Fleet Replacement	$19,566
	1709-71709-75409	Surface Transportation Fleet Replacement	$1,072,193
	4109-74109-75409	Water Fleet Replacement Fund	$27,481
	4219-74219-75409	Wastewater Fleet Replacement Fund	$160,124
	4549-74549-75409	Bus Fixed Route Fleet Replacement	$31,730
	4899-74899-75409	Solid Waste Fleet Replacement Fund	$451,486
	5119-75119-75409	Inventory Purchases (Stores) Fleet Repl.	$25,970
In:	5409-65409-61319	Fleet Replacement Fund – Transfer In	$19,566
	5409-65409-61709	Fleet Replacement Fund – Transfer In	$1,072,193
	5409-65409-64109	Fleet Replacement Fund – Transfer In	$27,481
	5409-65409-64219	Fleet Replacement Fund – Transfer In	$160,124
	5409-65409-64549	Fleet Replacement Fund – Transfer In	$31,730
	5409-65409-64899	Fleet Replacement Fund – Transfer In	$451,486
	5409-65409-65199	Fleet Replacement Fund – Transfer In	$25,970
	5409-53246-57003	Fleet Replacement Fund – Vehicles>$5k	$215,600

UTILITIES

A budget adjustment is necessary to transfer funds from the Water Fund (Fund 4100) to the Water CIP Fund (4180) for FY 2015-16 eligible expenses. The Water CIP Fund receives annual reimbursements from the Water Bond Fund (Fund 4130), Water Development Fund (4101), and Water Fund Reserves (4100) for expenses incurred from various Capital Improvement Projects. The Water Bond Fund proceeds have been expended per requirements and there were no new Developer Funded projects in Fiscal Year 2015-16 which left the Water CIPs to be funded through the Water Fund Reserves. This adjustment will increase the transfer out budget from the Water Fund (4100-74100-74180) by $24,257,108 and increase the transfer in budget in the Water CIP Fund (4180-64180-64100) by $24,257,108 to carry out this action.

A budget adjustment is necessary to recognize $136,745 in unbudgeted revenue in the Water PCE Mitigation Fund, Fund 4112, to reflect actual revenue received, and reallocate to Water

PCE Revenue, Contractor Reimbursed Services for expenses that came in higher than anticipated.

A budget adjustment is necessary to increase Water Fund account 4100-45070-54106 by $1,384,692. These funds were not budgeted for in FY2016 due to the escrow account being setup in FY2015. The funds were drawn on by Modesto Irrigation District in FY2016 and therefore recorded in Cost Center 45070 UPP – Water MID Surface Water T&DA.

FISCAL YEAR 2016-17

COMMUNITY & ECONOMIC DEVELOPMENT

A budget adjustment is necessary to establish the budget for Project #100966 – Pelandale from Sisk to Dale Road. Funding was recently awarded by the Department of Transportation (Caltrans) for $300,000 for the project and the revenue needs to be recognized and the Engineering/Design/Administration expense budget needs to be established. There is no local match for this project.

INFORMATION TECHNOLOGY

A budget adjustment for the IT Network/Data Center cost center is necessary for position promotions that were not included in budget development in the amount of $13,000.

A budget adjustment is necessary to establish the Public Education Government (PEG) Fund budget. The PEG Fee revenue was established with the new DIVCA ordinance that was approved by council on March 22, 2016 and based off of FY 14/15 we expect to receive $400,000 in revenue. PEG funds can only be used for improvement to infrastructure directly involved with the broadcasting of PEG programs. The expense budget is being established at $392,365 which is the expected capital expenditures for FY16/17.

A budget adjustment is necessary to establish the budget for Project #100974 – Fiber Network Infrastructure. Per the approved contract from the August 9th Council Meeting the expense budget will be $167,365 and there will be a transfer in from the PEG Fund in the same amount. This project will be housed in the IT Fund as the PEG fund doesn't have the money to front for the contract.

PUBLIC WORKS

A budget adjustment is necessary to establish the budget for the direct charge agreement between the Modesto City-County Airport and the Modesto Fire Department. The departments have come to an agreement for the FY 16-17 ARFF Contract. A budget adjustment needs to be made to: 1) Reduce the current budget of $56,219 in 4310-53312-53300 as the agreement will not be paid from Professional Services and 2) Increase each account 4310-53312-54500 and 0100-18210-45004 by $45,549 to budget for the direct charge agreement revenue and expenses.

A budget adjustment is necessary to establish the budget for Project #100967 – HSIP Cycle 6 – Install high friction surface treatment on Scenic Drive for an estimated cost of $50,000. Funding was recently awarded by the Department of Transportation (Caltrans) for $45,000. The local match of $5,000 will be covered by a transfer out from Fund 1700 – Surface Transportation to Fund 3160 – Capital Grants – Streets CIP Projects. A budget adjustment needs to be made to: 1) Recognize the revenue and establish the budget of $45,000 from Caltrans, 2) Establish the

transfer out from Fund 1700 and transfer in to Fund 3160 for $5,000, and 3) Establish the Engineering/Design/Administration expense budget in the amount of $50,000.

A budget adjustment is necessary to establish the budget for Project #100968 – Upgrade Traffic Signals 2017. Funding was recently awarded by the Department of Transportation (Caltrans) for $114,675 for the project and the revenue needs to be recognized and the Engineering/Design/Administration expense budget needs to be established. There is no local match for this project.

A budget adjustment is necessary to establish the budget for Project #100968 – Upgrade Traffic Signals 2017. Funding was recently awarded by the Department of Transportation (Caltrans) for $114,675 for the project and the revenue needs to be recognized and the Engineering/Design/Administration expense budget needs to be established. There is no local match for this project.

A budget adjustment is necessary for the Carpenter Road Landfill fund to recognize revenue of $550,355 after the garbage rate increase was approved on 7/12/16 and to reduce the Professional Services by $761,129 in preparation of creating a project for the mitigation and including moving $46,603 to Services City Force Non-Labor for 1/3 of Solid Waste's ISF and discretionary expenses.

A budget adjustment is necessary to establish the budget for Project #100970 – Upgrade ATMS Software and Communications. Funding was recently awarded by the Department of Transportation (Caltrans) for $140,002 for the project and the revenue needs to be recognized and the Engineering/Design/Administration expense budget needs to be established. There is no local match for this project.

A budget adjustment is necessary to correct the FY2016-17 Operating Revenue Budget for PW-Transit Services cost center 53472 under Bus Fixed Route MAX Operations Fund 4540, reducing revenues account #4540-53472-42107 by $103,882 and increasing revenue account #4540-53472-42110 by $103,882 to fund the operations of Route 28.

A budget adjustment is necessary to fund the Avail Maintenance service agreement for Fiscal Year 2016-17 which was recently awarded. The budget adjustment to the operating budget for PW-Transit Services cost center 53472 under Bus Fixed Route Max Operations Fund 4540 will increase account #4540-53472-53300 by $56,352 and 4540-53472-42107.

A budget adjustment is necessary to increase the budget for Project #100728 – Right Turn Lane W B D Street. Additional funding was recently awarded by the Department of Transportation (Caltrans) for $447,265 and from the Federal Transit Administration (FTA) for $115,000 for the project and the revenue needs to be recognized and the total expense budget of $562,265 for Construction, Supplemental, Contingency-CIP and Construction Administration needs to be established.

A budget adjustment is necessary to increase the budget for Project #100727 – Bus Turnout SB Dale Road by a total of $210,000. Additional funding was recently awarded by the Department of Transportation (Caltrans) for $185,913. The local match of $24,087 will be covered by a transfer out from Fund 4510 – Bus Fixed Route to Fund 3160 – Capital Grants – Streets CIP Projects. A budget adjustment needs to be made to: 1) Recognize the revenue and

increase the budget by $185,913 from Caltrans, 2) Increase the transfer out from Fund 4510 and transfer in to Fund 3160 by $24,087, and 3) Establish the Construction, Contingency-CIP and Construction Administration expense budget for a total of $210,000.

A budget adjustment is necessary to increase the budget for Project #100870 – Traffic Signal McHenry/Grecian and Blue Gum/Rosemore. Additional funding was recently awarded by the Department of Transportation (Caltrans) for $523,450 and the revenue needs to be recognized and the total expense budget for Construction, Contingency-CIP and Construction Administration needs to be established. There is no local match for this project.

A budget adjustment is necessary in the Waste to Energy Fund to reduce the revenue by $285,552 based on the County Waste to Energy Project budget and to decrease the direct charge agreement with Solid Waste by $75,378.

The City of Modesto is in receipt of $2,416,390 in State of Good Repair grant funds from the Federal Transit Administration for improvements at the Bus Maintenance Facility. These improvements include installation of a shade structure, purchase of a boom lift and floor machine. A budget adjustment is necessary to recognize this unbudgeted revenue in the Bus Maintenance Facility Capital Improvement Project, #100964, and reallocate to Equipment Acquisition and Other Costs related to this CIP.

A budget adjustment is necessary to increase the FY 2016-17 10th Street JPA Allocation from various City funds for the increased assessment that was approved by the 10th Street JPA Board on June 6, 2016 of which the City's portion was $137,979, which includes $2,797 for the City's estimated FY 16-17 portion of the secured roll tax . This assessment of $137,979 has been split amongst a number of funds of which the breakdown can be seen below:

Fund Name	Fund	Budget Increase/(Decrease)
General Fund	0100	$ 83,452
Grants - CDBG Direct Program	1130	$ 1,908
Capital Improvement Support	1300	$ 6,434
Surface Transportation Fund	1700	$ 6,913
Infrastructure Financing Program Administration	3220	$ 4,069
Water Fund	4100	$ 12,077
Sewer Operations Fund	4210	$ 1,101
Bus Fixed Route Max Operations Fund	4540	$ 4,146
Solid Waste Fund	4891	$ 3,592
Mail Services ISF Fund	5120	$ 334
Information Technology Fund	5230	$ 17,930
Insurance - Administration Fund	5310	$ (8,539)
Employee Benefits Administration Fund	5520	$ 522
Grand Total		**$ 137,979**

This adjustment will also increase the revenue and expenses in the 10th Street JPA Fund by the amounts below in the following accounts:

Account	Amount
5810-52310-42405 (City of Modesto Contribution)	$6,461
5810-52310-53505 (Intergovernmental Services – Other)	$3,664
5810-52310-54300 (Taxes and Assessments)	$2,797

A budget adjustment is necessary to increase the budget for Project #100939 – Upgrade Traffic Signals 2015. Additional funding was recently awarded by the Department of Transportation (Caltrans) for $512,000 and the revenue needs to be recognized and the total expense budget for Construction, Contingency-CIP and Construction Administration needs to be established. There is no local match for this project.

UTILITIES

A budget adjustment is necessary to budget the Loan Payment for the Capital Improvement Support – Survey Equipment Replacement Fund. The payment is offset by revenue collected through Interfund Charges for the GPS equipment. The repayment for FY 16-17 is $11,351 and the following accounts need to be increased by the repayment amount: 1301-95017-74100 and 4100-91012-61301.

A budget adjustment is necessary to transfer $500,000 from Wastewater Reserves to Capital Improvement Project #100523, Hahn Lift Station Project, Construction Administration, Construction and Contingency-CIP to cover project costs that came in higher than the original construction estimates.

A budget adjustment is necessary within the Wastewater PCE Mitigation Fund (4212) to establish Capital Improvement Project #100973, PCE Soil Vapor Extraction, in the amount of $488,040. This adjustment will establish both the revenue and expense budgets for this project.

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MODESTO CITY COUNCIL
RESOLUTION NO. 2016-349

RESOLUTION APPROVING UNFREEZING THE ALLOCATION FOR THE EMS COORDINATOR POSITION AND AMENDING THE FISCAL YEAR 2016-17 OPERATING BUDGET FOR THE FIRE DEPARTMENT

WHEREAS, a Position Allocation for the City of Modesto was adopted by Modesto City Council on June 28, 2016, as part of the Annual Budget of the City of Modesto for Fiscal Year 2016-2017, and

WHEREAS, the position of Emergency Medical Services Coordinator was scheduled for elimination per Resolution No. 2016-257 during the Modesto City Council meeting on June 28, 2016, and

WHEREAS, by motion of the Council the position was frozen in lieu of elimination and was sent back to the Great, Safe Neighborhoods (GSN) Committee, and

WHEREAS, on August 8, 2016 the Great, Safe Neighborhoods (GSN) Committee approved and recommended this position to be unfrozen, and

WHEREAS, a potential funding source for the necessary $19,580 has been identified and staff will return to Council in the monthly budget process to make the adjustment,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves unfreezing the allocation for the EMS Coordinator position and amending the Fiscal Year 2016-17 Operating Budget for the Fire Department,

BE IT FURTHER RESOLVED that the Finance Director, or her designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of September, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

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MODESTO CITY COUNCIL
RESOLUTION NO. 2016-350

RESOLUTION ACCEPTING AN UPDATED DELEGATION OF AUTHORITY RESOLUTION TO BRING THE CITY INTO COMPLIANCE WITH CALPERS' REQUEST TO ADD THE MAYOR'S SIGNATURE, UPDATE THE CITY'S PROCEDURES FOR LOCAL SAFETY MEMBERS FOR THE INITIATION OF A DISABILITY RETIREMENT APPLICATION, DISPUTE RESOLUTION OF DISABILITY RETIREMENTS, AND REINSTATEMENT FROM DISABILITY RETIREMENT AND RESCIND RESOLUTION NO. 2008-366

WHEREAS, the City of Modesto is a contracting agency of the California Public Employees' Retirement System ("CalPERS"), and

WHEREAS, Government Code §§ 21150 et seq. of CalPERS retirement law requires that a contracting agency determine whether a local safety member employee is incapacitated from the member's job duties for purposes of the Public Employees' Retirement Law and whether such disability is "industrial" within the meaning of such law, and

WHEREAS, upon submission of an application for retirement or reinstatement of a previously retired local safety member of the City of Modesto, an initial determination regarding incapacity will be made by the Human Resources Director or designee. The Human Resources Director or designee will also make determinations regarding the filing of disability retirement applications, and may initiate applications for reinstatement from retirement for local safety members. Undisputed applications for disability retirement or reinstatement shall be certified to CalPERS by the City Manager or designee, and

WHEREAS, in the event of a dispute regarding reinstatement of a retired local safety member where a judicial determination is necessary the City further delegates such decision-making authority to an Administrative Law Judge (ALJ), and

WHEREAS, the delegation of decision-making authority to the Human Resources Director or Designee and to an ALJ in disability retirement or reinstatement matters for local safety members is in the best interest of the City, and

WHEREAS, CalPERS retirement law requires the City Council approve this delegation via a resolution that requires a signature line referencing the City's Mayor,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

1. The Human Resources Director or designee is delegated authority to make initial determinations regarding disability retirement for local safety members, file applications for disability retirement, and initiate applications for reinstatement from retirement for all local safety members and to establish related procedures. In undisputed applications, the final determination shall be certified to CalPERS by the City Manager or designee.

2. The City Council of the City of Modesto hereby delegates full authority to the California State Office of Administrative Hearings (including such ALJ's as may be appointed from time to time) to determine individual disputes regarding the disability status of a local safety member or the reinstatement of a previously retired employee, subject to judicial review by writ of mandate in Stanislaus County Superior Court; and to make any other related determinations which are necessary in order to adjudicate the rights and duties of the parties.

3. In the absence of Superior Court review, which may be sought by any aggrieved party, the ALJ's decision shall be the final decision of the City

Council, and the ALJ's decision shall be certified by the City Manager to CalPERS by letter within thirty days of service of the ALJ's decision.

4. This Resolution, including the Rules of Procedure set forth in **Exhibit "A" (attached)** and promulgated from time to time by the Human Resources Director to implement this Resolution, is intended to constitute the City's comprehensive plan for resolving disputed disability cases when an application for disability retirement is initiated either by the local safety member or by the City of Modesto, as well as in cases where a previously retired local safety member seeks reinstatement or in which the City seeks to reinstate a previously retired local safety member. Rules of Procedure set forth in **Exhibit "A"** may be amended from time to time by the Human Resources Director.

BE IT FURTHER RESOLVED that Resolution No. 2008-366, is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of September, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

MAYOR: _____
TED BRANDVOLD, Mayor

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

RULES OF PROCEDURE

EXHIBIT "A"

PROCEDURES FOR LOCAL SAFETY MEMBERS FOR THE INITIATION OF A DISABILITY RETIREMENT APPLICATION, DISPUTE RESOLUTION OF DISABILITY RETIREMENTS, AND REINSTATEMENT FROM DISABILITY RETIREMENT

I. INTRODUCTION.

Under California Government Code §21150, et seq., it is the City's responsibility to make determinations relating to disability retirement applications for its employees who are local safety members of the California Public Employees' Retirement System ("Cal PERS"), as well as to reinstatement of such retirees. The procedures set forth herein describe the process to be followed when there is: (1) a local safety member or City initiated disability retirement application, (2) dispute(s) regarding disability retirement determinations, and (3) a local safety member or City initiated reinstatement application. The following paragraphs set forth the procedures to be followed in such cases.

II. LOCAL SAFETY MEMBER-INITIATED APPLICATION FOR DISABILITY RETIREMENT.

A. An application for disability retirement may be obtained from the City of Modesto's Risk Management office or from CalPERS. At the time the employee is provided with an application for disability retirement from the Human Resources Department, the employee shall also be provided with a copy of these Procedures.

B. The employee must fully complete and sign the application and submit it, along with any supporting documentation, to the Human Resources Department or directly to CalPERS.

C. If the employee submits a completed application to the Human Resources Department, that office shall copy the form with one copy retained in the employee's file, one copy returned to the employee, and the original mailed to CalPERS.

D. **Investigation.** Upon application for disability retirement, the Human Resources Director in conjunction with the Risk Manager or such other persons as the Human Resources

Director shall designate, shall investigate all facts and circumstances pertaining to the application for disability retirement. The assessment of incapacity from the substantial range of duties may include securing medical and other records, taking statements of the employee and/or others, and ordering the employee to submit to medical and/or psychiatric examination(s) including testing.

E. Medical Examinations. All medical information transmitted by the physicians shall be in conformity with all laws and regulations (e.g. "Confidentiality of Medical Information Act," Civil Code §56, et seq. and the "Health Insurance Portability and Accountability Act of 1996" PL 104-191 ("HIPAA"). Medical examinations shall address the functional limitations of the employee with respect to performing the job requirements and essential functions of the employee's classification, but shall not include diagnosis or treatment plan except insofar as they may pertain to the employee's ability to perform the essential functions of the classification. Medical reports generated in connection with any workers' compensation proceedings, including any diagnostic and treatment information contained in such reports relating to the question of incapacity, may also be considered.

It is the employee's responsibility to fully cooperate and to provide all relevant facts, to include the authorization of the release of medical records and to attend medical evaluations. Failure to cooperate may constitute grounds for denial of the application.

F. Initial Determination. Upon completion of the City's investigation, the Human Resources Director or designee, based upon the investigation, shall determine whether to approve or deny the application for disability retirement.

If the application is approved, the City Manager or designee shall certify the determination to CalPERS. If the application is denied, this initial determination will be noticed to CalPERS by the Human Resources Director or designee. In either case the employee shall be advised of the employee's rights to appeal the determination as described in Section IX herein. If no appeal is timely filed by the employee, the City Manager or designee shall certify the final determination to CalPERS.

III. CITY-INITIATED APPLICATION FOR DISABILITY RETIREMENT OF A LOCAL SAFETY MEMBER.

A. If the City determines the employee is incapacitated from performing the substantial range of job duties based upon medical and other available evidence, and if the

disability is of permanent or uncertain duration, and an application for disability retirement has not been filed with CalPERS by the employee, the Human Resources Director or designee may make application for disability retirement of the safety member. The employee shall be notified (1) that an initial determination of incapacity from the performance of duty has been made; (2) that an application for disability retirement has been submitted to CalPERS by the City; (3) whether the condition is determined to be industrial or non-industrial; and (4) will be provided information regarding his/her right to appeal the determination, as described in Section IX herein.

B. In situations where the City files an application for disability retirement with CalPERS pursuant to Government Code section 21153, nothing shall prevent either the local safety member or the City from contesting the retirement and proceeding with the investigative and medical evaluation procedures set forth in paragraph II D and E, above, and the Hearing Procedures set forth in paragraph IX.

IV. CITY-INITIATED REINSTATEMENT OF PREVIOUSLY RETIRED LOCAL SAFETY MEMBER.

A. Government Code § 21192 permits periodic medical evaluations of previously retired safety employees for the purpose of determining whether incapacity from performance of the substantial range of essential job duties from which the employee was retired is still present. Should the City initiate such medical evaluation, it is the responsibility of the retired employee to fully cooperate in the investigation including the authorization for the release of medical records. Failure to cooperate may constitute grounds for cancellation of all or part of the disability retirement under Government Code § 21175. The City shall provide notice to the retired employee of the date, time and place of the medical evaluation, the name and address of the medical evaluator, and will provide the cost of transportation in connection with the medical evaluation.

B. Pursuant to Government Code sections 21190 et seq., if the City determines from a medical evaluation(s) and other available evidence that the previously retired employee is no longer incapacitated from his/her employment, and that there is a current open position within the Department and classification from which the person was retired, the person shall be reinstated to the previous classification and the retirement cancelled. Such reinstatement may be

conditional upon 1) successful completion of such additional training as may be necessary to reestablish skills or other requirements of the classification, and 2) successful completion of a psychological evaluation and background investigation. It is the responsibility of the retiree to fully cooperate in any training, psychological evaluation, and background investigation that may be necessary to meet the requirements of the classification. Failure to cooperate with any of the above requirements may constitute grounds for cancellation of the retirement.

C. Should the retiree object to reinstatement, the retiree shall be advised of his/ her rights to appeal the determination as described in Section IX herein.

V. MEMBER-INITIATED APPLICATION FOR REINSTATEMENT OF A PREVIOUSLY RETIRED LOCAL SAFETY MEMBER.

A. Government Code §21190 et seq. permits a local safety member receiving a disability retirement to seek reinstatement on the grounds that the incapacity no longer exists, and set forth the process and requirements.

B. As part of the application for reinstatement, the retiree shall provide a written statement of all the facts and circumstances upon which the request for reinstatement is based and shall include all medical, psychiatric and other documentation supporting the request. In conjunction with the application for reinstatement, the City may initiate medical evaluations to determine fitness for duty. It is the responsibility of the retired employee to fully cooperate including, if requested, authorization for the release of medical records. If the City determines that the incapacity no longer exists, and the safety member successfully completes any training, psychological evaluation, and background investigation that may be necessary to meet the requirements of the classification, when an opening occurs in the department from which the employee was previously retired, the employee shall be reinstated to the employee's former classification. Such reinstatement may be conditional upon completion of such additional training as may be necessary to reestablish skills or other requirements of the position. Failure to cooperate in any portion of the reinstatement process may constitute grounds for cancellation of the retirement and/or denial of reinstatement.

C. If the City determines the reinstatement application should be denied, the retiree shall be advised of the retiree's rights to appeal the determination as described in Section IX herein.

VI. DISPUTED INDUSTRIAL CAUSATION WITH RESPECT TO DISABILITY RETIREMENT APPLICATIONS.

A. If, following the evaluation and consideration of medical reports and other evidence, the City determines that the cause of the claimed incapacity is not industrial, the employee shall be given written notice of the City's determination.

B. If the employee wishes to contest the determination regarding industrial causation, the issue of industrial causation shall be resolved by the Workers' Compensation Appeals Board pursuant to Government Code §21166, and shall be initiated by the employee by filing a timely petition for finding of industrial causation pursuant to Government Code §21166.

C. Following the decision of the Workers' Compensation Administrative Law Judge ("WCALJ"), the party aggrieved by the WCALJ's decision may seek appellate review pursuant to Government Code §§21167 and 21168.

VII. TIME LIMITS FOR ACTION BY CITY AND LOCAL SAFETY MEMBER.

A. Pursuant to Government Code §21157, all determinations with respect to applications for disability retirement or for reinstatement shall be acted upon by the City within six months of the date of receipt of the request from CalPERS, unless such time is waived by the employee. A waiver of the six-month time limitation does not prevent the City from making its determination before six months has elapsed from the notice of the application from CalPERS.

Pursuant to Section II F., above, the **Human Resources** Director will give notice of the City's initial determination to CalPERS and the employee. Such notice to the employee shall be by certified mail (return receipt requested) or by personal service.

B. In the event that the employee/retiree objects to the City's initial determination, the person may make a written request to the **Human Resources** Director for a hearing before an ALJ. Such written request shall be made no later than 30 calendar days from the date of notification by the Human Resources Director or designee of the City's initial determination. If no objection to the City's initial determination is made within 30 calendar days of notice by the **Human Resources** Director, the City Manager or designee shall certify the disposition of the matter to CalPERS.

VIII. OPTIONAL INFORMAL CONFERENCE IF OBJECTION TIMELY FILED AND PRE-HEARING CONFERENCE WITH ADMINISTRATIVE LAW JUDGE.

A. If timely objection is made by the employee to the City's determination regarding disability retirement or reinstatement, the Human Resources Director or designee shall schedule an informal conference within 30 calendar days after receipt of the objection. Written notice of the conference shall be given to the employee/retiree and/or designated representative, if any, and to such other personnel or agents as the employee or retiree deems appropriate. The informal conference shall be scheduled at the mutual convenience of the parties and notice of the time and place of the informal conference shall be given by U.S. Mail, postage prepaid, at least ten calendar days prior to the conference. The Human Resources Director or designee shall conduct the conference.

B. The purpose of the informal conference shall be to afford the parties the opportunity to reach agreement as to final disposition of the matter; and if no agreement is reached, to enter into stipulations and ascertain the issues to be determined at the appeal hearing. The informal conference provisions of this section may be waived by either party.

C. The parties shall endeavor to schedule a hearing with the Office of Administrative Hearings no later than 90 calendar days after the date of the informal conference.

D. Whether or not an informal conference takes place, any party may request a Pre-hearing Conference before an ALJ to be assigned by the Office of Administrative Hearings.

If a Pre-hearing Conference is scheduled, the subjects to be addressed at the Pre-hearing Conference may include the following:

1. Clarification and narrowing of issues.
2. Stipulations.
3. Settlement of any or all issues in dispute.
4. Discovery schedule.
5. Trial date.
6. Briefing schedule.
7. Issuance of subpoenas to ensure witness attendance at hearing.
8. Order of proof.
9. Burden of proof.

10. Scope of evidence including such matters as receipt of medical reports in lieu of live testimony.
11. Recording of proceedings by certified shorthand reporter.
12. Other procedural matters.
13. Other matters that bear upon the issues in dispute.

IX. HEARING PROCEDURES.

A. Following the initial determination by the City and the timely filing of a request for hearing by the employee/retiree, the appeal hearing shall be conducted by the ALJ in conformity with the Administrative Procedures Act ("APA").

B. The City shall inform the employee/retiree of the date, time and place of the hearing.

C. The ALJ shall conduct the hearing, and shall render a decision on all contested issues, with the exception of industrial causation. As set forth in paragraph XI, review of the ALJ's decision shall be by Writ of Mandate in the Stanislaus County Superior Court, with no interim review by the City Manager or City Council.

D. Costs. The parties shall each bear all costs incurred by that party, including the costs of witnesses and representatives, and the costs of any transcript of the hearing ordered by the party. The per diem costs of the court reporter and the hearing officer, and the cost of the ALJ's transcript, if requested by the ALJ, shall be the responsibility of the City.

E. Findings and Conclusions. Consistent with time requirements of the APA, the ALJ shall render a decision in the matter containing the findings of fact and conclusions of law reached by said ALJ. The City Manager or designee shall (a) certify the ALJ's decision to CalPERS in the event of an application for disability retirement, or shall order or deny reinstatement of a retiree based thereon, or (b) if aggrieved by the decision of the ALJ, seek judicial review. Pursuant to Code of Civil Procedure §1094.6, the ALJ and/or the Human Resources Director or designee shall state the limitation period for seeking judicial review in the decision rendered. An Affidavit of Mailing shall accompany the decision when sent to the employee/retiree.

X. ADVANCE DISABILITY RETIREMENT BENEFITS

For those employees receiving advance industrial disability retirement benefits pursuant to Labor Code §4850.4, said benefits shall continue until such time as the ALJ renders a decision and serves it on the parties.

XI. JUDICIAL REVIEW.

A. Any judicial review of the decision of the Administrative Law Judge shall be taken by the aggrieved party pursuant to Code of Civil Procedure §§1094.5 and 1094.6 within the time limits provided by law. The decision of the ALJ will be considered final for purposes of any appeal or writ upon service of the decision on the parties.

B. If a Petition for Writ of Mandate or Review is filed in the Superior Court, the Human Resources Director or designee shall inform CalPERS.

C. Upon completion of all appellate review and the decision having become final, the Human Resources Director or designee shall inform CalPERS.

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MODESTO CITY COUNCIL
RESOLUTION NO. 2016-351

RESOLUTION APPROVING A CONTINUED AGREEMENT WITH FINAL CUT MEDIA ADMINISTERED ON A MONTH-TO-MONTH BASIS FOR A PERIOD OF ONE (1) YEAR IN THE SUM OF $202,070 FOR THE MANAGEMENT OF THE EDUCATION AND GOVERNMENT (EG) TELEVISION MASTER CONTROL ROOM

WHEREAS, Final Cut Media will provide management of the daily operations of an Education and Government (EG) television control room facility including scheduling of multi-media programming , and

WHEREAS, Final Cut Media will provide production and management of the Education and Government as stated in **Exhibit "A"** and **Exhibit "B"** included in the Final Cut Media agreement, and

WHEREAS, the expenditures for maintenance contracts/support agreements have been approved by Council through the budget process, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it approves a continued agreement with Final Cut Media on month-to-month basis for a period of one (1) year for the annual sum of $202,070 for the management of the Education and Government (EG) television master control room.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of September, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT "A"
SCOPE OF SERVICES
FOR
MANAGEMENT SERVICES OF
EDUCATION & GOVERNMENT PROGRAMMING

Final Cut Media shall provide the following services to the City:

A. Management of the Education, and Government television master control room facility. Scheduling of all programming on the Education and Government channels, plus web casting via the Internet.

B. Consultant shall report solely to the Director of the Information Technology Department (IT) or to designated IT staff regarding the management of the Education and Government Channels and master control facility.

C. Production and Broadcasting Services – Consultant will provide camera crew to produce, broadcast and/or video tape the following meetings originating from the basement chambers of Tenth Street Place, Modesto Centre Plaza, Modesto Police Department, Stanislaus County Office of Education and/or any I-NET sites:

   a. All regularly or specially scheduled Modesto City Council Meetings
   b. All regularly or specially scheduled Modesto City Council Committee Meetings (upon request)
   c. All regularly or specially scheduled Modesto City Planning Commission Meetings
   d. Specially scheduled City of Modesto Department and/or Citizen Advisory Committee Meetings (upon request).
   e. All regularly or specially scheduled Stanislaus County Board of Supervisors Meetings
   f. All regularly or specially scheduled Stanislaus County Board of Supervisors Committee Meetings (upon Request).
   g. All regularly or specially scheduled Stanislaus County Planning Commission Meetings.
   h. Specially scheduled Stanislaus County Department Meetings.
   i. Regularly scheduled "Making the Grade" programs of the Stanislaus County Office of Education.
   j. Specially scheduled Stanislaus County Office of Education meetings.
   k. Government Youth Commission Meetings.
   l. Yearly City and County Budget Meetings.

D. The City's I-NET has the capability of live broadcasting at all the listed sites in exhibit "B. Consultant may be asked to broadcast at any of the listed sites in exhibit "B".

E. MediaDuplication – Consultant staff will duplicate media of all Modesto City Council and Stanislaus County Board of Supervisors, meetings, providing copies of said meetings to the City of Modesto Clerk's Office and the Stanislaus County Clerk of the Board's Office and storing master copies of all meetings in the Master Control Room library.

Master copies shall not be discarded or destroyed without the prior written consent from the City Clerk or Clerk of the Board.

F. Create Video bulletin boards that appear between taped or live programming. Information will be submitted to Consultant at least five (5) days prior to the requested start date.

G. Any new programming airing on the Government and Education must be pre-approved by IT staff.

H. Consultant will provide ongoing recommendations to IT staff for the effective management of the Master Control Room facility. All final decisions pertaining to the Master Control Room facility shall be made by IT staff, unless upon emergency and IT staff is unavailable for direction.

I. Consultant will work with IT staff and contracted broadcast engineers to ensure the proper maintenance and installation of new equipment at the Master Control Room location of 1100 H Street, Modesto, California.

J. Consultant agrees that any commercial use of equipment is prohibited. Consultant may not rent City-owned equipment to other parties. Consultant also may not profit from programs produced with City equipment and facilities. Any questions regarding commercial use should be directed to the IT staff.

K. Additional production or equipment setup that is not listed on the Scope of Servicesshall be compensated at a rate of $75.00 per hour.

L. Consultant shall provide staff possessing a qualified skill-level and working knowledge of operating and maintaining broadcast equipment for the transmission of Education and Government programming.

M. Consultant agrees to maintain the Regular Hours of Operation as:

   a. Monday through Friday 10 am – 5 pm for Master Control Room Operation
   b. Monday through Saturday as needed for Education & Government programming
   c. Saturday and Sunday – Open only for Master Control Room Operation
   d. On-Call – 24 hours per day and 365 days per year to oversee the use of the facility and provide technical management as needed
   e. Master Control Room access is available by appointment only.

N. City and Consultant shall perform quarterly inspections of the basement chambers of Tenth Street Place and the Master Control Room location of 1100 H Street, Modesto, California. Consultant agrees to respond and correct deficiencies as identified.

O. Consultant shall provide a comprehensive inventory, drawings, diagrams, flow chart and other related material of all equipment and communications that are utilized in conducting broadcast services. Material shall be provided at signing of agreement and updated bi-annually.

2659739.1

INET SITES, CITY OF MODESTO AND SCHOOLS (Exhibit "B")

Site	Address	Comments
Main Office	600 10th Street	
New Command Center	Sutter and Chicago	Moved from 401 #D Paradise (March 2004)
Northeast Area Command (C W Center)	3705 Oakdale Road	
Northwest Area CMD	3401 Dale Road	
Property Evidence Bldg	1124 F Street	
Police Dept. Evidence	11th and G Streets	
Fire		
Fire Administration	600 11th Street	
Station 1	610 11th Street	
Station 2	629 2nd Street	
Station 3	637 El Vista Ave	
Station 4	1505 Blue Gum Ave	
Station 5	200 W. Briggsmore Ave	
Station 6	2700 Standiford Ave	
Station 7	1800 Mable Ave	
Station 8	737 Airport Ave	
Station 9	4025 Fara Buindo Drive	
Station 10	148 Imperial Ave	
Fire Prevention	1010 10th Street	
Station 11 (Proposed)	Carver and Pelandale	
Station 2A (Proposed)	Sutter and Chicago	
Training Center	1220 Fire Science Lane	
Other City Facilities		
Recreation Center	720 Coldwell Ave.	
Senior Opportunity Services	416 Downey Ave.	
King Kennedy Memorial	601 Martin Luther King	
Modesto Centre Plaza	1000 L Street	
Boy Scout Clubhouse	400 Enslen Ave	
Senior Citizens Center	211 Bodem Street	
McHenry Mansion	906 15th Street	
McHenry Museum	1402 I Street	
American Legion Hall	1021 S. Santa Cruz Ave	
Maddux Youth Center	615 Sierra Drive	
Graceda Park/Mancini Bowl	410 Needham (Needham and Sycamore)	
John Thurman Field	601 Neece Drive	Added (May 2003)
Modesto Municipal Golf Course	400 Toulumne Boulevard	Added (March 2004)
Corporation Yard	501 N. Jefferson Street	
Portable Bldg	115 Elm Street	
Transportation Center	9th Street & J Street	
Airport Terminal	617 Airport Way	
Airport General Aviation	700 Tioga Drive	
Sanitation Plant	1221 Sutter Ave	
Amtrak Station	1700 Held Drive	
Intersection of Hatch and Morgan	Hatch and Morgan	
Modesto City Schools		
Administration Offices		
District Office	426 Locust St	
Technology Center	Reno Ave, Building A	
Corporation Yard	1300 Woodland Ave	
K-6 Schools		
Pearson	500 Locust St	
Beard	915 Bowen Ave	C6
Bret Harte	909 Bret Harte Place	C7
Burbank	1135 Paradise Rd	C8
El Vista/Mitchell Rd Corridor	450 El Vista Ave.	C9
Enslen	515 Coldwell Ave	C10
Everett	1530 Mt. Vernon Drive	C11
Fairview	1937 West Whitmore Ave	C12
Franklin	120 S. Emerald Ave.	C13
Fremont	1220 S. Orangeburg Ave.	C14
Kirchien	1900 Kirchen Dr	C15
Lakewood	2920 Middlebrook Pl	C16

INET SITES, CITY OF MODESTO AND SCHOOLS (Exhibit "B")

Site	Address	Comments
Marshall	515 Sutter Ave	C17
Garrison	1811 Teresa St	C18
Martone	1413 Pourst Rd	C19
John Muir	1215 Lucerne	C20
Robertson Rd.	1821 Robertson Rd	C22
Rose Ave	1120 Rose Ave	C23
Shackelford	100 School Ave.	C24
Sonoma	1325 Sonoma Ave	C25
Toulumne	707 Herndon Rd	Out of Comcast Service Area. Will not be built
Wilson	201 Wilson Ave	C27
Wright	1602 Monterey	C28
7-8 Schools		
Hanshaw	1725 Las Vegas St	C29
La Loma	1800 Encina Ave	C30
Mark Twain	707 Emerald Ave	C31
Roosevelt	1330 College	C32
Proposed	Village One Area	Future School
High Schools		
Beyer	1717 Sylvan Ave.	C34
Davis	1200 Rumble Rd.	C35
Downey	1000 Coffee Rd	C36
Johansen	641 Norseman Dr	C37
Modesto High	18 H Street	C38
Elliot	1440 Sunrise	C39
James Enoch High School	3201 Sylvan Ave	C40 Proposed
Joe Gregori High School	5518 Stoddard Road	Out of Comcast Service Area. Will not be built
Future School	Near Carver and Pelendale	Future School Added 5/28/04
Sylvan Union School District		
Freedom Elementary School	2101 Fine Avenue	F1
Elementary School (Sylvan)	NW Corner of Kodiak Dr and Fine	F2
Middle School (Sylvan)	NW Corner of Merle Ave & Fine Ave	F3
Elementary School #10 (Sylvan)	SE Corner of Hillglen Avenue (NW of Ustach Middle School)	
Sylvan District Office	605 Sylvan Ave	F4
Coleman Brown Elementary	2024 Vera Cruz Dr	F5
Orchard Elementary School (Sylvan)	1800 Wisdom Way	F6
Sherwood Elementary School (Sylvan)	819 Rumble Way	F7
Somerset Elementary School (Sylvan)	1037 Floyd Ave	F8
Standiford Elementary School (Sylvan)	605 Tokay Ave	F9
Stockard Coffee Elementary School (Sylvan)	3900 Northview Dr	F10
Sylvan Elementary School (Sylvan)	2808 Coffee Rd	F11
Elizabeth Ustach Middle School (Sylvan)	2701 Kodiak Dr	F12
Woodrow Elementary School	800 Woodrow Ave	F13
Stanislaus County Office of Education (Besides 1100 H Street)		
SCOE Building	1100 H Street	
SCOE Media Services	917 Oakdale Rd.	I1
SCOE Child Development Programs	1324 Celeste Dr	I2
SCOE Charter School	715 13th St	I3
Juvenille Hall/Probation/N.H. Evaluation	2209 Blue Gum Ave	
SCOE Valley Business High School	109 Campus Way	

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MODESTO CITY COUNCIL
RESOLUTION NO. 2016-352

RESOLUTION ACCEPTING THE 2017 SELECTIVE TRAFFIC ENFORCEMENT PROGRAM GRANT IN THE AMOUNT OF APPROXIMATELY $426,064 FROM THE OFFICE OF TRAFFIC SAFETY TO INCREASE ENFORCEMENT FOR SPEED, DUI, AND OTHER SPECIAL TRAFFIC ENFORCEMENT OPERATIONS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE NECESSARY DOCUMENTS

WHEREAS, the City of Modesto Police Department desires to undertake a certain project designated as the Selective Traffic Enforcement Program (STEP) grant from the Office of Traffic Safety (OTS), and

WHEREAS, the Police Department was awarded a grant in the sum of approximately $426,064 from OTS, and

WHEREAS, acceptance of said $426,064 grant will increase enforcement for speed, DUI, and other special traffic enforcement operations, while also reducing collisions with speed, DUI, and special operations, and

WHEREAS, OTS will pay overtime for officers, training, and equipment to assist in traffic studies and other traffic related enforcement equipment, and

WHEREAS, the term of this grant will be from October 1, 2016, through September 30, 2017,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Selective Traffic Enforcement Program Grant in the amount of approximately $426,064 from the Office of Traffic Safety to increase enforcement for speed, DUI, and other special traffic enforcement operations.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the necessary award documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of September, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Stephanie Lopez
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Adam Lindgren
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-353

RESOLUTION AMENDING THE FISCAL YEAR 2016/2017 OPERATING AND MULTI-YEAR BUDGET TO APPROPRIATE REVENUE AND EXPENSES IN THE AMOUNT OF $426,064 RELATED TO THE SELECTIVE TRAFFIC ENFORCEMENT PROGRAM GRANT TO INCREASE ENFORCEMENT FOR SPEED, DUI, AND OTHER SPECIAL TRAFFIC ENFORCEMENT OPERATIONS

WHEREAS, the Police Department acquired a grant award in the amount of approximately $426,064 from the Office of Traffic Safety (OTS) to increase enforcement for speed, DUI, and other special traffic enforcement operations, and

WHEREAS, the grant will pay overtime for officers for special enforcement operations, DUI saturation patrols, and other traffic related enforcement supplies, and

WHEREAS, there is no local match required for this grant, and

WHEREAS, the term of this grant will be from October 1, 2016, through September 30, 2017,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Fiscal Year 2016/2017 Operating and Multi-Year Budget is hereby adjusted as indicated on budget adjustment **attached.**

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of September, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Exhibit A

Project Name: 2017 OTS Selective Traffic Enforcement Program (STEP)
Project Fund: 1342 – Grants – Police

The Multi-Year 2016/2017 Operating Budget will be amended as follows:

	Revenues	Increase/(Decrease)	Description
To:	MY-1342-19998-42141-100972	$426,064	Intergov-State-Office of Traffic Safety
	Expenses		
To:	MY-100972 - Appr. A - 51200	$396,281	Services City Forces (Overtime)
	MY-100972 - Appr. C - 53025	$ 5,000	Training Expense
	MY-100972 - Appr. C - 52300	$ 24,283	Tools & Field Supplies < $5,000
	MY-100972 - Appr. C - 52015	$ 500	Printing and Binding
		$426,064	

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MODESTO CITY COUNCIL
RESOLUTION NO. 2016-354

RESOLUTION APPROVING THE INSTALLATION OF A SPEED HUMP ON SHEFFIELD LANE BETWEEN RUMBLE ROAD AND SUNRISE AVENUE

WHEREAS, City Council, by Resolution No. 92-492 which establishes procedures and criteria for the installation of speed humps on local streets in Modesto, California, and

WHEREAS, the Sheffield Lane neighborhood has decided to invest in the construction of a speed hump on Sheffield Lane south of Rumble Road to help improve or maintain traffic safety by encouraging northbound and southbound Sheffield Lane motorists to reduce their travel speed, and

WHEREAS, the Sheffield Lane neighborhood submitted a petition, and meets all the criteria set forth in Resolution No. 92-492 which requires the following key elements:

- Speed humps should be installed only on two-lane local residential streets, and minor collector streets with traffic volumes less than 2,500 vehicles per day;
- Speeding should exist to an unacceptable degree;
- Speed limit should not be greater than 30 mph;
- Street should not be a primary emergency route or a transit route;
- Speed hump installation should not divert traffic to adjoining residential Streets;
- Speed hump installation should be approved by a documented majority of Residents;
- Since they directly benefit the residents, they should be paid for by

those who benefit from them; and

- Speed humps being relatively new design features, the traffic staff should have the authority to make changes to design or procedures relating to speed humps in the future.

WHEREAS, the Sheffield Lane neighborhood will pay for the complete cost of the construction of a speed hump on Sheffield Lane, and

WHEREAS, the speed hump has the potential to provide a better and safer use of the roadway adjacent to homes, and

WHEREAS, the speed hump installation is exempt from environmental review under the Categorical Class I CEQA Guidelines, Section 15301 of the CEQA requirements.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the construction of one speed hump funded by the neighborhood on Sheffield Lane south of Rumble Road in Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of September, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-355

RESOLUTION AUTHORIZING THE AWARD OF BID FOR THREE THREE-QUARTER TON EXTENDED CAB UTILITY TRUCKS TO ALBANY FORD, ALBANY, CA, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE A PURCHASE AGREEMENT FOR AN ESTIMATED TOTAL COST OF $111,748

WHEREAS, the replacement of three three-quarter ton extended cab utility trucks for the Water and Wastewater Divisions has been subjected to a thorough evaluation and has met or exceeded the replacement criteria before being placed on the replacement list, and

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for new vehicles and heavy equipment through various competitive processes, and

WHEREAS, on June 21, 2016 the Purchasing Division issued RFB 1516-40 for the purchase of three three-quarter ton extended cab utility trucks on the City's website under the commodity codes for trucks one-ton and less capacity and automobiles. Prospective bidders were notified online of the bid opportunity. Eleven companies chose to download the RFB document, and

WHEREAS, bids were formally opened in the City Clerk's office on July 19, 2016. Two companies chose to respond. Local vendors capable of providing this type of equipment chose not to respond. Both companies provided responsive and responsible bids, and

WHEREAS, based on providing the overall lowest responsive and responsible bid, City staff recommends the award of bid for the purchase of three three-quarter ton

extended cab utility trucks to Albany Ford, Albany, CA, for a total estimated cost of $111,748, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of bid for the purchase of three three-quarter ton extended cab utility trucks to Albany Ford, Albany, CA, conforms to the Modesto Municipal Code, 8-3.203, and

WHEREAS, sufficient funds for three three-quarter ton extended cab utility trucks were encumbered in the Fleet Replacement account 5409-53246-57003 for Fiscal Year 2015-2016 therefore, making the funds available in the FY2016/2017 budget. Funding for these vehicles was collected through the Internal Service Fund (ISF) via straight-line depreciation over the life of the vehicle.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid for the purchase of three three-quarter ton extended cab utility trucksto Albany Ford, Albany, CA.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute a purchase agreement for an estimated total cost of $111,748.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of September, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-356

RESOLUTION APPROVING THE PREQUALIFIED LOCAL CONSULTANT LIST, CONSISTING OF DF ENGINEERING, INC., NORTH STAR ENGINEERING GROUP, INC., O'DELL ENGINEERING, AND PROVOST & PRITCHARD CONSULTING GROUP FOR CIVIL ENGINEERING SERVICES FOR VARIOUS CAPITAL IMPROVEMENT PROGRAM (CIP) PROJECTS FOR A PERIOD OF ONE YEAR, WITH THE POSSIBILITY OF TWO ADDITIONAL ONE-YEAR EXTENSIONS AT THE WRITTEN APPROVAL OF THE DEPARTMENT DIRECTOR

WHEREAS, there are a number of Capital Improvement Program (CIP) projects that may require outside consultant services for efficient project delivery, and

WHEREAS, retaining a prequalified, as-needed list of consultants allows the Utilities Department to have accelerated access to specific engineering design services, when needed, and

WHEREAS, this will eliminate the need to send out repetitive Requests for Qualifications (RFQ) for projects of similar scope and/or type, saving staff time and project costs, and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural & Engineering Services for Capital Projects, which is in compliance with State of California Government Code, Sections 4526-4529, staff solicited and formally advertised an RFQ through Planet Bids for civil design and drafting services, and

WHEREAS, staff received eleven (11) Statements of Qualifications (SOQs), nine (9) from which were considered local firms, and

WHEREAS, after careful review of the SOQs by Public Works and Utilities Department staff, the following local firms were selected as the four most qualified: 1)

DF Engineering, Inc.; 2) North Star Engineering Group; 3) O'Dell Engineering; and 4) Provost & Pritchard Consulting Group, and

WHEREAS, when as-needed civil design or drafting services are required for CIP projects with a total budget of $2 million or less, a Request for Proposals (RFP) with a specific scope of work may be issued to these firms, and

WHEREAS, following evaluation of proposals, interviews will be conducted to select the most qualified firm, and

WHEREAS, an agreement for engineering design services will then be presented to City Council for approval and

WHEREAS, this prequalified local consultant list will be active for one year from the date of Council approval, at which time the City may extend the list for two additional one-year extensions at the written approval of the Department Director, and

WHEREAS, in the event the firms listed on the pre-qualified list are deemed to lack experience or expertise for specific projects, the City retains the right to recruit consultants for individual projects and not be restricted to only using the approved list, and

WHEREAS, a formal process will be conducted should this situation occur,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the prequalified local consultant list, consisting of DF Engineering, Inc., North Star Engineering Group, Inc., O'Dell Engineering, and Provost & Pritchard Consulting Group for Civil Engineering Services for various Capital Improvement Program (CIP) projects for a period of one year, with the two optional additional one-year extensions at the written approval of the Department Director.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of September, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-357

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE HAHN AND RUMBLE LIFT STATION REPLACEMENT PROJECT, ACCEPTING THE BID, AND APPROVING A CONTRACT WITH MOUNTAIN CASCADE INC., OF LIVERMORE, CA IN THE AMOUNT OF $2,944,000, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, specifications have been prepared for the Hahn and Rumble Lift Station Replacement Project, and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Hahn and Rumble Lift Station Replacement Project were opened at 11:00 a.m. on July 19, 2016 for the consideration of the Council, and

WHEREAS, the Director of Utilities has recommended that the bid of $2,944,000 received from Mountain Cascade, Inc., be accepted as the lowest responsible and responsive bid and the contract be awarded to Mountain Cascade, Inc.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the specifications for Hahn and Rumble Lift Station Replacement Project, accepts the bid of $2,944,000 and awards Mountain Cascade, Inc., of Livermore, CA the contract for the Hahn and Rumble Lift Station Replacement Project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of September, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-358

RESOLUTION AUTHORIZING AN INCREASE IN THE DIRECTOR'S AUTHORITY TO ISSUE CHANGE ORDERS FOR THE HAHN AND RUMBLE LIFT STATION REPLACEMENT PROJECT FROM 10 PERCENT ($294,400) TO 15 PERCENT ($441,600) OF THE CONSTRUCTION CONTRACT PRICE OF $2,944,000 WITH MOUNTAIN CASCADE, INC., OF LIVERMORE, CA

WHEREAS, on September 6, 2016, the City Council is concurrently awarding a $2,944,000 contract to Mountain Cascade Inc., of Livermore, CA for the construction of the Hahn and Rumble Lift Station Replacement Project, and

WHEREAS, the dry well of the existing Hahn Sanitary Lift Station is located under the middle of the curb return at the southeast corner of Honeycreek Road and Nightingale Drive (3808 Honeycreek Rd.), and the wet well is located at the centerline intersection of the streets, and

WHEREAS, the existing Rumble Lift Station is located on Rumble Road near Bay Lane, and

WHEREAS, lift station construction is difficult due to the multiple components involved in the project: mechanical, electrical, and instrumentation, and

WHEREAS, in addition, the installation, testing and fine tuning of these components are challenging, and

WHEREAS, the additional costs could exceed the Director's authority for the project as established by the Council's Change Order Approval Policy adopted by Resolution No. 94-443, and

WHEREAS, the Director of Utilities currently has authority to approve change orders up to a cumulative amount of $294,400,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Director of Utilities to issue change orders for the Hahn and Rumble Lift Station Replacement Project from 10 percent ($294,400) to 15 percent ($441,600) of the construction contract price of $2,944,000 with Mountain Cascade, Inc., of Livermore, CA.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of September, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-359

RESOLUTION AMENDING FISCAL YEAR 2016-2017 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $500,000 TO BE TRANSFERRED INTO PROJECT 100523 FROM WASTEWATER FUND RESERVES TO FULLY FUND THE CONSTRUCTION, CONTINGENCY, CONSTRUCTION ADMINISTRATION, AND DESIGN SUPPORT DURING CONSTRUCTION FOR HAHN AND RUMBLE LIFT STATION REPLACEMENT PROJECT

WHEREAS, certain budgetary transactions are necessary in the amount of $500,000, in order to fund construction, contingency, construction administration, and design support during construction, including engineering, design, administration support by City staff, for the Hahn Lift Station Replacement Project, and

WHEREAS, the Fiscal Year 2016-2017 Capital Improvement Program Budget must be amended as shown in **Exhibit A**, which is incorporated by reference herein,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2016-2017 Capital Improvement Program Budget as shown in **Exhibit A**.

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of September, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Exhibit A

Due to construction costs being higher than initially budgeted for the project, line item increases are necessary for CIP Account #100523 "Hahn Lift Station Project", and the total project costs need to be increased by $500,000. This would be done by adjusting Construction by $401,229, Construction Administration by $16,333, Contingency-CIP by $77,502, and Engineering/Design/Administration by $30,804.

To fund the above account, $500,000 will be transferred from Wastewater Fund Reserves into CIP Project 100523 for the Hahn Lift Station Replacement Project.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-360

RESOLUTION DECLARING AN UNUSED PORTION OF THE SYNDER WEST DRAINAGE BASIN AS EXEMPT SURPLUS PROPERTY PURSUANT TO GOVERNMENT CODE SECTION 54221

WHEREAS, the City of Modesto owns surplus property which is a portion of the Snyder West Storm Drainage Basin, and

WHEREAS, the property is located at the northwest corner of the Snyder Avenue and Prescott Road intersection, and

WHEREAS, the remnant portion consists of 928 square feet (0.02 acre), and

WHEREAS, this remnant portion of the property is no longer used by the City and there are no other uses for the property, and

WHEREAS, this property is considered exempt surplus property, as defined by Government Code Section 54221.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that hereby declares unused portion of the Synder West Drainage Basin, located at APN 078-058-062, as exempt surplus property pursuant to Government Code Section 54221.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of September, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-361

RESOLUTION APPROVING THE SALE OF SURPLUS PROPERTY, CONSISTING OF 928 SQUARE FEET (0.02 ACRE) DESCRIBED AS AN UNUSED PORTION OF THE SNYDER WEST DRAINAGE BASIN, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE GRANT DEED AND ALL RELATED DOCUMENTS REQUIRED TO COMPLETE THE SALE AND CLOSE ESCROW

WHEREAS, the City of Modesto Community Facilities District No. 1998-2 (Carver-Bangs/Pelandale-Snyder) owns a parcel of real property located at the northwest corner of Snyder Avenue and Prescott Road (APN 078-058-062), and

WHEREAS, the parcel contains an unused portion of the Snyder West Storm Drainage Basin, and

WHEREAS, the unused portion is a remnant of the Storm Drainage Basin, and

WHEREAS, an adjacent property owner wishes to purchase the remnant portion of the parcel, and

WHEREAS, the unused portion is considered exempt surplus property, pursuant to Government Code Section 54221, and

WHEREAS, a lot line adjustment is required to incorporate the small unused remnant into the buyer's adjacent property, and

WHEREAS, the City has approved a Certificate of Compliance for Lot Line Adjustment and a Certificate of Approval of Lot Line Adjustment, and

WHEREAS, buyer has executed a Purchase and Sale Agreement for the purchase of the property, and

WHEREAS, staff recommends the sale be approved.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the sale of the surplus property located at the northwest corner of the intersection of Snyder Avenue and Prescott Road (APN 078-058-062).

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Grant Deed and all related documents required to complete the sale and close escrow.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of September, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Stephanie Lopez
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Adam Lindgren
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-362

RESOLUTION ACCEPTING THE TANK 7 RECOAT PROJECT AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER AND RELEASE SECURITIES AND PAYMENTS TOTALING $169,623 TO UTILITY SERVICE CO., INC., OF PERRY, GEORGIA

WHEREAS, the Tank 7 Recoat Project has been completed by Utility Service Co., Inc. of Perry, GA in accordance with the contract agreement dated November 4, 2014,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Tank 7 Recoat Project is hereby accepted as complete from said contractor, Utility Service Co., Inc. of Perry, GA, and that the City Clerk is authorized to complete all necessary steps to file with the County Recorder, release securities and payments totaling $169,623, as is authorized and provided in the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of September, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-363

RESOLUTION AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE CALIFORNIA DEPARTMENT OF WATER RESOURCES FOR THE 2016 INTEGRATED REGIONAL WATER MANAGEMENT PLANNING GRANT PURSUANT TO THE WATER QUALITY, SUPPLY, AND INFRASTRUCTURE IMPROVEMENT ACT OF 2014, TO RECEIVE A GRANT FOR THE EAST STANISLAUS INTEGRATED REGIONAL WATER MANAGEMENT PLAN UPDATE, AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL GRANT-RELATED DOCUMENTS AND ENTER INTO AN AGREEMENT TO RECEIVE GRANT FUNDS, IF AWARDED, AND AUTHORIZING THE DIRECTOR OF FINANCE TO BE THE SIGNATORY OF GRANT INVOICE FORMS DURING REQUESTS FOR REIMBURSEMENTS

WHEREAS, in August 2016, the Department of Water Resources (DWR) released the Final 2016 Integrated Regional Water Management (IRWM) Grant Program Guidelines (Guidelines) and 2016 Planning Grant Proposal Solicitation Package (PSP) for the Proposition 1 (Prop 1) IRWM Planning Grant Funding Program, and

WHEREAS, this is the first and only planning grant funding round for Prop 1 Bond monies for updating existing IRWM Plans, and

WHEREAS, the 2016 Guidelines specify that all IRWM Regional Plans must be updated to meet the new Guidelines in order to be eligible for future Prop 1 IRWM Implementation Grant opportunities, and

WHEREAS, the deadline to submit a grant application is September 23, 2016, with announcement of awards expected around the end of the year, and

WHEREAS, the East Stanislaus Integrated Regional Water Management Partnership (Partnership) was formed under a Memorandum of Understanding in August 2011 between the cities of Ceres, Hughson, Turlock, and Modesto, and

WHEREAS, this Partnership also included a cost-sharing agreement for developing the East Stanislaus Region and Plan, and

WHEREAS, in September 2011, the state granted regional status to East Stanislaus IRWM, and

WHEREAS, the Plan was completed in December 2013 and in June 2014 the DWR issued a notice of compliance with the IRWM Plan Guidelines through its review process, and

WHEREAS, the East Stanislaus IRWM Region resides in the San Joaquin Funding Area which includes three other full IRWM Regions and six partial IRWM Regions, and

WHEREAS, there is approximately $5 million in funds statewide available for this 2016 Planning Grant with a maximum grant amount of $250,000 for updating existing IRWM Plans, and

WHEREAS, the next implementation grant funding cycle will be sourced by Prop 1 Bond funds, with the first expected grant application date in 2018, and

WHEREAS, the City of Modesto has an on-call grant research and writing agreement with RMC Water and Environment (RMC) for development and submittal of grant applications, and

WHEREAS, RMC's services will be used for applying for the IRWM grant, and

WHEREAS, Modesto will be the lead agency and lead applicant for the IRWM Grant application, and

WHEREAS, the other Partnership agencies have expressed their desire to participate in this grant application with cost sharing applicable to previous IRWM Plan efforts, and

WHEREAS, as the lead applicant, the City of Modesto would be required to enter into Grant Agreements with the DWR, if the applications score high enough for an award and the City choses to accept the grants, and

WHEREAS, the City may manage grant administration tasks in-house or may decide to hire a consultant (by future Council action) for grant administration tasks, and

WHEREAS, administration tasks would be at a minimum, 50% funded by the IRWM Grant,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the submittal of an application to the California Department of Water Resources for the 2016 Integrated Regional Water Management Planning Grant pursuant to the Water Quality, Supply, and Infrastructure Improvement Act of 2014 (Water Code Section 79700 et seq.), to receive a grant for the East Stanislaus Integrated Regional Water Management Plan Update.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute all grant-related documents and enter into an agreement to receive the grant funds, if awarded; and authorizing the Director of Finance to be the signatory of grant invoice forms for requests for reimbursements.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of September, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-364

RESOLUTION AUTHORIZING THE SUBMITTAL OF APPLICATIONS TO THE STATE WATER RESOURCES CONTROL BOARD, CALIFORNIA DEPARTMENT OF WATER RESOURCES, AND OTHER AGENCIES, FOR THE GROUNDWATER QUALITY FUNDING PROGRAM GRANT AND OTHER PROPOSITION 1 FUNDING, AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE ALL GRANT-RELATED DOCUMENTS AND ENTER INTO AGREEMENTS TO RECEIVE GRANT FUNDS, IF AWARDED, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO BE THE SIGNATORY OF GRANT INVOICE FORMS DURING REQUESTS FOR REIMBURSEMENTS

WHEREAS, the State Water Resources Control Board (SWRCB) is administering this grant and if applications are successful, the City will use grant funds for projects that prevent or cleanup contamination of groundwater that serves as a source of drinking water, and

WHEREAS, the grant funding cap for planning projects is $1,000,000, whereas there is an unlimited cap for implementation projects, and

WHEREAS, pre-applications for implementation grants were submitted on July 29, 2016, and

WHEREAS, staff will be seeking guidance from SWRCB in refining the submitted concept proposals, and determining the actual grant funding request amount, and

WHEREAS, the City of Modesto has and on-call grant research and writing agreements with Provost and Pritchard (P&P) for development and submittal of grant applications, and

WHEREAS, P&P will be used for applying for the Groundwater Sustainability Program grant, and

WHEREAS, the City is not anticipating collaboration with other agencies, and therefore, will be the sole applicant for the Groundwater Sustainability Grant, and

WHEREAS, as the lead and/or sole applicant, the City of Modesto would be required to enter into Grant Agreements with the SWRCB, if the applications score high enough for an award and the City choses to accept the grants, and

WHEREAS, the City may manage grant administration tasks in-house or may decide to hire a consultant (by future Council action) for grant administration tasks,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the submittal of applications to the State Water Resources Control Board, California Department of Water Resources, and other agencies, for the Groundwater Quality Funding Program Grant and other Proposition 1 Funding.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute all grant-related documents and enter into an agreement to receive the grant funds, if awarded; and authorizing the Director of Finance to be the signatory of grant invoice forms for requests for reimbursements.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of September, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-365

RESOLUTION ACCEPTING THE ROUNDABOUT IMPROVEMENTS AT THE INTERSECTION OF KODIAK DRIVE AT LINCOLN OAK DRIVE PROJECT AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASE SECURITIES AND PAYMENTS TOTALING $287,284.61 TO MCFADDEN CONSTRUCTION, INC., OF STOCKTON, CA

WHEREAS, the Roundabout Improvements at the intersection of Kodiak Drive at Lincoln Oak Drive Project has been completed by McFadden Construction Inc. of Stockton, CA in accordance with the contract agreement dated May 12, 2015,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Roundabout Improvements at the intersection of Kodiak Drive at Lincoln Oak Drive Project is hereby accepted as complete from said contractor, McFadden Construction Inc. of Stockton, CA, and that the City Clerk is authorized to complete all necessary steps to file with the County Recorder, release securities and payments totaling $287,284.61, as is authorized and provided in the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of September, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

YES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-366

RESOLUTION FINDING THAT THIS PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE WATER SYSTEM ENGINEERS REPORT AND PROGRAM ENVIRONMENTAL IMPACT REPORT (SCH# 2008092095): GROGAN PARK WELL (TIVOLI) PROJECT

WHEREAS, the Grogan Park Water Well Project includes the drilling and installation of a domestic water well and appurtenant piping and valves, with a projected capacity of 1,500 gallons per minute, and

WHEREAS, this well is specifically provided for in the Water System Engineers Report and Environmental Impact Report (EIR), and

WHEREAS, the proposed well will be located on a site occupying a portion of the approximately 1-acre remainder of the Grogan Park land on the East side of Litt Road, North of Sylvan Avenue, and

WHEREAS, the proposed well site is approximately 72-feet by 108-feet, or 0.17 acre of the remainder, and

WHEREAS, the project will include landscaping consistent with the City of Modesto Standard Specifications and masonry block walls with wrought iron vehicle and pedestrian access gates, and

WHEREAS, parking will be included on the remainder parcel, exterior to the well site, and

WHEREAS, the well site will include the below ground well, well pump, motor, piping, tablet chlorination feed system, backup generator, and associated architectural, mechanical, structural, electrical, and instrumentation improvements, and

WHEREAS, on September 14, 2010, by Resolution No. 2010-408, the City Council certified the Final Program Environmental Impact Report for the 2010 Water System Engineer's Report (SCH#2008092095, EA/PW #2008-18), and

WHEREAS, based on a review of this project and the criteria in Sections 15162 (a) and 15168 (c) of California Environmental Quality Act (CEQA) Guidelines, this determination would permit the lead agency (City of Modesto) to approve the activity as being within the scope of the project covered by the Water System Engineers Report and Program EIR, and

WHEREAS, this determination concludes that no new environmental document is required beyond the adopted Water System Engineers Report Program EIR (SCH# 2008092095) for the proposed water well project, and

WHEREAS, the analysis is presented in a Written Checklist, and based on the analysis contained in this document; staff finds that pursuant to CEQA Guidelines Section 15168 (c) the Initial Study, Environmental Assessment No. EA/UTL 2016-05 provides the substantial evidence to support the findings, and to adopt the Finding of Conformance for the proposed project, and

WHEREAS, in accordance with CEQA Guidelines, on May 20, 2016, the City caused to be published a 30-day notice of the City's intent to make a finding that the proposed project conforms with the Final Program Environmental Impact Report for the 2010 Water System Engineer's Report, and

WHEREAS, said matter was considered by the City Council at a regular meeting on September 13, 2016, at 5:30 p.m., in the Tenth Street Place Chambers, 1010 Tenth Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it has reviewed and considered the Initial Study prepared for the proposed Project, a copy of which is **attached** hereto as **Exhibit "A"** and incorporated herein by reference, and based on the substantial evidence included in said Initial Study makes the following findings:

1. The subsequent project will have no additional significant effect on the environment that was not identified in and mitigated through the Program EIR.

2. No new or additional mitigation measures or alternatives are required.

3. The subsequent project is within the scope of the project covered by the Program EIR.

4. All applicable policies, regulations, and mitigation measures identified in the Program EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project:

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Director of Utilities Department is hereby authorized and directed to file a Notice of Determination within five (5) business days with the Stanislaus County Clerk, pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of September, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Exhibit "A"

INITIAL STUDY
EA/UTL 2016-05

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-367

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE – GROGAN PARK WELL (TIVOLI) PROJECT, ACCEPTING THE BID, AND APPROVING A CONTRACT WITH HYDRO RESOURCES – WEST, INC. OF SHAFTER, CA, THE AMOUNT OF $476,850

WHEREAS, specifications have been prepared for the Grogan Park Well (Tivoli) Project, and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Grogan Park Well (Tivoli) Project were opened at 11:00 a.m. on May 31, 2016 for the consideration of the Council, and

WHEREAS, the Director of Utilities has recommended that the bid of $476,850 received from Hydro Resources – West Inc., be accepted as the lowest responsible and responsive bid and the contract be awarded to Hydro Resources – West Inc.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the specifications for Grogan Park Well (Tivoli) Project, accepts the bid of $476,850 and awards Hydro Resources – West Inc. of Shafter, CA, the contract for the Grogan Park Well (Tivoli) Project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of September, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-368

RESOLUTION AUTHORIZING AN INCREASE IN THE DIRECTOR'S AUTHORITY TO ISSUE CHANGE ORDERS FOR THE GROGAN PARK WELL (TIVOLI) PROJECT FROM 10 PERCENT ($47,685) TO 25 PERCENT ($119,213) OF THE CONSTRUCTION CONTRACT AMOUNT

WHEREAS, on September 13, 2016, the City Council is concurrently awarding a $476,850 contract to Hydro Resources - West, Inc., of Shafter, CA for the construction of the Grogan Park Well (Tivoli) Project, and

WHEREAS, the Tivoli Specific Plan Area requires two 1,500 gallons per minute production wells to serve the area at buildout, and

WHEREAS, the Community and Economic Development Department - Planning Division staff has indicated a new well is required to be operational within one year to meet projected development needs, and

WHEREAS, given the nature of well drilling and well construction, additional work may be needed to address unexpected conditions that require changes in project scope that may exceed the Director's change order authority of 10%, as established by the Council's Change Order Approval Policy adopted by Resolution No. 94-443, and

WHEREAS, the Director of Utilities currently has authority to approve change orders up to a cumulative amount of $47,685,

WHEREAS, staff recommends that the Director's change order authority be increased to 25%,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Director of Utilities to issue change orders for the Grogan Park Well (Tivoli) Project from 10 percent ($47,685) to 25 percent ($119,213) of the

construction contract price of $476,850 with Hydro Resources - West, Inc., of Shafter, CA

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of September, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-369

RESOLUTION AMENDING THE MULTI-YEAR CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $501,069 TO BE TRANSFERRED FROM WATER FUND RESERVES IN ORDER TO FULLY FUND THE GROGAN PARK WELL (TIVOLI) PROJECT

WHEREAS, certain budgetary transactions are necessary in the amount of $501,069, in order to fund construction, contingency, construction administration, and design support during construction, including engineering, design, administration support by City staff, for the Grogan Park Well (Tivoli) Project, and

WHEREAS, the Multi-Year Capital Improvement Program Budget must be amended as shown in **Exhibit A**, which is incorporated by reference herein,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2015-2016 Capital Improvement Program Budget as shown in **Exhibit A**.

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of September, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Exhibit A

Due to construction costs being higher than initially budgeted for the project, line item increases are necessary for CIP Account #100785 "Grogan Park Well (Tivoli)", and the total project costs need to be increased by $501,069. This would be done by adjusting Construction by $456,856 and Contingency-CIP by $44,213.

To fund the above account, $501,069 will be transferred from Water Fund Reserves into CIP Project 100785 for the Grogan Park Well (Tivoli) Project.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-370

RESOLUTION AMENDING THE FISCAL YEAR 16/17 BUDGET FOR PROJECT 100958 TO ALLOCATE $125,000 IN FUNDING FROM THE EXCESS TRANSIENT OCCUPANCY TAX REVENUES FROM FISCAL YEAR 15/16 FOR THE HOST CITY COMMITMENTS FOR THE STAGE START OF THE 2017 AMGEN TOUR OF CALIFORNIA AND DIRECTING THE CITY MANAGER AND FINANCE DEPARTMENT TO RETURN TO THE CITY COUNCIL WITH MONTHLY PROPOSED REDUCTIONS TO THIS BUDGET APPROPRIATION TO REFLECT THE AMOUNTS GENERATED AS A RESULT OF THE FUNDRAISING ACTIVITIES FOR THIS EVENT

WHEREAS, for the past eleven years, the Amgen Tour of California has swept through California for eight to nine days generating over $100 million of economic impact to the host cities and the State with over one billion marketing impressions made worldwide, and

WHEREAS, the City of Modesto was the Host City for the Stage 3 Start of the Third Annual Amgen Tour of California on February 20, 2008, the Host City for the Stage 3 Finish of the Fourth Annual Amgen Tour of California on February 17, 2009, the Host City for the Stage 4 Finish of the Fifth Annual Amgen Tour of California on May 19, 2010, and the Host City for the Stage 3 Finish of the Sixth Annual Amgen Tour of California on May 17, 2011, and

WHEREAS, the City's Local Organizing Committee (LOC) was very successful in raising private funds to pay the costs of the stage start and finishes hosted between 2008-2011, and

WHEREAS, the final stage finish hosted by Modesto in 2011 cost approximately $112,158 and the LOC raised approximately $142,000, and

WHEREAS, City Staff estimates the maximum cost of being a Host City to be $125,000, calculated from the cost of hosting previous events and the preliminary cost estimates obtained to date, and

WHEREAS, funding will be allocated from the excess Transient Occupancy Tax from the 15/16 Fiscal Year, and

WHEREAS, City staff and the LOC will work with the community to raise funds to cover the costs of this event,

WHEREAS, the City Manager and Finance Department will return to the City Council with monthly proposed reductions to this budget appropriation to reflect the amounts generated as a result of the fundraising activities for this event.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby amends the Fiscal Year 16/17 Budget for Project #100958 and allocates $125,000 in funding from the excess TOT (Transient Occupancy Tax) revenues from the Fiscal Year 15/16 for the Host City Requirements for the Stage Start of the 2017 Amgen Tour of California; and directs the City Manager and Finance Department to return to the City Council with monthly proposed reductions to this budget appropriation to reflect amounts generated as a result of the fundraising activities for this event.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of September, 2016, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Madrigal, Ridenour, Zoslocki
NOES:	Councilmembers:	Kenoyer, Mayor Brandvold
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-371

RESOLUTION APPROVING THE LETTER OF INTENT TO AEG CYCLING, LLC FOR THE CITY OF MODESTO TO BE A HOST CITY FOR THE STAGE START OF THE 2017 AMGEN TOUR OF CALIFORNIA, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE LETTER OF INTENT

WHEREAS, for the past eleven years, the Amgen Tour of California has swept through California for eight to nine days generating over $100 million of economic impact to the host cities and the State with over one billion marketing impressions made worldwide, and

WHEREAS, the City of Modesto was the Host City for the Stage 3 Start of the Third Annual Amgen Tour of California on February 20, 2008, the Host City for the Stage 3 Finish of the Fourth Annual Amgen Tour of California on February 17, 2009, the Host City for the Stage 4 Finish of the Fifth Annual Amgen Tour of California on May 19, 2010, and the Host City for the Stage 3 Finish of the Sixth Annual Amgen Tour of California on May 17, 2011, and

WHEREAS, in the process, the City of Modesto developed a strong partnership with AEG Cycling LLC (AEG), the team that produces the Tour of California, and

WHEREAS, the City of Modesto has been offered the opportunity to be a Host City for the twelfth Annual Amgen Tour of California in May 2017, and

WHEREAS, the City Council received the "Host City Benefits and Opportunities" document outlining the requirements for the start stage event, and

WHEREAS, the City Council supports the return of the Amgen Tour of California to Modesto, and

WHEREAS, AEG requires a Letter of Intent to formalize the City's commitment to be a host city,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Letter of Intent with AEG Cycling, LLC for the City of Modesto to be a Host City for the Stage Start of the 2017 Amgen Tour of California.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Letter of Intent.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of September, 2016, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki
NOES:	Councilmembers:	Grewal, Mayor Brandvold
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-372

RESOLUTION AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH AEG CYCLING, LLC TO HOST A START STAGE OF THE 2017 AMGEN TOUR OF CALIFORNIA

WHEREAS, for the past eleven years, the Amgen Tour of California has swept through California for eight to nine days generating over $100 million of economic impact to the host cities and the State with over one billion marketing impressions made worldwide, and

WHEREAS, the City of Modesto was the Host City for the Stage 3 Start of the Third Annual Amgen Tour of California on February 20, 2008, the Host City for the Stage 3 Finish of the Fourth Annual Amgen Tour of California on February 17, 2009, the Host City for the Stage 4 Finish of the Fifth Annual Amgen Tour of California on May 19, 2010, and the Host City for the Stage 3 Finish of the Sixth Annual Amgen Tour of California on May 17, 2011, and

WHEREAS, the City of Modesto was offered the opportunity to be a host city for a stage start of the 2017 Amgen Tour of California to be held in May 2017, and

WHEREAS, on September 13, 2016, the City Council approved a Letter of Intent to be a host city, and

WHEREAS, an agreement between the City of Modesto and AEG Cycling, LLC is required, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City Manager or his designee to negotiate and execute an Agreement with AEG Cycling, LLC to Host a Start Stage of the 2017 Amgen Tour of California, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of September, 2016, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki

NOES: Councilmembers: Grewal, Mayor Brandvold

ABSENT: Councilmembers: None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

AMENDED
on 6/27/2017
By Resolution 2017-255

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-373

RESOLUTION APPROVING A PROPOSED AGREEMENT INCLUDING LANGUAGE CHANGES FOR A SUCCESSOR MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF MODESTO AND THE MODESTO CITY EMPLOYEES ASSOCIATION (MCEA) FOR A TERM OF MARCH 8, 2016 TO MARCH 9, 2019; AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO TAKE THE NECESSARY ADMINISTRATIVE ACTION TO IMPLEMENT THE AGREEMENT

WHEREAS, the current Memorandum of Understanding (MOU) between the City of Modesto (CITY) and the Modesto City Employees Association (MCEA) expired on March 7, 2016, and

WHEREAS, representatives of the CITY and the MCEA have met and conferred in good faith concerning wages, hours, terms and conditions of employment for employees in said bargaining unit, and

WHEREAS, the CITY and MCEA have reached agreement on language changes for a successor MOU which, upon execution, shall be **attached** hereto and made a part hereof, and

WHEREAS, the MOU provides as follows:

Article 1. TERM. The term of the MOU shall be from March 8, 2016 to March 9, 2019.

Article 5. SALARY. Amend to include 2.0% salary increase effective September 20, 2016, following ratification of this MOU by MCEA and adoption by the City Council. Effective June 27, 2017, employees will receive an additional 2.0% salary increase. Effective June 26, 2018, employees will receive an additional 2.0% salary increase. In addition, based on the results of the City's most recent labor market study, the salary range for each of the benchmark classes listed in **Exhibit X**, along with any

related classes, shall increase in accordance with the schedules set forth in **Exhibits A through E attached** hereto.

Article 20. SHIFT DIFFERENTIALS.

a. Revise Line Clearance Tree Trimming differential of $6.00 per day to 2.5% differential and 2.5% differential for International Society of Arboriculture certification

b. Utilities Service Worker III Lead Differential of 5.0% when assigned as worksite lead of at least 3 crewmembers

Article 24. UNIFORM ALLOWANCE. Employees assigned to Wastewater and Streets Divisions will receive one coverall and one jacket per fiscal year.

Article 32. HEALTH, DENTAL, VISION INSURANCE. Four percent (4%) increase to City contributions (excluding opt out) each year as follows:

	Current	2017	2018	2019
Opt-out of City Medical Coverage	$450.00	$450.00	$450.00	$450.00
Employee only	$621.00	$645.00	$670.00	$700.00
Employee plus 1	$858.00	$900.00	$930.00	$965.00
Employee plus family	$1214.00	$1260.00	$1310.00	$1365.00

Article 33. RETIREE HEALTH INSURANCE. $500 Cash/Health Reimbursement Arrangement (HRA) contribution in lieu of H&W increase, to be paid first pay period after Council approval. Increase City HRA contributions all employees regardless of date of hire by January 1, 2019 as follows:

a. An additional $15.00 monthly per employee effective January 1, 2017

b. An additional $15.00 monthly per employee effective January 1, 2018

c. An additional $10.00 monthly per employee effective January 1, 2019

MISCELLANEOUS. PAYCHECK ADVICES. Employees will no longer be receiving hard-copy pay advices. Employees will now be able to utilize the Employee self-service tool available via Oracle under the CoM Employee Self Service responsibility to view their pay advices including their annual W-2s. Employees will no longer receive a paper payroll paycheck, all employees will utilize direct deposit for payroll. Pay advices will be available anytime during payday Friday and pay slips can be printed utilizing city computer workstation.

CONTINUATION OF REMAINING PROVISIONS. Except as provided above, the remaining provisions of the July 1, 2014 through March 7, 2016 MOU between the CITY and MCEA shall continue in the new MOU. The exact language of all provisions shall be set forth in the MOU between the CITY and MCEA.

WHEREAS, the Council considered this matter at its meeting of September 13, 2016,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the language changes for a successor Memorandum of Understanding between the City of Modesto and the Modesto City Employees Association, which covers a term from March 8, 2016 through March 9, 2019, and upon execution of same, a copy of the MOU will be on file in the office of the City Clerk.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of September, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 16/17
EFFECTIVE: SEPTEMBER 20, 2016

MCEA

	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
0101	13.41	14.09	14.79	15.53	16.30	1,072.80	1,127.20	1,183.20	1,242.40	1,304.00	2,332.27	2,450.53	2,572.28	2,700.98	2,834.90
0102	13.75	14.44	15.16	15.92	16.71	1,100.00	1,155.20	1,212.80	1,273.60	1,336.80	2,391.40	2,511.40	2,636.63	2,768.81	2,906.20
0103	14.09	14.80	15.54	16.31	17.13	1,127.20	1,184.00	1,243.20	1,304.80	1,370.40	2,450.53	2,574.02	2,702.72	2,836.64	2,979.25
0104	14.45	15.17	15.93	16.72	17.56	1,156.00	1,213.60	1,274.40	1,337.60	1,404.80	2,513.14	2,638.37	2,770.55	2,907.94	3,054.04
0105	14.81	15.55	16.32	17.14	18.00	1,184.80	1,244.00	1,305.60	1,371.20	1,440.00	2,575.76	2,704.46	2,838.37	2,980.99	3,130.56
0106	15.18	15.94	16.73	17.57	18.45	1,214.40	1,275.20	1,338.40	1,405.60	1,476.00	2,640.11	2,772.28	2,909.68	3,055.77	3,208.82
0107	15.56	16.33	17.15	18.01	18.91	1,244.80	1,306.40	1,372.00	1,440.80	1,512.80	2,706.20	2,840.11	2,982.73	3,132.30	3,288.83
0108	15.95	16.74	17.58	18.46	19.38	1,276.00	1,339.20	1,406.40	1,476.80	1,550.40	2,774.02	2,911.42	3,057.51	3,210.56	3,370.57
0109	16.34	17.16	18.02	18.92	19.86	1,307.20	1,372.80	1,441.60	1,513.60	1,588.80	2,841.85	2,984.47	3,134.04	3,290.57	3,454.05
0110	16.75	17.59	18.47	19.39	20.36	1,340.00	1,407.20	1,477.60	1,551.20	1,628.80	2,913.16	3,059.25	3,212.30	3,372.31	3,541.01
0111	17.17	18.03	18.93	19.88	20.87	1,373.60	1,442.40	1,514.40	1,590.40	1,669.60	2,986.21	3,135.78	3,292.31	3,457.53	3,629.71
0112	17.60	18.48	19.40	20.37	21.39	1,408.00	1,478.40	1,552.00	1,629.60	1,711.20	3,060.99	3,214.04	3,374.05	3,542.75	3,720.15
0113	18.04	18.94	19.89	20.88	21.93	1,443.20	1,515.20	1,591.20	1,670.40	1,754.40	3,137.52	3,294.04	3,459.27	3,631.45	3,814.07
0114	18.49	19.42	20.39	21.40	22.47	1,479.20	1,553.60	1,631.20	1,712.00	1,797.60	3,215.78	3,377.53	3,546.23	3,721.89	3,907.98
0115	18.95	19.90	20.90	21.94	23.04	1,516.00	1,592.00	1,672.00	1,755.20	1,843.20	3,295.78	3,461.01	3,634.93	3,815.80	4,007.12
0116	19.43	20.40	21.42	22.49	23.61	1,554.40	1,632.00	1,713.60	1,799.20	1,888.80	3,379.27	3,547.97	3,725.37	3,911.46	4,106.25
0117	19.91	20.91	21.95	23.05	24.20	1,592.80	1,672.80	1,756.00	1,844.00	1,936.00	3,462.75	3,636.67	3,817.54	4,008.86	4,208.86
0118	20.41	21.43	22.50	23.63	24.81	1,632.80	1,714.40	1,800.00	1,890.40	1,984.80	3,549.71	3,727.11	3,913.20	4,109.73	4,314.96
0119	20.92	21.97	23.06	24.22	25.43	1,673.60	1,757.60	1,844.80	1,937.60	2,034.40	3,638.41	3,821.02	4,010.60	4,212.34	4,422.79
0120	21.44	22.51	23.64	24.82	26.06	1,715.20	1,800.80	1,891.20	1,985.60	2,084.80	3,728.84	3,914.94	4,111.47	4,316.69	4,532.36
0121	21.98	23.08	24.23	25.44	26.71	1,758.40	1,846.40	1,938.40	2,035.20	2,136.80	3,822.76	4,014.07	4,214.08	4,424.52	4,645.40
0122	22.53	23.65	24.84	26.08	27.38	1,802.40	1,892.00	1,987.20	2,086.40	2,190.40	3,918.42	4,113.21	4,320.17	4,535.83	4,761.93
0123	23.09	24.25	25.46	26.73	28.07	1,847.20	1,940.00	2,036.80	2,138.40	2,245.60	4,015.81	4,217.56	4,428.00	4,648.88	4,881.93
0124	23.67	24.85	26.09	27.40	28.77	1,893.60	1,988.00	2,087.20	2,192.00	2,301.60	4,116.69	4,321.91	4,537.57	4,765.41	5,003.68
0125	24.26	25.47	26.75	28.08	29.49	1,940.80	2,037.60	2,140.00	2,246.40	2,359.20	4,219.30	4,429.74	4,652.36	4,883.67	5,128.90
0126	24.87	26.11	27.41	28.79	30.22	1,989.60	2,088.80	2,192.80	2,303.20	2,417.60	4,325.39	4,541.05	4,767.15	5,007.16	5,255.86
0127	25.49	26.76	28.10	29.50	30.98	2,039.20	2,140.80	2,248.00	2,360.00	2,478.40	4,433.22	4,654.10	4,887.15	5,130.64	5,388.04
0128	26.12	27.43	28.80	30.24	31.75	2,089.60	2,194.40	2,304.00	2,419.20	2,540.00	4,542.79	4,770.63	5,008.90	5,259.34	5,521.96
0129	26.78	28.12	29.52	31.00	32.55	2,142.40	2,249.60	2,361.60	2,480.00	2,604.00	4,657.58	4,890.63	5,134.12	5,391.52	5,661.10
0130	27.45	28.82	30.26	31.77	33.36	2,196.00	2,305.60	2,420.80	2,541.60	2,668.80	4,774.10	5,012.37	5,262.82	5,525.44	5,801.97
0131	28.13	29.54	31.02	32.57	34.20	2,250.40	2,363.20	2,481.60	2,605.60	2,736.00	4,892.37	5,137.60	5,395.00	5,664.57	5,948.06
0132	28.84	30.28	31.79	33.38	35.05	2,307.20	2,422.40	2,543.20	2,670.40	2,804.00	5,015.85	5,266.30	5,528.92	5,805.45	6,095.90
0133	29.56	31.03	32.59	34.22	35.93	2,364.80	2,482.40	2,607.20	2,737.60	2,874.40	5,141.08	5,396.74	5,668.05	5,951.54	6,248.95
0134	30.30	31.81	33.40	35.07	36.82	2,424.00	2,544.80	2,672.00	2,805.60	2,945.60	5,269.78	5,532.40	5,808.93	6,099.37	6,403.73
0135	31.05	32.61	34.24	35.95	37.74	2,484.00	2,608.80	2,739.20	2,876.00	3,019.20	5,400.22	5,671.53	5,955.02	6,252.42	6,563.74

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 16/17
EFFECTIVE: SEPTEMBER 20, 2016

MCEA

	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
0136	31.83	33.42	35.09	36.85	38.69	2,546.40	2,673.60	2,807.20	2,948.00	3,095.20	5,535.87	5,812.41	6,102.85	6,408.95	6,728.96
0137	32.63	34.26	35.97	37.77	39.66	2,610.40	2,740.80	2,877.60	3,021.60	3,172.80	5,675.01	5,958.50	6,255.90	6,568.96	6,897.67
0138	33.44	35.11	36.87	38.71	40.65	2,675.20	2,808.80	2,949.60	3,096.80	3,252.00	5,815.88	6,106.33	6,412.43	6,732.44	7,069.85
0139	34.28	35.99	37.79	39.68	41.66	2,742.40	2,879.20	3,023.20	3,174.40	3,332.80	5,961.98	6,259.38	6,572.44	6,901.15	7,245.51
0140	35.13	36.89	38.73	40.67	42.70	2,810.40	2,951.20	3,098.40	3,253.60	3,416.00	6,109.81	6,415.91	6,735.92	7,073.33	7,426.38
0141	36.01	37.81	39.70	41.69	43.77	2,880.80	3,024.80	3,176.00	3,335.20	3,501.60	6,262.86	6,575.92	6,904.62	7,250.72	7,612.48
0142	36.91	38.76	40.69	42.73	44.87	2,952.80	3,100.80	3,255.20	3,418.40	3,589.60	6,419.39	6,741.14	7,076.80	7,431.60	7,803.79
0143	37.83	39.73	41.71	43.80	45.99	3,026.40	3,178.40	3,336.80	3,504.00	3,679.20	6,579.39	6,909.84	7,254.20	7,617.70	7,998.58
0144	38.78	40.72	42.75	44.89	47.14	3,102.40	3,257.60	3,420.00	3,591.20	3,771.20	6,744.62	7,082.02	7,435.08	7,807.27	8,198.59
0145	39.75	41.74	43.82	46.01	48.31	3,180.00	3,339.20	3,505.60	3,680.80	3,864.80	6,913.32	7,259.42	7,621.17	8,002.06	8,402.08
0146	40.74	42.78	44.92	47.16	49.52	3,259.20	3,422.40	3,593.60	3,772.80	3,961.60	7,085.50	7,440.30	7,812.49	8,202.07	8,612.52
0147	41.76	43.85	46.04	48.34	50.76	3,340.80	3,508.00	3,683.20	3,867.20	4,060.80	7,262.90	7,626.39	8,007.28	8,407.29	8,828.18
0148	42.81	44.95	47.19	49.55	52.03	3,424.80	3,596.00	3,775.20	3,964.00	4,162.40	7,445.52	7,817.70	8,207.28	8,617.74	9,049.06
0149	43.88	46.07	48.37	50.79	53.33	3,510.40	3,685.60	3,869.60	4,063.20	4,266.40	7,631.61	8,012.49	8,412.51	8,833.40	9,275.15
0150	44.97	47.22	49.58	52.06	54.66	3,597.60	3,777.60	3,966.40	4,164.80	4,372.80	7,821.18	8,212.50	8,622.95	9,054.28	9,506.47

CITY OF MODESTO
CLASS RANGE TABLE
GENERAL NON-SWORN CLASSES
Effective September 20, 2016

RANGE	TITLE
103	Custodian I
105	**Administrative Office Assistant I**
106	Engineering Intern
107	Administrative Office Assistant II Custodian II
109	**Administrative Office Assistant II** **Exhibits Coordinator**
110	**Account Clerk I** **Customer Services Account Clerk I**
111	Custodian Crewleader
112	**Account Clerk II** **Customer Services Account Clerk II**
113	**Administrative Office Assistant III**
114	Equipment Service Technician Storeskeeper
115	**Electrician Assistant I** **Maintenance Worker I**
116	**Production Technician** **Senior Customer Services Account Clerk**
117	**Electrical and Instrumentation Technician Trainee** **Plant Mechanic Trainee** **Senior Administrative Office Assistant**
118	Fleet Procurement Technician Groundskeeper Senior Storeskeeper
119	Code Enforcement Officer I -Neighborhood Preservation Unit **Electrician Assistant II** **Maintenance Worker II** **Tree Trimmer**

RANGE	TITLE
120	Assistant Buyer **Customer Services Account Technician** Laboratory Analyst I Utilities Services Worker I
121	**Account Technician** **Administrative Services Technician I** **Airport Maintenance Worker** **Environmental Compliance Technician** **Parking Services Crewleader** Utilities Plant Operator Trainee Water Resource Specialist
122	Accountant I
123	Code Enforcement Officer II -Neighborhood Preservation Unit Development Services Technician I **Electrician Assistant III** Engineering Assistant Trainee **Equipment Operator** **Parks Maintenance Crewleader** **Recreation Coordinator** Solid Waste Enforcement Officer **Tree Trimmer Crewleader**
124	**Building Maintenance Technician** **Equipment Mechanic** Laboratory Analyst II **Parks Maintenance Mechanic** Utilities Services Worker II Water Conservation Specialist
125	**Administrative Services Technician II** Development Services Technician II **Environmental Compliance Inspector I** **Fire Equipment Mechanic** **Heavy Equipment Mechanic** **Plant Mechanic I** Utilities Plant Operator I **Welder/Fabricator**

RANGE	TITLE
126	**Cross Connection Specialist**
	Head Groundskeeper
	Housing Financial Specialist
	Housing Rehabilitation Specialist I
	Water Meter Technician
127	Engineering Assistant I
	Plant mechanic II
	Senior Equipment Operator
	Traffic Operations Technician
128	Building Inspector I
	Community Development Program Specialist II
	Equipment Mechanic Crewleader
	Utilities Plant Operator II
	Utilities Services Worker III
129	**Airport Maintenance Crewleader**
	Building Maintenance Specialist
	Electrical and Instrumentation Technician
	Electrician - Traffic and Buildings
	Environmental Compliance Inspector II
	Heavy Equipment Mechanic Crewleader
	Senior Fire Equipment Mechanic
130	Housing Rehabilitation Specialist II
	Laboratory Analyst III
	Maintenance Planning Technician
	Traffic Striping Crewleader
131	**Construction Inspector**
	Engineering Assistant II
	Operations Crewleader
	Senior Plant Mechanic
132	Building Inspector II
	Senior Utilities Plant Operator
	Senior Utilities Services Worker
133	**Environmental Review Specialist**
	Senior Environmental Compliance Inspector
134	Plans Examiner

RANGE	TITLE
135	Engineering Project Coordinator **Senior Construction Inspector**
136	Senior Building Inspector

Amended for Clerical Error

CITY OF MODESTO
CLASS RANGE TABLE
GENERAL NON-SWORN CLASSES
Effective March 7, 2017

RANGE	TITLE
103	Custodian I
106	**Administrative Office Assistant I** Engineering Intern
107	Administrative Office Assistant II Custodian II
110	Account Clerk I **Administrative Office Assistant II** Customer Services Account Clerk I **Exhibits Coordinator**
111	Custodian Crewleader
112	Account Clerk II Customer Services Account Clerk II
114	**Administrative Office Assistant III** Equipment Service Technician Storeskeeper
115	Maintenance Worker I
116	**Electrician Assistant I** Senior Customer Services Account Clerk
117	Electrical and Instrumentation Technician Trainee
118	Fleet Procurement Technician Groundskeeper **Production Technician** **Senior Administrative Office Assistant*** Senior Storeskeeper
119	Code Enforcement Officer I -Neighborhood Preservation Unit Maintenance Worker II **Plant Mechanic Trainee** Tree Trimmer

**Consistent with 2.5% Market Study Adjustment Approved by Council on 9/13/2016*

RANGE	TITLE
120	Assistant Buyer
	Customer Services Account Technician
	Electrician Assistant II
	Laboratory Analyst I
	Utilities Services Worker I
121	Administrative Services Technician I
	Utilities Plant Operator Trainee
	Water Resource Specialist
122	Accountant I
	Environmental Compliance Technician
	Parking Services Crewleader
123	**Account Technician**
	Airport Maintenance Worker
	Code Enforcement Officer II -Neighborhood Preservation Unit
	Development Services Technician I
	Engineering Assistant Trainee
	Equipment Operator
	Solid Waste Enforcement Officer
	Tree Trimmer Crewleader
124	**Electrician Assistant III**
	Laboratory Analyst II
	Parks Maintenance Crewleader
	Recreation Coordinator
	Utilities Services Worker II
	Water Conservation Specialist
125	Administrative Services Technician II
	Building Maintenance Technician
	Development Services Technician II
	Equipment Mechanic
	Heavy Equipment Mechanic
	Parks Maintenance Mechanic
	Utilities Plant Operator I

RANGE	TITLE
126	**Environmental Compliance Inspector I**
	Fire Equipment Mechanic
	Head Groundskeeper
	Housing Financial Specialist
	Housing Rehabilitation Specialist I
	Welder/Fabricator
127	Engineering Assistant I
	Plant Mechanic I
	Senior Equipment Operator
	Traffic Operations Technician
128	Building Inspector I
	Community Development Program Specialist II
	Cross Connection Specialist
	Utilities Plant Operator II
	Utilities Services Worker III
	Water Meter Technician
129	Electrical and Instrumentation Technician
	Equipment Mechanic Crewleader
	Heavy Equipment Mechanic Crewleader
	Plant mechanic II
	Senior Fire Equipment Mechanic
130	**Building Maintenance Specialist**
	Electrician - Traffic and Buildings
	Environmental Compliance Inspector II
	Housing Rehabilitation Specialist II
	Laboratory Analyst III
131	**Airport Maintenance Crewleader**
	Construction Inspector
	Engineering Assistant II
	Operations Crewleader
	Traffic Striping Crewleader
132	Building Inspector II
	Maintenance Planning Technician
	Senior Utilities Plant Operator
	Senior Utilities Services Worker

RANGE	TITLE
133	**Senior Plant Mechanic**
134	**Environmental Review Specialist** Plans Examiner **Senior Environmental Compliance Inspector**
135	Engineering Project Coordinator Senior Construction Inspector
136	Senior Building Inspector

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 17/18
EFFECTIVE: JUNE 27, 2017

MCEA

	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
0101	13.68	14.37	15.09	15.84	16.63	1,094.40	1,149.60	1,207.20	1,267.20	1,330.40	2,379.23	2,499.23	2,624.45	2,754.89	2,892.29
0102	14.03	14.73	15.46	16.24	17.05	1,122.40	1,178.40	1,236.80	1,299.20	1,364.00	2,440.10	2,561.84	2,688.80	2,824.46	2,965.34
0103	14.38	15.10	15.85	16.64	17.47	1,150.40	1,208.00	1,268.00	1,331.20	1,397.60	2,500.97	2,626.19	2,756.63	2,894.03	3,038.38
0104	14.74	15.47	16.25	17.06	17.91	1,179.20	1,237.60	1,300.00	1,364.80	1,432.80	2,563.58	2,690.54	2,826.20	2,967.08	3,114.91
0105	15.11	15.86	16.65	17.49	18.36	1,208.80	1,268.80	1,332.00	1,399.20	1,468.80	2,627.93	2,758.37	2,895.77	3,041.86	3,193.17
0106	15.48	16.26	17.07	17.92	18.82	1,238.40	1,300.80	1,365.60	1,433.60	1,505.60	2,692.28	2,827.94	2,968.81	3,116.65	3,273.17
0107	15.87	16.66	17.50	18.37	19.29	1,269.60	1,332.80	1,400.00	1,469.60	1,543.20	2,760.11	2,897.51	3,043.60	3,194.91	3,354.92
0108	16.27	17.08	17.93	18.83	19.77	1,301.60	1,366.40	1,434.40	1,506.40	1,581.60	2,829.68	2,970.55	3,118.39	3,274.91	3,438.40
0109	16.67	17.51	18.38	19.30	20.26	1,333.60	1,400.80	1,470.40	1,544.00	1,620.80	2,899.25	3,045.34	3,196.65	3,356.66	3,523.62
0110	17.09	17.94	18.84	19.78	20.77	1,367.20	1,435.20	1,507.20	1,582.40	1,661.60	2,972.29	3,120.12	3,276.65	3,440.14	3,612.32
0111	17.52	18.39	19.31	20.28	21.29	1,401.60	1,471.20	1,544.80	1,622.40	1,703.20	3,047.08	3,198.39	3,358.40	3,527.10	3,702.76
0112	17.95	18.85	19.79	20.78	21.82	1,436.00	1,508.00	1,583.20	1,662.40	1,745.60	3,121.86	3,278.39	3,441.88	3,614.06	3,794.93
0113	18.40	19.32	20.29	21.30	22.37	1,472.00	1,545.60	1,623.20	1,704.00	1,789.60	3,200.13	3,360.13	3,528.84	3,704.50	3,890.59
0114	18.86	19.81	20.80	21.84	22.93	1,508.80	1,584.80	1,664.00	1,747.20	1,834.40	3,280.13	3,445.36	3,617.54	3,798.41	3,987.99
0115	19.33	20.30	21.32	22.38	23.50	1,546.40	1,624.00	1,705.60	1,790.40	1,880.00	3,361.87	3,530.58	3,707.97	3,892.33	4,087.12
0116	19.82	20.81	21.85	22.94	24.09	1,585.60	1,664.80	1,748.00	1,835.20	1,927.20	3,447.09	3,619.28	3,800.15	3,989.72	4,189.73
0117	20.31	21.33	22.39	23.51	24.69	1,624.80	1,706.40	1,791.20	1,880.80	1,975.20	3,532.32	3,709.71	3,894.07	4,088.86	4,294.08
0118	20.82	21.86	22.95	24.10	25.31	1,665.60	1,748.80	1,836.00	1,928.00	2,024.80	3,621.01	3,801.89	3,991.46	4,191.47	4,401.92
0119	21.34	22.41	23.53	24.70	25.94	1,707.20	1,792.80	1,882.40	1,976.00	2,075.20	3,711.45	3,897.55	4,092.34	4,295.82	4,511.48
0120	21.87	22.97	24.12	25.32	26.59	1,749.60	1,837.60	1,929.60	2,025.60	2,127.20	3,803.63	3,994.94	4,194.95	4,403.65	4,624.53
0121	22.42	23.54	24.72	25.95	27.25	1,793.60	1,883.20	1,977.60	2,076.00	2,180.00	3,899.29	4,094.08	4,299.30	4,513.22	4,739.32
0122	22.98	24.13	25.34	26.60	27.93	1,838.40	1,930.40	2,027.20	2,128.00	2,234.40	3,996.68	4,196.69	4,407.13	4,626.27	4,857.59
0123	23.56	24.73	25.97	27.27	28.63	1,884.80	1,978.40	2,077.60	2,181.60	2,290.40	4,097.56	4,301.04	4,516.70	4,742.80	4,979.33
0124	24.14	25.35	26.62	27.95	29.35	1,931.20	2,028.00	2,129.60	2,236.00	2,348.00	4,198.43	4,408.87	4,629.75	4,861.06	5,104.55
0125	24.75	25.99	27.28	28.65	30.08	1,980.00	2,079.20	2,182.40	2,292.00	2,406.40	4,304.52	4,520.18	4,744.54	4,982.81	5,231.51
0126	25.37	26.64	27.97	29.36	30.83	2,029.60	2,131.20	2,237.60	2,348.80	2,466.40	4,412.35	4,633.23	4,864.54	5,106.29	5,361.95
0127	26.00	27.30	28.67	30.10	31.60	2,080.00	2,184.00	2,293.60	2,408.00	2,528.00	4,521.92	4,748.02	4,986.29	5,234.99	5,495.87
0128	26.65	27.98	29.38	30.85	32.39	2,132.00	2,238.40	2,350.40	2,468.00	2,591.20	4,634.97	4,866.28	5,109.77	5,365.43	5,633.27
0129	27.32	28.68	30.12	31.62	33.20	2,185.60	2,294.40	2,409.60	2,529.60	2,656.00	4,751.49	4,988.03	5,238.47	5,499.35	5,774.14
0130	28.00	29.40	30.87	32.41	34.03	2,240.00	2,352.00	2,469.60	2,592.80	2,722.40	4,869.76	5,113.25	5,368.91	5,636.75	5,918.50
0131	28.70	30.13	31.64	33.22	34.88	2,296.00	2,410.40	2,531.20	2,657.60	2,790.40	4,991.50	5,240.21	5,502.83	5,777.62	6,066.33
0132	29.42	30.89	32.43	34.05	35.76	2,353.60	2,471.20	2,594.40	2,724.00	2,860.80	5,116.73	5,372.39	5,640.23	5,921.98	6,219.38
0133	30.15	31.66	33.24	34.90	36.65	2,412.00	2,532.80	2,659.20	2,792.00	2,932.00	5,243.69	5,506.31	5,781.10	6,069.81	6,374.17
0134	30.91	32.45	34.07	35.78	37.57	2,472.80	2,596.00	2,725.60	2,862.40	3,005.60	5,375.87	5,643.70	5,925.45	6,222.86	6,534.17
0135	31.68	33.26	34.93	36.67	38.50	2,534.40	2,660.80	2,794.40	2,933.60	3,080.00	5,509.79	5,784.58	6,075.03	6,377.65	6,695.92
0136	32.47	34.09	35.80	37.59	39.47	2,597.60	2,727.20	2,864.00	3,007.20	3,157.60	5,647.18	5,928.93	6,226.34	6,537.65	6,864.62

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 17/18
EFFECTIVE: JUNE 27, 2017

MCEA

	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
0137	33.28	34.95	36.69	38.53	40.45	2,662.40	2,796.00	2,935.20	3,082.40	3,236.00	5,788.06	6,078.50	6,381.12	6,701.14	7,035.06
0138	34.11	35.82	37.61	39.49	41.46	2,728.80	2,865.60	3,008.80	3,159.20	3,316.80	5,932.41	6,229.81	6,541.13	6,868.10	7,210.72
0139	34.97	36.71	38.55	40.48	42.50	2,797.60	2,936.80	3,084.00	3,238.40	3,400.00	6,081.98	6,384.60	6,704.62	7,040.28	7,391.60
0140	35.84	37.63	39.51	41.49	43.56	2,867.20	3,010.40	3,160.80	3,319.20	3,484.80	6,233.29	6,544.61	6,871.58	7,215.94	7,575.96
0141	36.74	38.57	40.50	42.53	44.65	2,939.20	3,085.60	3,240.00	3,402.40	3,572.00	6,389.82	6,708.09	7,043.76	7,396.82	7,765.53
0142	37.65	39.54	41.51	43.59	45.77	3,012.00	3,163.20	3,320.80	3,487.20	3,661.60	6,548.09	6,876.80	7,219.42	7,581.17	7,960.32
0143	38.60	40.53	42.55	44.68	46.91	3,088.00	3,242.40	3,404.00	3,574.40	3,752.80	6,713.31	7,048.98	7,400.30	7,770.75	8,158.59
0144	39.56	41.54	43.62	45.80	48.09	3,164.80	3,323.20	3,489.60	3,664.00	3,847.20	6,880.28	7,224.64	7,586.39	7,965.54	8,363.81
0145	40.55	42.58	44.71	46.94	49.29	3,244.00	3,406.40	3,576.80	3,755.20	3,943.20	7,052.46	7,405.51	7,775.96	8,163.80	8,572.52
0146	41.56	43.64	45.82	48.11	50.52	3,324.80	3,491.20	3,665.60	3,848.80	4,041.60	7,228.12	7,589.87	7,969.01	8,367.29	8,786.44
0147	42.60	44.73	46.97	49.32	51.78	3,408.00	3,578.40	3,757.60	3,945.60	4,142.40	7,408.99	7,779.44	8,169.02	8,577.73	9,005.58
0148	43.67	45.85	48.14	50.55	53.08	3,493.60	3,668.00	3,851.20	4,044.00	4,246.40	7,595.09	7,974.23	8,372.51	8,791.66	9,231.67
0149	44.76	47.00	49.35	51.81	54.40	3,580.80	3,760.00	3,948.00	4,144.80	4,352.00	7,784.66	8,174.24	8,582.95	9,010.80	9,461.25
0150	45.88	48.17	50.58	53.11	55.76	3,670.40	3,853.60	4,046.40	4,248.80	4,460.80	7,979.45	8,377.73	8,796.87	9,236.89	9,697.78

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 18/19
EFFECTIVE: JUNE 26, 2018

MCEA

	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
0101	13.96	14.66	15.40	16.17	16.97	1,116.80	1,172.80	1,232.00	1,293.60	1,357.60	2,427.92	2,549.67	2,678.37	2,812.29	2,951.42
0102	14.31	15.03	15.78	16.57	17.40	1,144.80	1,202.40	1,262.40	1,325.60	1,392.00	2,488.80	2,614.02	2,744.46	2,881.85	3,026.21
0103	14.67	15.41	16.18	16.98	17.83	1,173.60	1,232.80	1,294.40	1,358.40	1,426.40	2,551.41	2,680.11	2,814.03	2,953.16	3,100.99
0104	15.04	15.79	16.58	17.41	18.28	1,203.20	1,263.20	1,326.40	1,392.80	1,462.40	2,615.76	2,746.20	2,883.59	3,027.95	3,179.26
0105	15.41	16.18	16.99	17.84	18.74	1,232.80	1,294.40	1,359.20	1,427.20	1,499.20	2,680.11	2,814.03	2,954.90	3,102.73	3,259.26
0106	15.80	16.59	17.42	18.29	19.20	1,264.00	1,327.20	1,393.60	1,463.20	1,536.00	2,747.94	2,885.33	3,029.69	3,181.00	3,339.26
0107	16.19	17.00	17.85	18.75	19.68	1,295.20	1,360.00	1,428.00	1,500.00	1,574.40	2,815.76	2,956.64	3,104.47	3,261.00	3,422.75
0108	16.60	17.43	18.30	19.21	20.18	1,328.00	1,394.40	1,464.00	1,536.80	1,614.40	2,887.07	3,031.43	3,182.74	3,341.00	3,509.71
0109	17.01	17.86	18.76	19.69	20.68	1,360.80	1,428.80	1,500.80	1,575.20	1,654.40	2,958.38	3,106.21	3,262.74	3,424.48	3,596.67
0110	17.44	18.31	19.23	20.19	21.20	1,395.20	1,464.80	1,538.40	1,615.20	1,696.00	3,033.16	3,184.48	3,344.48	3,511.44	3,687.10
0111	17.87	18.77	19.71	20.69	21.73	1,429.60	1,501.60	1,576.80	1,655.20	1,738.40	3,107.95	3,264.48	3,427.96	3,598.40	3,779.28
0112	18.32	19.24	20.20	21.21	22.27	1,465.60	1,539.20	1,616.00	1,696.80	1,781.60	3,186.21	3,346.22	3,513.18	3,688.84	3,873.20
0113	18.78	19.72	20.70	21.74	22.83	1,502.40	1,577.60	1,656.00	1,739.20	1,826.40	3,266.22	3,429.70	3,600.14	3,781.02	3,970.59
0114	19.25	20.21	21.22	22.28	23.40	1,540.00	1,616.80	1,697.60	1,782.40	1,872.00	3,347.96	3,514.92	3,690.58	3,874.94	4,069.73
0115	19.73	20.72	21.75	22.84	23.98	1,578.40	1,657.60	1,740.00	1,827.20	1,918.40	3,431.44	3,603.62	3,782.76	3,972.33	4,170.60
0116	20.22	21.23	22.30	23.41	24.58	1,617.60	1,698.40	1,784.00	1,872.80	1,966.40	3,516.66	3,692.32	3,878.42	4,071.47	4,274.95
0117	20.73	21.76	22.85	24.00	25.19	1,658.40	1,740.80	1,828.00	1,920.00	2,015.20	3,605.36	3,784.50	3,974.07	4,174.08	4,381.04
0118	21.25	22.31	23.42	24.60	25.82	1,700.00	1,784.80	1,873.60	1,968.00	2,065.60	3,695.80	3,880.16	4,073.21	4,278.43	4,490.61
0119	21.78	22.87	24.01	25.21	26.47	1,742.40	1,829.60	1,920.80	2,016.80	2,117.60	3,787.98	3,977.55	4,175.82	4,384.52	4,603.66
0120	22.32	23.44	24.61	25.84	27.13	1,785.60	1,875.20	1,968.80	2,067.20	2,170.40	3,881.89	4,076.68	4,280.17	4,494.09	4,718.45
0121	22.88	24.02	25.22	26.49	27.81	1,830.40	1,921.60	2,017.60	2,119.20	2,224.80	3,979.29	4,177.56	4,386.26	4,607.14	4,836.72
0122	23.45	24.62	25.86	27.15	28.50	1,876.00	1,969.60	2,068.80	2,172.00	2,280.00	4,078.42	4,281.91	4,497.57	4,721.93	4,956.72
0123	24.04	25.24	26.50	27.83	29.22	1,923.20	2,019.20	2,120.00	2,226.40	2,337.60	4,181.04	4,389.74	4,608.88	4,840.19	5,081.94
0124	24.64	25.87	27.16	28.52	29.95	1,971.20	2,069.60	2,172.80	2,281.60	2,396.00	4,285.39	4,499.31	4,723.67	4,960.20	5,208.90
0125	25.25	26.52	27.84	29.23	30.70	2,020.00	2,121.60	2,227.20	2,338.40	2,456.00	4,391.48	4,612.36	4,841.93	5,083.68	5,339.34
0126	25.89	27.18	28.54	29.97	31.46	2,071.20	2,174.40	2,283.20	2,397.60	2,516.80	4,502.79	4,727.15	4,963.68	5,212.38	5,471.52
0127	26.53	27.86	29.25	30.71	32.25	2,122.40	2,228.80	2,340.00	2,456.80	2,580.00	4,614.10	4,845.41	5,087.16	5,341.08	5,608.92
0128	27.20	28.56	29.98	31.48	33.06	2,176.00	2,284.80	2,398.40	2,518.40	2,644.80	4,730.62	4,967.16	5,214.12	5,475.00	5,749.80
0129	27.88	29.27	30.73	32.27	33.88	2,230.40	2,341.60	2,458.40	2,581.60	2,710.40	4,848.89	5,090.64	5,344.56	5,612.40	5,892.41
0130	28.57	30.00	31.50	33.08	34.73	2,285.60	2,400.00	2,520.00	2,646.40	2,778.40	4,968.89	5,217.60	5,478.48	5,753.27	6,040.24
0131	29.29	30.75	32.29	33.90	35.60	2,343.20	2,460.00	2,583.20	2,712.00	2,848.00	5,094.12	5,348.04	5,615.88	5,895.89	6,191.55
0132	30.02	31.52	33.10	34.75	36.49	2,401.60	2,521.60	2,648.00	2,780.00	2,919.20	5,221.08	5,481.96	5,756.75	6,043.72	6,346.34
0133	30.77	32.31	33.92	35.62	37.40	2,461.60	2,584.80	2,713.60	2,849.60	2,992.00	5,351.52	5,619.36	5,899.37	6,195.03	6,504.61
0134	31.54	33.12	34.77	36.51	38.33	2,523.20	2,649.60	2,781.60	2,920.80	3,066.40	5,485.44	5,760.23	6,047.20	6,349.82	6,666.35
0135	32.33	33.94	35.64	37.42	39.29	2,586.40	2,715.20	2,851.20	2,993.60	3,143.20	5,622.83	5,902.84	6,198.51	6,508.09	6,833.32
0136	33.13	34.79	36.53	38.36	40.27	2,650.40	2,783.20	2,922.40	3,068.80	3,221.60	5,761.97	6,050.68	6,353.30	6,671.57	7,003.76
0137	33.96	35.66	37.44	39.32	41.28	2,716.80	2,852.80	2,995.20	3,145.60	3,302.40	5,906.32	6,201.99	6,511.56	6,838.53	7,179.42
0138	34.81	36.55	38.38	40.30	42.31	2,784.80	2,924.00	3,070.40	3,224.00	3,384.80	6,054.16	6,356.78	6,675.05	7,008.98	7,358.56

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 18/19
EFFECTIVE: JUNE 26, 2018

MCEA

	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
0139	35.68	37.47	39.34	41.31	43.37	2,854.40	2,997.60	3,147.20	3,304.80	3,469.60	6,205.47	6,516.78	6,842.01	7,184.64	7,542.91
0140	36.57	38.40	40.32	42.34	44.46	2,925.60	3,072.00	3,225.60	3,387.20	3,556.80	6,360.25	6,678.53	7,012.45	7,363.77	7,732.48
0141	37.49	39.36	41.33	43.40	45.57	2,999.20	3,148.80	3,306.40	3,472.00	3,645.60	6,520.26	6,845.49	7,188.11	7,548.13	7,925.53
0142	38.43	40.35	42.36	44.48	46.71	3,074.40	3,228.00	3,388.80	3,558.40	3,736.80	6,683.75	7,017.67	7,367.25	7,735.96	8,123.80
0143	39.39	41.36	43.42	45.59	47.87	3,151.20	3,308.80	3,473.60	3,647.20	3,829.60	6,850.71	7,193.33	7,551.61	7,929.01	8,325.55
0144	40.37	42.39	44.51	46.73	49.07	3,229.60	3,391.20	3,560.80	3,738.40	3,925.60	7,021.15	7,372.47	7,741.18	8,127.28	8,534.25
0145	41.38	43.45	45.62	47.90	50.30	3,310.40	3,476.00	3,649.60	3,832.00	4,024.00	7,196.81	7,556.82	7,934.23	8,330.77	8,748.18
0146	42.41	44.53	46.76	49.10	51.55	3,392.80	3,562.40	3,740.80	3,928.00	4,124.00	7,375.95	7,744.66	8,132.50	8,539.47	8,965.58
0147	43.47	45.65	47.93	50.33	52.84	3,477.60	3,652.00	3,834.40	4,026.40	4,227.20	7,560.30	7,939.45	8,335.99	8,753.39	9,189.93
0148	44.56	46.79	49.13	51.58	54.16	3,564.80	3,743.20	3,930.40	4,126.40	4,332.80	7,749.88	8,137.72	8,544.69	8,970.79	9,419.51
0149	45.67	47.96	50.36	52.87	55.52	3,653.60	3,836.80	4,028.80	4,229.60	4,441.60	7,942.93	8,341.20	8,758.61	9,195.15	9,656.04
0150	46.82	49.16	51.61	54.20	56.90	3,745.60	3,932.80	4,128.80	4,336.00	4,552.00	8,142.93	8,549.91	8,976.01	9,426.46	9,896.05

MCEA Market Labor Adjusted Classes

Title	Union	% Adjusted upon Council Adoption	% Adjusted on March 7, 2017
FULLTIME REGULAR POSITIONS:			
Account Clerk II	MCEA	2.50%	
Account Clerk I	MCEA	2.50%	
Account Technician	MCEA	5.00%	5.00%
Administrative Office Assistant I	MCEA	5.00%	2.50%
Administrative Office Assistant II	MCEA	5.00%	2.50%
Administrative Office Assistant III	MCEA	5.00%	2.50%
Administrative Services Technician I	MCEA	2.50%	
Administrative Services Technician II	MCEA	2.50%	
Airport Maintenance Crewleader	MCEA	7.50%	5.00%
Airport Maintenance Worker	MCEA	7.50%	5.00%
Building Maintenance Specialist	MCEA	2.50%	2.50%
Building Maintenance Technician	MCEA	2.50%	2.50%
Construction Inspector	MCEA	2.50%	
Cross Connection Specialit	MCEA	5.00%	5.00%
Customer Services Account Clerk I	MCEA	2.50%	
Customer Services Account Clerk II	MCEA	2.50%	
Customer Services Account Technician	MCEA	2.50%	
Electrical and Instrumentation Technician	MCEA	2.50%	
Electrical and Instrumentation Technician Trainee	MCEA	2.50%	
Electrician – Traffic and Buildings	MCEA	2.50%	2.50%
Electrician Assistant I	MCEA	2.50%	2.50%
Electrician Assistant II	MCEA	2.50%	2.50%
Electrician Assistant III	MCEA	2.50%	2.50%
Environmental Compliance Inspector I	MCEA	2.50%	2.50%
Environmental Compliance Inspector II	MCEA	2.50%	2.50%
Environmental Compliance Technician	MCEA	2.50%	2.50%
Environmental Review Specialist	MCEA	2.50%	2.50%
Equipment Mechanic	MCEA	2.50%	2.50%
Equipment Mechanic Crewleader	MCEA	2.50%	2.50%
Equipment Operator	MCEA	2.50%	
Exhibits Coordinator	MCEA	5.00%	2.50%
Fire Equipment Mechanic	MCEA	2.50%	2.50%
Heavy Equipment Mechanic	MCEA	2.50%	
Heavy Equipment Mechanic Crewleader	MCEA	2.50%	
Maintenance Planning Technician	MCEA	5.00%	5.00%
Maintenance Worker I	MCEA	2.50%	
Maintenance Worker II	MCEA	2.50%	
Operations Crewleader	MCEA	2.50%	
Parking Services Crewleader	MCEA	2.50%	2.50%
Parks Maintenance Crewleader	MCEA	2.50%	2.50%
Parks Maintenance Mechanic	MCEA	2.50%	2.50%

MCEA Market Labor Adjusted Classes

Title	Union	% Adjusted upon Council Adoption	% Adjusted on March 7, 2017
Plant Mechanic I	MCEA	5.00%	5.00%
Plant Mechanic II	MCEA	5.00%	5.00%
Plant Mechanic Trainee	MCEA	5.00%	5.00%
Production Technician	MCEA	5.00%	5.00%
Recreation Coordinator	MCEA	2.50%	2.50%
Senior Administrative Office Assistant	MCEA	5.00%	2.50%
Senior Construction Inspector	MCEA	2.50%	
Senior Customer Services Account Clerk	MCEA	2.50%	
Senior Environmental Compliance Inspector	MCEA	2.50%	2.50%
Senior Equipment Operator	MCEA	2.50%	
Senior Fire Equipment Mechanic	MCEA	2.50%	
Senior Plant Mechanic	MCEA	5.00%	5.00%
Traffic Striping Crewleader	MCEA	2.50%	2.50%
Tree Trimmer	MCEA	2.50%	
Tree Trimmer Crewleader	MCEA	2.50%	
Water Meter Technician	MCEA	5.00%	5.00%
Welder/Fabricator	MCEA	5.00%	2.50%

Print

AMENDED
on 6/27/2017
By Resolution 2017-257

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-374

RESOLUTION APPROVING A PROPOSED AGREEMENT INCLUDING LANGUAGE CHANGES FOR A SUCCESSOR MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF MODESTO AND THE MODESTO POLICE AND FIRE NON-SWORN ASSOCIATION (MPNSA) FOR A TERM OF MARCH 24, 2016 TO JUNE 30, 2019; AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO TAKE THE NECESSARY ADMINISTRATIVE ACTION TO IMPLEMENT THE AGREEMENT

WHEREAS, the current Memorandum of Understanding (MOU) between the City of Modesto (CITY) and the Modesto Police and Fire Non-Sworn Association (MPNSA) expired on March 23, 2016, and

WHEREAS, representatives of the CITY and the MPNSA have met and conferred in good faith concerning wages, hours, terms and conditions of employment for employees in said bargaining unit, and

WHEREAS, the CITY and MPNSA have reached agreement on language changes for a successor MOU which, upon execution, shall be **attached** hereto and made a part hereof, and

WHEREAS, the MOU provides as follows:

Article 1. TERM. The term of the MOU shall be from March 24, 2016 to June 30, 2019.

Article 5. SALARY. Amend to include 2.0% salary increase effective September 20, 2016, following ratification of this MOU by MPNSA and adoption by the City Council. Effective June 27, 2017, employees will receive an additional 2.0% salary increase. Effective June 26, 2018, employees will receive an additional 2.0% salary increase. In addition, based on the results of the City's most recent labor market study, the salary range for each of the benchmark classes listed in **Exhibit X**, along with any

related classes, shall increase in accordance with the schedules set forth in **Exhibits A through E attached** hereto.

Article 32. HEALTH, DENTAL, VISION INSURANCE. Four percent (4%) increase to City contributions (excluding opt out) each year as follows:

	Current	2017	2018	2019
Opt-out of City Medical Coverage	$450.00	$450.00	$450.00	$450.00
Employee only	$621.00	$645.00	$670.00	$700.00
Employee plus 1	$858.00	$900.00	$930.00	$965.00
Employee plus family	$1214.00	$1260.00	$1310.00	$1365.00

Article 33. RETIREE HEALTH INSURANCE. $500 Cash/Health Reimbursement Arrangement (HRA) contribution in lieu of H&W increase, to be paid first pay period after Council approval. Increase City HRA contributions all employees regardless of date of hire by January 1, 2019 as follows:

a. An additional $10.00 monthly per employee effective January 1, 2017

b. An additional $10.00 monthly per employee effective January 1, 2018

c. An additional $5.00 monthly per employee effective January 1, 2019

MISCELLANEOUS. PAYCHECK ADVICES. Employees will no longer be receiving hard-copy pay advices. Employees will now be able to utilize the Employee self-service tool available via Oracle under the CoM Employee Self Service responsibility to view their pay advices including their annual W-2s. Employees will no longer receive a paper payroll paycheck, all employees will utilize direct deposit for

payroll. Pay advices will be available anytime during payday Friday and pay slips can be printed utilizing city computer workstation.

CONTINUATION OF REMAINING PROVISIONS. Except as provided above, the remaining provisions of the July 1, 2014 through March 23, 2016 MOU between the CITY and MPNSA shall continue in the new MOU. The exact language of all provisions shall be set forth in the MOU between the CITY and MPNSA.

WHEREAS, the Council considered this matter at its meeting of September 13, 2016,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the language changes for a successor Memorandum of Understanding between the City of Modesto and the Modesto Police and Fire Non-Sworn Association, which covers a term from March 24, 2016 through June 30, 2019, and upon execution of same, a copy of the MOU will be on file in the office of the City Clerk.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of September, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 16/17
EFFECTIVE: SEPTEMBER 20, 2016

MPNSA

	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
1101	13.41	14.09	14.79	15.53	16.30	1,072.80	1,127.20	1,183.20	1,242.40	1,304.00	2,332.27	2,450.53	2,572.28	2,700.98	2,834.90
1102	13.75	14.44	15.16	15.92	16.71	1,100.00	1,155.20	1,212.80	1,273.60	1,336.80	2,391.40	2,511.40	2,636.63	2,768.81	2,906.20
1103	14.09	14.80	15.54	16.31	17.13	1,127.20	1,184.00	1,243.20	1,304.80	1,370.40	2,450.53	2,574.02	2,702.72	2,836.64	2,979.25
1104	14.45	15.17	15.93	16.72	17.56	1,156.00	1,213.60	1,274.40	1,337.60	1,404.80	2,513.14	2,638.37	2,770.55	2,907.94	3,054.04
1105	14.81	15.55	16.32	17.14	18.00	1,184.80	1,244.00	1,305.60	1,371.20	1,440.00	2,575.76	2,704.46	2,838.37	2,980.99	3,130.56
1106	15.18	15.94	16.73	17.57	18.45	1,214.40	1,275.20	1,338.40	1,405.60	1,476.00	2,640.11	2,772.28	2,909.68	3,055.77	3,208.82
1107	15.56	16.33	17.15	18.01	18.91	1,244.80	1,306.40	1,372.00	1,440.80	1,512.80	2,706.20	2,840.11	2,982.73	3,132.30	3,288.83
1108	15.95	16.74	17.58	18.46	19.38	1,276.00	1,339.20	1,406.40	1,476.80	1,550.40	2,774.02	2,911.42	3,057.51	3,210.56	3,370.57
1109	16.34	17.16	18.02	18.92	19.86	1,307.20	1,372.80	1,441.60	1,513.60	1,588.80	2,841.85	2,984.47	3,134.04	3,290.57	3,454.05
1110	16.75	17.59	18.47	19.39	20.36	1,340.00	1,407.20	1,477.60	1,551.20	1,628.80	2,913.16	3,059.25	3,212.30	3,372.31	3,541.01
1111	17.17	18.03	18.93	19.88	20.87	1,373.60	1,442.40	1,514.40	1,590.40	1,669.60	2,986.21	3,135.78	3,292.31	3,457.53	3,629.71
1112	17.60	18.48	19.40	20.37	21.39	1,408.00	1,478.40	1,552.00	1,629.60	1,711.20	3,060.99	3,214.04	3,374.05	3,542.75	3,720.15
1113	18.04	18.94	19.89	20.88	21.93	1,443.20	1,515.20	1,591.20	1,670.40	1,754.40	3,137.52	3,294.04	3,459.27	3,631.45	3,814.07
1114	18.49	19.42	20.39	21.40	22.47	1,479.20	1,553.60	1,631.20	1,712.00	1,797.60	3,215.78	3,377.53	3,546.23	3,721.89	3,907.98
1115	18.95	19.90	20.90	21.94	23.04	1,516.00	1,592.00	1,672.00	1,755.20	1,843.20	3,295.78	3,461.01	3,634.93	3,815.80	4,007.12
1116	19.43	20.40	21.42	22.49	23.61	1,554.40	1,632.00	1,713.60	1,799.20	1,888.80	3,379.27	3,547.97	3,725.37	3,911.46	4,106.25
1117	19.91	20.91	21.95	23.05	24.20	1,592.80	1,672.80	1,756.00	1,844.00	1,936.00	3,462.75	3,636.67	3,817.54	4,008.86	4,208.86
1118	20.41	21.43	22.50	23.63	24.81	1,632.80	1,714.40	1,800.00	1,890.40	1,984.80	3,549.71	3,727.11	3,913.20	4,109.73	4,314.96
1119	20.92	21.97	23.06	24.22	25.43	1,673.60	1,757.60	1,844.80	1,937.60	2,034.40	3,638.41	3,821.02	4,010.60	4,212.34	4,422.79
1120	21.44	22.51	23.64	24.82	26.06	1,715.20	1,800.80	1,891.20	1,985.60	2,084.80	3,728.84	3,914.94	4,111.47	4,316.69	4,532.36
1121	21.98	23.08	24.23	25.44	26.71	1,758.40	1,846.40	1,938.40	2,035.20	2,136.80	3,822.76	4,014.07	4,214.08	4,424.52	4,645.40
1122	22.53	23.65	24.84	26.08	27.38	1,802.40	1,892.00	1,987.20	2,086.40	2,190.40	3,918.42	4,113.21	4,320.17	4,535.83	4,761.93
1123	23.09	24.25	25.46	26.73	28.07	1,847.20	1,940.00	2,036.80	2,138.40	2,245.60	4,015.81	4,217.56	4,428.00	4,648.88	4,881.93
1124	23.67	24.85	26.09	27.40	28.77	1,893.60	1,988.00	2,087.20	2,192.00	2,301.60	4,116.69	4,321.91	4,537.57	4,765.41	5,003.68
1125	24.26	25.47	26.75	28.08	29.49	1,940.80	2,037.60	2,140.00	2,246.40	2,359.20	4,219.30	4,429.74	4,652.36	4,883.67	5,128.90
1126	24.87	26.11	27.41	28.79	30.22	1,989.60	2,088.80	2,192.80	2,303.20	2,417.60	4,325.39	4,541.05	4,767.15	5,007.16	5,255.86
1127	25.49	26.76	28.10	29.50	30.98	2,039.20	2,140.80	2,248.00	2,360.00	2,478.40	4,433.22	4,654.10	4,887.15	5,130.64	5,388.04
1128	26.12	27.43	28.80	30.24	31.75	2,089.60	2,194.40	2,304.00	2,419.20	2,540.00	4,542.79	4,770.63	5,008.90	5,259.34	5,521.96
1129	26.78	28.12	29.52	31.00	32.55	2,142.40	2,249.60	2,361.60	2,480.00	2,604.00	4,657.58	4,890.63	5,134.12	5,391.52	5,661.10
1130	27.45	28.82	30.26	31.77	33.36	2,196.00	2,305.60	2,420.80	2,541.60	2,668.80	4,774.10	5,012.37	5,262.82	5,525.44	5,801.97
1131	28.13	29.54	31.02	32.57	34.20	2,250.40	2,363.20	2,481.60	2,605.60	2,736.00	4,892.37	5,137.60	5,395.00	5,664.57	5,948.06
1132	28.84	30.28	31.79	33.38	35.05	2,307.20	2,422.40	2,543.20	2,670.40	2,804.00	5,015.85	5,266.30	5,528.92	5,805.45	6,095.90
1133	29.56	31.03	32.59	34.22	35.93	2,364.80	2,482.40	2,607.20	2,737.60	2,874.40	5,141.08	5,396.74	5,668.05	5,951.54	6,248.95
1134	30.30	31.81	33.40	35.07	36.82	2,424.00	2,544.80	2,672.00	2,805.60	2,945.60	5,269.78	5,532.40	5,808.93	6,099.37	6,403.73
1135	31.05	32.61	34.24	35.95	37.74	2,484.00	2,608.80	2,739.20	2,876.00	3,019.20	5,400.22	5,671.53	5,955.02	6,252.42	6,563.74

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 16/17
EFFECTIVE: SEPTEMBER 20, 2016

MPNSA

	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
1136	31.83	33.42	35.09	36.85	38.69	2,546.40	2,673.60	2,807.20	2,948.00	3,095.20	5,535.87	5,812.41	6,102.85	6,408.95	6,728.96
1137	32.63	34.26	35.97	37.77	39.66	2,610.40	2,740.80	2,877.60	3,021.60	3,172.80	5,675.01	5,958.50	6,255.90	6,568.96	6,897.67
1138	33.44	35.11	36.87	38.71	40.65	2,675.20	2,808.80	2,949.60	3,096.80	3,252.00	5,815.88	6,106.33	6,412.43	6,732.44	7,069.85
1139	34.28	35.99	37.79	39.68	41.66	2,742.40	2,879.20	3,023.20	3,174.40	3,332.80	5,961.98	6,259.38	6,572.44	6,901.15	7,245.51
1140	35.13	36.89	38.73	40.67	42.70	2,810.40	2,951.20	3,098.40	3,253.60	3,416.00	6,109.81	6,415.91	6,735.92	7,073.33	7,426.38
1141	36.01	37.81	39.70	41.69	43.77	2,880.80	3,024.80	3,176.00	3,335.20	3,501.60	6,262.86	6,575.92	6,904.62	7,250.72	7,612.48
1142	36.91	38.76	40.69	42.73	44.87	2,952.80	3,100.80	3,255.20	3,418.40	3,589.60	6,419.39	6,741.14	7,076.80	7,431.60	7,803.79
1143	37.83	39.73	41.71	43.80	45.99	3,026.40	3,178.40	3,336.80	3,504.00	3,679.20	6,579.39	6,909.84	7,254.20	7,617.70	7,998.58
1144	38.78	40.72	42.75	44.89	47.14	3,102.40	3,257.60	3,420.00	3,591.20	3,771.20	6,744.62	7,082.02	7,435.08	7,807.27	8,198.59
1145	39.75	41.74	43.82	46.01	48.31	3,180.00	3,339.20	3,505.60	3,680.80	3,864.80	6,913.32	7,259.42	7,621.17	8,002.06	8,402.08
1146	40.74	42.78	44.92	47.16	49.52	3,259.20	3,422.40	3,593.60	3,772.80	3,961.60	7,085.50	7,440.30	7,812.49	8,202.07	8,612.52
1147	41.76	43.85	46.04	48.34	50.76	3,340.80	3,508.00	3,683.20	3,867.20	4,060.80	7,262.90	7,626.39	8,007.28	8,407.29	8,828.18
1148	42.81	44.95	47.19	49.55	52.03	3,424.80	3,596.00	3,775.20	3,964.00	4,162.40	7,445.52	7,817.70	8,207.28	8,617.74	9,049.06
1149	43.88	46.07	48.37	50.79	53.33	3,510.40	3,685.60	3,869.60	4,063.20	4,266.40	7,631.61	8,012.49	8,412.51	8,833.40	9,275.15
1150	44.97	47.22	49.58	52.06	54.66	3,597.60	3,777.60	3,966.40	4,164.80	4,372.80	7,821.18	8,212.50	8,622.95	9,054.28	9,506.47

CITY OF MODESTO
CLASS RANGE TABLE
PUBLIC SAFETY NON-SWORN CLASSES
Effective September 20, 2016

RANGE	TITLE
1103	Police Cadet
1108	Police Clerk I
1112	Police Clerk II
1114	**Police Evidence and Property Technician I**
1115	Police Animal Control Officer Police Community Service Officer I
1118	**Police Evidence and Property Technician II**
1119	Police Animal Control Officer II Police Community Service Officer II
1122	Law Enforcement Academy Recruit Police Officer Recruit
1123	Police Identification Technician I **Police Technician**
1125	**Fire Prevention Inspector I**
1126	**Police Crime and Intelligence Analyst I**
1127	Police Identification Technician II
1129	**Fire Prevention Inspector II**
1130	**Police Crime and Intelligence Analyst II**
1133	**Senior Fire Prevention Inspector**

CITY OF MODESTO
CLASS RANGE TABLE
PUBLIC SAFETY NON-SWORN CLASSES
Effective March 7, 2017

RANGE	TITLE
1103	Police Cadet
1108	Police Clerk I
1112	Police Clerk II
1115	Police Animal Control Officer Police Community Service Officer I **Police Evidence and Property Technician I**
1119	Police Animal Control Officer II Police Community Service Officer II **Police Evidence and Property Technician II**
1122	Law Enforcement Academy Recruit Police Officer Recruit
1123	Police Identification Technician I **Police Technician**
1126	Police Crime and Intelligence Analyst I
1127	**Fire Prevention Inspector I** Police Identification Technician II
1130	Police Crime and Intelligence Analyst II
1131	**Fire Prevention Inspector II**
1135	**Senior Fire Prevention Inspector**

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 17/18
EFFECTIVE: JUNE, 27 2017

MPNSA

	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
1101	13.68	14.37	15.09	15.84	16.63	1,094.40	1,149.60	1,207.20	1,267.20	1,330.40	2,379.23	2,499.23	2,624.45	2,754.89	2,892.29
1102	14.03	14.73	15.46	16.24	17.05	1,122.40	1,178.40	1,236.80	1,299.20	1,364.00	2,440.10	2,561.84	2,688.80	2,824.46	2,965.34
1103	14.38	15.10	15.85	16.64	17.47	1,150.40	1,208.00	1,268.00	1,331.20	1,397.60	2,500.97	2,626.19	2,756.63	2,894.03	3,038.38
1104	14.74	15.47	16.25	17.06	17.91	1,179.20	1,237.60	1,300.00	1,364.80	1,432.80	2,563.58	2,690.54	2,826.20	2,967.08	3,114.91
1105	15.11	15.86	16.65	17.49	18.36	1,208.80	1,268.80	1,332.00	1,399.20	1,468.80	2,627.93	2,758.37	2,895.77	3,041.86	3,193.17
1106	15.48	16.26	17.07	17.92	18.82	1,238.40	1,300.80	1,365.60	1,433.60	1,505.60	2,692.28	2,827.94	2,968.81	3,116.65	3,273.17
1107	15.87	16.66	17.50	18.37	19.29	1,269.60	1,332.80	1,400.00	1,469.60	1,543.20	2,760.11	2,897.51	3,043.60	3,194.91	3,354.92
1108	16.27	17.08	17.93	18.83	19.77	1,301.60	1,366.40	1,434.40	1,506.40	1,581.60	2,829.68	2,970.55	3,118.39	3,274.91	3,438.40
1109	16.67	17.51	18.38	19.30	20.26	1,333.60	1,400.80	1,470.40	1,544.00	1,620.80	2,899.25	3,045.34	3,196.65	3,356.66	3,523.62
1110	17.09	17.94	18.84	19.78	20.77	1,367.20	1,435.20	1,507.20	1,582.40	1,661.60	2,972.29	3,120.12	3,276.65	3,440.14	3,612.32
1111	17.52	18.39	19.31	20.28	21.29	1,401.60	1,471.20	1,544.80	1,622.40	1,703.20	3,047.08	3,198.39	3,358.40	3,527.10	3,702.76
1112	17.95	18.85	19.79	20.78	21.82	1,436.00	1,508.00	1,583.20	1,662.40	1,745.60	3,121.86	3,278.39	3,441.88	3,614.06	3,794.93
1113	18.40	19.32	20.29	21.30	22.37	1,472.00	1,545.60	1,623.20	1,704.00	1,789.60	3,200.13	3,360.13	3,528.84	3,704.50	3,890.59
1114	18.86	19.81	20.80	21.84	22.93	1,508.80	1,584.80	1,664.00	1,747.20	1,834.40	3,280.13	3,445.36	3,617.54	3,798.41	3,987.99
1115	19.33	20.30	21.32	22.38	23.50	1,546.40	1,624.00	1,705.60	1,790.40	1,880.00	3,361.87	3,530.58	3,707.97	3,892.33	4,087.12
1116	19.82	20.81	21.85	22.94	24.09	1,585.60	1,664.80	1,748.00	1,835.20	1,927.20	3,447.09	3,619.28	3,800.15	3,989.72	4,189.73
1117	20.31	21.33	22.39	23.51	24.69	1,624.80	1,706.40	1,791.20	1,880.80	1,975.20	3,532.32	3,709.71	3,894.07	4,088.86	4,294.08
1118	20.82	21.86	22.95	24.10	25.31	1,665.60	1,748.80	1,836.00	1,928.00	2,024.80	3,621.01	3,801.89	3,991.46	4,191.47	4,401.92
1119	21.34	22.41	23.53	24.70	25.94	1,707.20	1,792.80	1,882.40	1,976.00	2,075.20	3,711.45	3,897.55	4,092.34	4,295.82	4,511.48
1120	21.87	22.97	24.12	25.32	26.59	1,749.60	1,837.60	1,929.60	2,025.60	2,127.20	3,803.63	3,994.94	4,194.95	4,403.65	4,624.53
1121	22.42	23.54	24.72	25.95	27.25	1,793.60	1,883.20	1,977.60	2,076.00	2,180.00	3,899.29	4,094.08	4,299.30	4,513.22	4,739.32
1122	22.98	24.13	25.34	26.60	27.93	1,838.40	1,930.40	2,027.20	2,128.00	2,234.40	3,996.68	4,196.69	4,407.13	4,626.27	4,857.59
1123	23.56	24.73	25.97	27.27	28.63	1,884.80	1,978.40	2,077.60	2,181.60	2,290.40	4,097.56	4,301.04	4,516.70	4,742.80	4,979.33
1124	24.14	25.35	26.62	27.95	29.35	1,931.20	2,028.00	2,129.60	2,236.00	2,348.00	4,198.43	4,408.87	4,629.75	4,861.06	5,104.55
1125	24.75	25.99	27.28	28.65	30.08	1,980.00	2,079.20	2,182.40	2,292.00	2,406.40	4,304.52	4,520.18	4,744.54	4,982.81	5,231.51
1126	25.37	26.64	27.97	29.36	30.83	2,029.60	2,131.20	2,237.60	2,348.80	2,466.40	4,412.35	4,633.23	4,864.54	5,106.29	5,361.95
1127	26.00	27.30	28.67	30.10	31.60	2,080.00	2,184.00	2,293.60	2,408.00	2,528.00	4,521.92	4,748.02	4,986.29	5,234.99	5,495.87
1128	26.65	27.98	29.38	30.85	32.39	2,132.00	2,238.40	2,350.40	2,468.00	2,591.20	4,634.97	4,866.28	5,109.77	5,365.43	5,633.27
1129	27.32	28.68	30.12	31.62	33.20	2,185.60	2,294.40	2,409.60	2,529.60	2,656.00	4,751.49	4,988.03	5,238.47	5,499.35	5,774.14
1130	28.00	29.40	30.87	32.41	34.03	2,240.00	2,352.00	2,469.60	2,592.80	2,722.40	4,869.76	5,113.25	5,368.91	5,636.75	5,918.50
1131	28.70	30.13	31.64	33.22	34.88	2,296.00	2,410.40	2,531.20	2,657.60	2,790.40	4,991.50	5,240.21	5,502.83	5,777.62	6,066.33
1132	29.42	30.89	32.43	34.05	35.76	2,353.60	2,471.20	2,594.40	2,724.00	2,860.80	5,116.73	5,372.39	5,640.23	5,921.98	6,219.38
1133	30.15	31.66	33.24	34.90	36.65	2,412.00	2,532.80	2,659.20	2,792.00	2,932.00	5,243.69	5,506.31	5,781.10	6,069.81	6,374.17
1134	30.91	32.45	34.07	35.78	37.57	2,472.80	2,596.00	2,725.60	2,862.40	3,005.60	5,375.87	5,643.70	5,925.45	6,222.86	6,534.17
1135	31.68	33.26	34.93	36.67	38.50	2,534.40	2,660.80	2,794.40	2,933.60	3,080.00	5,509.79	5,784.58	6,075.03	6,377.65	6,695.92

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 17/18
EFFECTIVE: JUNE, 27 2017

MPNSA

	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
1136	32.47	34.09	35.80	37.59	39.47	2,597.60	2,727.20	2,864.00	3,007.20	3,157.60	5,647.18	5,928.93	6,226.34	6,537.65	6,864.62
1137	33.28	34.95	36.69	38.53	40.45	2,662.40	2,796.00	2,935.20	3,082.40	3,236.00	5,788.06	6,078.50	6,381.12	6,701.14	7,035.06
1138	34.11	35.82	37.61	39.49	41.46	2,728.80	2,865.60	3,008.80	3,159.20	3,316.80	5,932.41	6,229.81	6,541.13	6,868.10	7,210.72
1139	34.97	36.71	38.55	40.48	42.50	2,797.60	2,936.80	3,084.00	3,238.40	3,400.00	6,081.98	6,384.60	6,704.62	7,040.28	7,391.60
1140	35.84	37.63	39.51	41.49	43.56	2,867.20	3,010.40	3,160.80	3,319.20	3,484.80	6,233.29	6,544.61	6,871.58	7,215.94	7,575.96
1141	36.74	38.57	40.50	42.53	44.65	2,939.20	3,085.60	3,240.00	3,402.40	3,572.00	6,389.82	6,708.09	7,043.76	7,396.82	7,765.53
1142	37.65	39.54	41.51	43.59	45.77	3,012.00	3,163.20	3,320.80	3,487.20	3,661.60	6,548.09	6,876.80	7,219.42	7,581.17	7,960.32
1143	38.60	40.53	42.55	44.68	46.91	3,088.00	3,242.40	3,404.00	3,574.40	3,752.80	6,713.31	7,048.98	7,400.30	7,770.75	8,158.59
1144	39.56	41.54	43.62	45.80	48.09	3,164.80	3,323.20	3,489.60	3,664.00	3,847.20	6,880.28	7,224.64	7,586.39	7,965.54	8,363.81
1145	40.55	42.58	44.71	46.94	49.29	3,244.00	3,406.40	3,576.80	3,755.20	3,943.20	7,052.46	7,405.51	7,775.96	8,163.80	8,572.52
1146	41.56	43.64	45.82	48.11	50.52	3,324.80	3,491.20	3,665.60	3,848.80	4,041.60	7,228.12	7,589.87	7,969.01	8,367.29	8,786.44
1147	42.60	44.73	46.97	49.32	51.78	3,408.00	3,578.40	3,757.60	3,945.60	4,142.40	7,408.99	7,779.44	8,169.02	8,577.73	9,005.58
1148	43.67	45.85	48.14	50.55	53.08	3,493.60	3,668.00	3,851.20	4,044.00	4,246.40	7,595.09	7,974.23	8,372.51	8,791.66	9,231.67
1149	44.76	47.00	49.35	51.81	54.40	3,580.80	3,760.00	3,948.00	4,144.80	4,352.00	7,784.66	8,174.24	8,582.95	9,010.80	9,461.25
1150	45.88	48.17	50.58	53.11	55.76	3,670.40	3,853.60	4,046.40	4,248.80	4,460.80	7,979.45	8,377.73	8,796.87	9,236.89	9,697.78

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 18/19
EFFECTIVE: JUNE, 28 2018

MPNSA

	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
1101	13.96	14.66	15.40	16.17	16.97	1,116.80	1,172.80	1,232.00	1,293.60	1,357.60	2,427.92	2,549.67	2,678.37	2,812.29	2,951.42
1102	14.31	15.03	15.78	16.57	17.40	1,144.80	1,202.40	1,262.40	1,325.60	1,392.00	2,488.80	2,614.02	2,744.46	2,881.85	3,026.21
1103	14.67	15.41	16.18	16.98	17.83	1,173.60	1,232.80	1,294.40	1,358.40	1,426.40	2,551.41	2,680.11	2,814.03	2,953.16	3,100.99
1104	15.04	15.79	16.58	17.41	18.28	1,203.20	1,263.20	1,326.40	1,392.80	1,462.40	2,615.76	2,746.20	2,883.59	3,027.95	3,179.26
1105	15.41	16.18	16.99	17.84	18.74	1,232.80	1,294.40	1,359.20	1,427.20	1,499.20	2,680.11	2,814.03	2,954.90	3,102.73	3,259.26
1106	15.80	16.59	17.42	18.29	19.20	1,264.00	1,327.20	1,393.60	1,463.20	1,536.00	2,747.94	2,885.33	3,029.69	3,181.00	3,339.26
1107	16.19	17.00	17.85	18.75	19.68	1,295.20	1,360.00	1,428.00	1,500.00	1,574.40	2,815.76	2,956.64	3,104.47	3,261.00	3,422.75
1108	16.60	17.43	18.30	19.21	20.18	1,328.00	1,394.40	1,464.00	1,536.80	1,614.40	2,887.07	3,031.43	3,182.74	3,341.00	3,509.71
1109	17.01	17.86	18.76	19.69	20.68	1,360.80	1,428.80	1,500.80	1,575.20	1,654.40	2,958.38	3,106.21	3,262.74	3,424.48	3,596.67
1110	17.44	18.31	19.23	20.19	21.20	1,395.20	1,464.80	1,538.40	1,615.20	1,696.00	3,033.16	3,184.48	3,344.48	3,511.44	3,687.10
1111	17.87	18.77	19.71	20.69	21.73	1,429.60	1,501.60	1,576.80	1,655.20	1,738.40	3,107.95	3,264.48	3,427.96	3,598.40	3,779.28
1112	18.32	19.24	20.20	21.21	22.27	1,465.60	1,539.20	1,616.00	1,696.80	1,781.60	3,186.21	3,346.22	3,513.18	3,688.84	3,873.20
1113	18.78	19.72	20.70	21.74	22.83	1,502.40	1,577.60	1,656.00	1,739.20	1,826.40	3,266.22	3,429.70	3,600.14	3,781.02	3,970.59
1114	19.25	20.21	21.22	22.28	23.40	1,540.00	1,616.80	1,697.60	1,782.40	1,872.00	3,347.96	3,514.92	3,690.58	3,874.94	4,069.73
1115	19.73	20.72	21.75	22.84	23.98	1,578.40	1,657.60	1,740.00	1,827.20	1,918.40	3,431.44	3,603.62	3,782.76	3,972.33	4,170.60
1116	20.22	21.23	22.30	23.41	24.58	1,617.60	1,698.40	1,784.00	1,872.80	1,966.40	3,516.66	3,692.32	3,878.42	4,071.47	4,274.95
1117	20.73	21.76	22.85	24.00	25.19	1,658.40	1,740.80	1,828.00	1,920.00	2,015.20	3,605.36	3,784.50	3,974.07	4,174.08	4,381.04
1118	21.25	22.31	23.42	24.60	25.82	1,700.00	1,784.80	1,873.60	1,968.00	2,065.60	3,695.80	3,880.16	4,073.21	4,278.43	4,490.61
1119	21.78	22.87	24.01	25.21	26.47	1,742.40	1,829.60	1,920.80	2,016.80	2,117.60	3,787.98	3,977.55	4,175.82	4,384.52	4,603.66
1120	22.32	23.44	24.61	25.84	27.13	1,785.60	1,875.20	1,968.80	2,067.20	2,170.40	3,881.89	4,076.68	4,280.17	4,494.09	4,718.45
1121	22.88	24.02	25.22	26.49	27.81	1,830.40	1,921.60	2,017.60	2,119.20	2,224.80	3,979.29	4,177.56	4,386.26	4,607.14	4,836.72
1122	23.45	24.62	25.86	27.15	28.50	1,876.00	1,969.60	2,068.80	2,172.00	2,280.00	4,078.42	4,281.91	4,497.57	4,721.93	4,956.72
1123	24.04	25.24	26.50	27.83	29.22	1,923.20	2,019.20	2,120.00	2,226.40	2,337.60	4,181.04	4,389.74	4,608.88	4,840.19	5,081.94
1124	24.64	25.87	27.16	28.52	29.95	1,971.20	2,069.60	2,172.80	2,281.60	2,396.00	4,285.39	4,499.31	4,723.67	4,960.20	5,208.90
1125	25.25	26.52	27.84	29.23	30.70	2,020.00	2,121.60	2,227.20	2,338.40	2,456.00	4,391.48	4,612.36	4,841.93	5,083.68	5,339.34
1126	25.89	27.18	28.54	29.97	31.46	2,071.20	2,174.40	2,283.20	2,397.60	2,516.80	4,502.79	4,727.15	4,963.68	5,212.38	5,471.52
1127	26.53	27.86	29.25	30.71	32.25	2,122.40	2,228.80	2,340.00	2,456.80	2,580.00	4,614.10	4,845.41	5,087.16	5,341.08	5,608.92
1128	27.20	28.56	29.98	31.48	33.06	2,176.00	2,284.80	2,398.40	2,518.40	2,644.80	4,730.62	4,967.16	5,214.12	5,475.00	5,749.80
1129	27.88	29.27	30.73	32.27	33.88	2,230.40	2,341.60	2,458.40	2,581.60	2,710.40	4,848.89	5,090.64	5,344.56	5,612.40	5,892.41
1130	28.57	30.00	31.50	33.08	34.73	2,285.60	2,400.00	2,520.00	2,646.40	2,778.40	4,968.89	5,217.60	5,478.48	5,753.27	6,040.24
1131	29.29	30.75	32.29	33.90	35.60	2,343.20	2,460.00	2,583.20	2,712.00	2,848.00	5,094.12	5,348.04	5,615.88	5,895.89	6,191.55
1132	30.02	31.52	33.10	34.75	36.49	2,401.60	2,521.60	2,648.00	2,780.00	2,919.20	5,221.08	5,481.96	5,756.75	6,043.72	6,346.34
1133	30.77	32.31	33.92	35.62	37.40	2,461.60	2,584.80	2,713.60	2,849.60	2,992.00	5,351.52	5,619.36	5,899.37	6,195.03	6,504.61
1134	31.54	33.12	34.77	36.51	38.33	2,523.20	2,649.60	2,781.60	2,920.80	3,066.40	5,485.44	5,760.23	6,047.20	6,349.82	6,666.35
1135	32.33	33.94	35.64	37.42	39.29	2,586.40	2,715.20	2,851.20	2,993.60	3,143.20	5,622.83	5,902.84	6,198.51	6,508.09	6,833.32

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 18/19
EFFECTIVE: JUNE, 28 2018

MPNSA

	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
1136	33.13	34.79	36.53	38.36	40.27	2,650.40	2,783.20	2,922.40	3,068.80	3,221.60	5,761.97	6,050.68	6,353.30	6,671.57	7,003.76
1137	33.96	35.66	37.44	39.32	41.28	2,716.80	2,852.80	2,995.20	3,145.60	3,302.40	5,906.32	6,201.99	6,511.56	6,838.53	7,179.42
1138	34.81	36.55	38.38	40.30	42.31	2,784.80	2,924.00	3,070.40	3,224.00	3,384.80	6,054.16	6,356.78	6,675.05	7,008.98	7,358.56
1139	35.68	37.47	39.34	41.31	43.37	2,854.40	2,997.60	3,147.20	3,304.80	3,469.60	6,205.47	6,516.78	6,842.01	7,184.64	7,542.91
1140	36.57	38.40	40.32	42.34	44.46	2,925.60	3,072.00	3,225.60	3,387.20	3,556.80	6,360.25	6,678.53	7,012.45	7,363.77	7,732.48
1141	37.49	39.36	41.33	43.40	45.57	2,999.20	3,148.80	3,306.40	3,472.00	3,645.60	6,520.26	6,845.49	7,188.11	7,548.13	7,925.53
1142	38.43	40.35	42.36	44.48	46.71	3,074.40	3,228.00	3,388.80	3,558.40	3,736.80	6,683.75	7,017.67	7,367.25	7,735.96	8,123.80
1143	39.39	41.36	43.42	45.59	47.87	3,151.20	3,308.80	3,473.60	3,647.20	3,829.60	6,850.71	7,193.33	7,551.61	7,929.01	8,325.55
1144	40.37	42.39	44.51	46.73	49.07	3,229.60	3,391.20	3,560.80	3,738.40	3,925.60	7,021.15	7,372.47	7,741.18	8,127.28	8,534.25
1145	41.38	43.45	45.62	47.90	50.30	3,310.40	3,476.00	3,649.60	3,832.00	4,024.00	7,196.81	7,556.82	7,934.23	8,330.77	8,748.18
1146	42.41	44.53	46.76	49.10	51.55	3,392.80	3,562.40	3,740.80	3,928.00	4,124.00	7,375.95	7,744.66	8,132.50	8,539.47	8,965.58
1147	43.47	45.65	47.93	50.33	52.84	3,477.60	3,652.00	3,834.40	4,026.40	4,227.20	7,560.30	7,939.45	8,335.99	8,753.39	9,189.93
1148	44.56	46.79	49.13	51.58	54.16	3,564.80	3,743.20	3,930.40	4,126.40	4,332.80	7,749.88	8,137.72	8,544.69	8,970.79	9,419.51
1149	45.67	47.96	50.36	52.87	55.52	3,653.60	3,836.80	4,028.80	4,229.60	4,441.60	7,942.93	8,341.20	8,758.61	9,195.15	9,656.04
1150	46.82	49.16	51.61	54.20	56.90	3,745.60	3,932.80	4,128.80	4,336.00	4,552.00	8,142.93	8,549.91	8,976.01	9,426.46	9,896.05

MPNSA Market Labor Adjusted Classes

Title	Union	% Adjusted upon Council Adoption	% Adjusted on March 7, 2017
FULLTIMEREGULAR POSITIONS:			
Fire Prevention Inspector I	MPNSA	7.50%	5.00%
Fire Prevention Inspector II	MPNSA	7.50%	5.00%
Senior Fire Prevention Inspector	MPNSA	7.50%	5.00%
Police Crime and Intelligence Analyst I	MPNSA	2.50%	
Police Crime and Intelligence Analyst II	MPNSA	2.50%	
Police Evidence and Property Technician I	MPNSA	2.50%	2.50%
Police Evidence and Property Technician II	MPNSA	2.50%	2.50%
Police Technician	MPNSA	2.50%	

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MODESTO CITY COUNCIL
RESOLUTION NO. 2016-375

RESOLUTION APPROVING A LETTER OF AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO POLICE MANAGEMENT ASSOCIATON (MPMA); AMENDING THE MEMORANDUM OF UNDERSTANDING (MOU) FOR THE PERIOD OF DECEMBER 31, 2015 TO DECEMBER 31, 2016 TO CHANGE LANGUAGE IN SECTION 4, SALARY AND SECTION 5, SPECIAL COMPENSATION; AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO TAKE THE NECESSARY ADMINISTRATIVE ACTION TO IMPLEMENT THE AGREEMENT

WHEREAS, the current Memorandum of Understanding (MOU) between the City of Modesto (CITY) and the Modesto Police Management Association (MPMA) covers a term from December 31, 2015 to December 31, 2016, and

WHEREAS, it was agreed that during the term of the MOU if the City of Modesto and the Modesto Police Officers' Association (MPOA) agree to any concessions or benefits, then MPMA agrees to accept equivalent concessions and/or enhancements, and

WHEREAS, representatives of the CITY and the MPMA have met and conferred in good faith concerning the equivalent concessions and/or enhancements, and

WHEREAS, the CITY and MPMA have reached agreement on language changes for a Letter of Agreement (LOA) which, upon execution, shall be **attached** hereto and made a part hereof, and

WHEREAS, the LOA provides as follows:

SECTION 4. SALARY.

a. For members with fifteen (15) years of service or more, they will receive a one and five tenths percent (1.5%) increase for a total of 1.5% effective September 6, 2016. Members with twenty (20) years of service or more, they will receive a three

percent (3%) increase for a total of three (3%) with successful completion of at one supervisory collateral assignment effective September 6, 2016. The maximum an officer can receive will be 3% after 20 years of service. Current members of MPMA are eligible for the longevity pay with completion of the special assignment.

SECTION 5. SPECIAL COMPENSATION.

a) Additional 1.8% to Advanced POST pay and 2.3% to Supervisory Post pay effective September 6, 2016.

b) 1% POST pay incentive from previous agreement to expire effective December 26, 2016

c) Retention Bonus of five hundred dollars ($500.00) is to be paid pay period ending November 14, 2016.

SECTION 13. HEALTH, DENTAL, VISION INSURANCE.

a) 4% increase to City contribution (all levels with the exception of opt-outs) effective December 27, 2016

MISCELLANEOUS. PAYCHECK ADVICES. Employees will no longer be receiving hard-copy pay advices. Employees will now be able to utilize the Employee self-service tool available via Oracle under the CoM Employee Self Service responsibility to view their pay advices including their annual W-2s. Employees will no longer receive a paper payroll paycheck, all employees will utilize direct deposit for payroll. Pay advices will be available anytime during payday Friday and pay slips can be printed utilizing city computer workstation.

CONTINUATION OF REMAINING PROVISIONS. Except as provided above, the remaining provisions of the December 31, 2015 through December 31, 2016 MOU

between the CITY and MPMA shall continue in the new MOU. The exact language of all provisions shall be set forth in the MOU between the CITY and MPMA.

WHEREAS, the Council considered this matter at its meeting of September 13, 2016,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the letter of agreement between the City of Modesto and the Modesto Police Management Association (MPMA), amending Section 4 and Section 5 of the Memorandum of Understanding which covers a term from December 31, 2015 through December 31, 2016, and upon execution of same, a copy of the LOA will be on file in the office of the City Clerk.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the City Manager or designee is hereby authorized to execute the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of September, 2016, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

RESCINDED

JAN 10 2017

THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2017-07

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-376

RESOLUTION RESCINDING RESOLUTION NO. 2016-311 TO UPDATE BENEFIT OFFERINGS FOR UNREPRESENTED MANAGEMENT SWORN POLICE CAPTAINS; AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO TAKE THE NECESSARY ADMINISTRATIVE ACTION TO IMPLEMENT THE CHANGES

WHEREAS, by Resolution No. 2016-311, which became effective on July 12, 2016, the City Council approved salary and benefit changes to Unrepresented Management and Confidential employees, including Charter Officers and Executives, and

WHEREAS, the City has historically implemented terms and conditions of employment for Unrepresented Police Captains consistent with the terms and conditions of employment covering employees in the Modesto Police Management Association (MPMA) bargaining unit,

WHEREAS, the City desires to approve the following terms and conditions for Unrepresented Management Sworn Police Captains to have parity with MPMA Agreement:

a) An increase in Supervisory POST Pay by 1.8% effective September 6, 2016;

b) An increase in Management POST Pay by 2.3% effective September 6, 2016;

c) Lump Sum payments of $500.00 upon Council Adoption;

d) 4% increase to all health insurance levels (excluding opt outs).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. PROBATIONARY PERIOD. All original and promotional appointments to positions in the Classified Service shall be tentative and subject to a probationary period of one year from the date of appointment to the position. The purpose of the probationary period is to train, observe and evaluate the employee on conduct, performance, attitude, adaptability and job knowledge.

Time spent on any leave of absence, or time during which an employee is unable to perform the full range of duties due to injury or illness, whether or not job-related, shall not be considered as part of any probationary period, and such time will be added to the probationary period. Any further extension of probation will only be upon mutual agreement.

During the probationary period an employee may be released at any time without right of appeal. Written notice of release shall be furnished to the probationer. An employee released during or at the conclusion of probation following a promotion, shall be reinstated to the position previously held, at the former salary step, except if the reasons for release are cause for dismissal.

SECTION 2. COMPENSATORY TIME OFF CAP. Management and Confidential employees who are overtime-eligible shall be paid quarterly for all CTO over their established cap. For employees hired on or after December 6, 2005, the CTO cap shall be 100 hours. For employees hired before December 6, 2005, the cap shall be 160 hours.

SECTION 3. ADDITIONAL HOLIDAY FOR SWORN POLICE CAPTAINS. Sworn Police Captains shall be credited on February 9, 2016 with thirty-two (32) hours of special leave for use from February 9, 2016 through December 26, 2016. Any

remaining leave balance will be cashed out pay period ending December 26, 2016.

SECTION 4. HOLIDAY CAP. Holiday time for unrepresented non-sworn employees may be accrued up to a maximum of 40 hours. When the employee reaches the 40 hour maximum, additional holiday time shall be compensated in cash at straight time rates on a quarterly basis.

SECTION 5. MANAGEMENT LEAVE. Commencing January 1, 2012, management employees in exempt regular positions shall be advanced 80 hours of Management Leave (Fire Battalion Chiefs on a 56-hour schedule shall be advanced 112 hours) January of each calendar year to be taken at the discretion of the employee and upon approval of City Manager, or designee, and shall be prorated for less than full-time employees. Management Leave will be forfeited if not used by the last pay period ending in December. An exempt employee hired after Management Leave has been advanced shall be eligible for a pro-rated portion of Leave.

In the event of separation from City employment of any person who has taken Management Leave prior to the time all of said leave is earned, the employee shall be required to make full restitution to the City for that portion of leave taken but remaining unearned on the date of termination of employment. Employees separating from City service will be paid for earned Management Leave credit.

SECTION 6. MANAGEMENT LEAVE ANNUAL CASHOUT. The maximum number of hours available for cash out each December shall be 40 hours annually for Management employees. All employees may cash out Management Leave once annually during the pay period in which December 1 falls.

Effective December 2007, the maximum annual cash out shall be 80 hours for

Executives and Charter Officers, and 60 hours for Police Captains, Fire Battalion Chiefs, Fire Division Chiefs, Deputy Directors, Assistant City Attorney and Deputy City Attorney I/II/III/Senior. For Fire Battalion Chiefs on a 56-hour schedule, the maximum cash out shall be 84 hours.

SECTION 7. MEDICAL LEAVES OF ABSENCE. Effective December 6, 2005, employees requesting an Authorized Medical Leave of Absence without pay, due to a medical incapacity to perform the duties of their position, must provide written medical verification of a long-term disability, illness or injury.

SECTION 8. CATASTROPHIC LEAVE. Effective December 6, 2005, employees requesting Catastrophic Leave donations must provide a written medical verification of long term illness or injury, or verification of a family member's illness or injury.

SECTION 9. NEGATIVE VACATION. Effective March 7, 2006, use of negative vacation will be permitted only for extenuating circumstances and will require the approval of the City Manager, or designee.

SECTION 10. LEAVE CASHOUTS FOR SWORN FIRE MANAGEMENT EMPLOYEES. Sworn Fire Management employees in the classifications of Fire Battalion Chief, Fire Division Chief and Fire Chief working a 40 hour schedule shall be afforded the opportunity to cash out up to 61 hours of vacation leave per calendar year (at straight time rates) and up to 88 hours of holiday leave per calendar year (at time and one-half), effective July 1, 2003. Employees in the classification of Fire Battalion Chief working a 56 hour schedule shall be afforded the opportunity to cash out up to 72 hours of vacation leave per calendar year (at straight time rates) effective June 20, 2000, and up

to 132 hours of holiday leave per calendar year (at time and one-half). Holiday leave may not be carried over year-to-year regardless of the schedule worked.

SECTION 11. SICK LEAVE. Non-sworn employees hired on or before December 31, 2010 shall have all accrued sick time transferred to a grandfathered sick leave bank effective the pay period ending October 22, 2012. Sworn employees hired on or before December 31, 2010 shall have all accrued sick time transferred to a grandfathered sick leave bank effective pay period ending August 25, 2014. For employees hired on or before December 31, 2010 and who promoted to an unrepresented management classification, employee's grandfathered accrued balance and regular sick accrued balance shall follow the employee. Employees who promote from MCFFA shall have their sick leave balance as of promotion date split between grandfathered sick leave and regular sick leave as follows:

- Grandfathered sick bank – Eligible for sick leave balance on the books as of September 8, 2015, reduced by hours previously converted to Deferred Compensation, and up to the amount of hours in employee's sick leave bank upon promotion.
- Regular sick bank – remaining sick leave balance as of promotion date not grandfathered

When taking sick leave, employees with grandfathered sick leave banks shall utilize new sick leave accrued hours prior to utilizing hours from the grandfathered bank.

SECTION 12. SICK LEAVE CASHOUT FOR SWORN FIRE MANAGEMENT EMPLOYEES. Sworn Fire management employees who leave City service in good standing (other than retirement) after five (5) years of continuous service, shall be paid the first twenty-two hundred (2,200) hours of their current unused grandfathered sick

leave, reduced by hours previously converted to Deferred Compensation, as follows: (1) Ninety percent (90%) of sick leave hours as of the date of the employee's initial promotion to a management classification shall be paid out at the current regular rate of pay (top step) for Fire Captain, and (2) In addition, twenty-five percent (25%) of the remaining sick leave hours accrued after promotion to a management classification shall be paid out at the employee's then current regular rate of pay.

SECTION 13. PROMOTION. Employees promoted on or after November 17, 2015, prior to an employee's promotion to an unrepresented management classification, all compensatory time off (CTO) and grandfathered compensatory time off (GCTO) shall be compensated in cash at the employee's then current regular rate of pay.

SECTION 14. MASTERS DEGREE INCENTIVE PAY. Effective June 29, 2004, employees who possess a Master's Degree or Juris Doctor from an accredited institution, shall be granted one and one half percent (1.5%) Masters Pay, subject to criteria as established by the City.

SECTION 15. REGISTRATION AND CERTIFICATION FEES. Effective July 1, 2003, when an employee is required by the City to obtain or renew a certificate, license or registration in order to carry out their assigned duties, except a California Class C Driver's License, the City will pay the fee for the actual certificate, license or registration, (and exam fee, if any).

SECTION 16. VEHICLE ALLOWANCE. Per Resolution No. 2001-271 effective July 1, 2001, the vehicle allowance for Executives and Charter Officers who receive an allowance, shall be $400/month, and the City Manager is authorized to grant Deputy Directors either an assigned City vehicle or a vehicle allowance in the amount of

$300/month. The City Manager is also authorized to grant selected Management employees a vehicle allowance of $100-$200/month based on Department Director recommendation and an annual justification relating to extensive use of a personal vehicle while conducting City business. Effective May 27, 2008, per Resolution No. 2008-305, the vehicle allowance for Charter Officers is increased to a maximum of $500/month.

SECTION 17. UNIFORM ALLOWANCES. Uniform allowances for unrepresented Management and Confidential employees who are required to wear a uniform, are as follows:

Positions	Effective Date	Allowance
Sworn Police	February 1, 2015	$101.67
Sworn Fire Management	July 1, 2007	$85.00

SECTION 18. POST CERTIFICATION PAY. Effective September 6, 2016, Police Captains who provide evidence that they have received a Supervisory POST Certificate shall be eligible for one and eight tenths percent (1.8%) certification pay. Effective September 6, 2016, Police Captains who provide evidence that they have received a Management POST Certificate shall be eligible for two and three tenths percent (2.3%) certification pay. Effective December 27, 2016, Management POST Certificate pay shall be eight percent (8.0%). Effective September 6, 2016, Police Chief shall be eligible for five percent (5.0%) Executive POST pay. These amounts are not cumulative and Captains receiving Management POST pay shall not also receive Supervisory POST pay. The maximum allowable POST pay is 8.0%.

SECTION 19. BONUS PAY FOR UNREPRESENTED POLICE CAPTAINS.

City shall pay one thousand five hundred dollars ($1,500) to any Sworn Police Captain in an active paid status as of pay period ending February 22, 2016. An additional one thousand dollars ($1,000) will be paid on July 1, 2016 to Sworn Police Captains in an active paid status from February 23, 2016 through June 27, 2016. New City of Modesto employees appointed as Police Captains will receive a pro-rated amount based on time worked. Police Captains who separate prior to June 27, 2016 will not be eligible for the one thousand dollars ($1,000).

SECTION 20. ASSISTANT CHIEF OF POLICE ASSIGNMENT PAY. Effective May 26, 1998, subject to the approval of the City Manager, the Police Chief may appoint employees currently employed by the Police Department in the classification of Police Captain to the assignment of Assistant Chief of Police. Such appointment may be made without competitive examination and shall continue at the will and pleasure of the Police Chief. The Police Chief may end the assignment at any time and such employee shall return to an assignment as Police Captain (unless removed due to dismissal) at a step no lower than the step the employee held at time of assignment. The total number of assignments shall be at the sole discretion of the City Manager.

SECTION 21. EMERGENCY MEDICAL TECHNICIAN CERTIFICATION PAY. Sworn Fire Management employees in the classifications of Fire Battalion Chief and Fire Division Chief, who are certified as Emergency Medical Technicians (EMT-I), shall receive a five percent (5.0%) of the base salary for their classification. Effective July 12, 2016, the five percent (5%) pay for EMT certification will be rolled into base salary for their classification.

SECTION 22. HAZARDOUS MATERIALS CERTIFICATION PAY. Effective

July 1, 2003, one (1) Fire Department Battalion Chief or Division Chief shall be authorized five percent (5%) Haz Mat Pay, when certified as a Hazardous Materials Specialist and assigned to administer the City of Modesto's participation in the Regional Hazardous Materials Response Team. This pay replaced the annual Haz Mat Stipend.

SECTION 23. ALS PARAMEDIC PAY. Effective July 14, 2015, one (1) Fire Department Battalion Chief or Division Chief shall be authorized six percent (6%) ALS Paramedic pay, when assigned to the ALS Paramedic Program and have the required California State Paramedic License and all additional local required ALS certifications.

SECTION 24. FIRE CHIEF OFFICER SHIFT STIPEND. Effective December 2, 2014, Fire Battalion Chiefs and Fire Division Chiefs assigned to work extra shifts in order to maintain a consistent staffing of two (2) Battalion Chiefs to the extent possible, may receive a stipend of one thousand five hundred dollars ($1,500) per 24-hour shift. Criteria for assignment to extra shifts with the stipend shall be at the discretion of the Fire Chief, who shall also determine when staffing at the level of one Battalion Chief is acceptable. The Fire Chief shall annually determine the maximum number of assignments available for stipend, subject to funds budgeted and the needs of the City. As FLSA Exempt management employees, Fire Battalion Chiefs and Fire Division Chiefs may be required to work both emergency and non-emergency assignments without additional compensation.

SECTION 25. MUTUAL AID ASSIGNMENT. Sworn Fire Management employees in the classification of Fire Battalion Chief and Fire Division Chief shall receive a stipend when assigned to fill Strike Team and Task Force Leader assignments. Fire Battalion Chiefs assigned as Strike Team or Task Force Leader or Strike Team or

Task Force Leader Trainee shall receive a stipend of $1500 for a 24 hour period. Fire Division Chiefs assigned as Strike Team or Task Force Leader or Strike Team or Task Force Leader Trainee shall receive a stipend of $1500 for a 24 hour period subject to the following conditions:

1. The assignment results from a request through the California Office of Emergency Services.
2. The assignment is subject to reimbursement through the "Cooperative Agreement for Local Government Fire Suppression."
3. Regularly scheduled work hours are not included and partial periods are pro-rated to the nearest hour.

The City Manager is authorized to adjust the stipend amount, from time to time, consistent with increases in overall Fire Management salaries and reimbursement rates.

SECTION 26. DEFERRED COMPENSATION 457 PLAN. The CITY shall continue to provide access to a 457 deferred compensation program authorized by the City Council for the voluntary participation of City employees. In addition, the CITY shall match on behalf of a participating employee in a regular position, one and one-half percent (1.5%) of an employee's regular rate of pay on a bi-weekly basis; provided, the employee is contributing at least one and one-half percent (1.5%). For such employees who have been continuously employed by the CITY for nine (9) or more years, the CITY shall contribute two and one-half percent (2.5%); provided the employee is contributing at least two and one-half percent (2.5%). Effective January 1, 2006, this increase in the City's contribution shall be effective with the first pay period to begin in the month

following completion of nine (9) years of service, provided that the employee has completed any required documents.

SECTION 27. DEFERRED COMPENSATION 401(a) MONEY PURCHASE PLANS. The 401(a) Money Purchase Plans shall provide for a City-paid contribution and equal mandatory employee contribution, effective January 1, 2006, of 5% for Charter Officers, 3% for Executives other than Charter Officers, and 2% for all other unrepresented Management and Confidential employees.

SECTION 28. HEALTH, DENTAL AND VISION BENEFITS. The City's contribution to health, dental and vision benefits for Unrepresented Management and Confidential employees, including Charter Officers and Executives, shall be a three-tier system as follows and the City contribution (excluding opt out) shall increase by four (4) percent annually as follows:

	Current	2017	2018	2019
Opt-out of City Medical Coverage	$450.00	$450.00	$450.00	$450.00
Employee only	$621.00	$645.00	$670.00	$700.00
Employee plus 1	$858.00	$900.00	$930.00	$965.00
Employee plus family	$1214.00	$1260.00	$1310.00	$1365.00

For Unrepresented Police employees, in lieu of a health insurance contribution increase for calendar year 2016, a one-time five hundred dollar ($500.00) retention bonus will be paid the first pay period after Council adoption. The City shall deposit into the employee's deferred compensation account any balance remaining from the above listed contributions not needed to pay for the employee's health, dental or vision premiums.

Effective July 22, 2008, for employees enrolled in the City-sponsored High Deductible Health Plan, any balance of said contributions shall be directed to the employee's Health Savings Account. Only in the event that an employee does not qualify for enrollment into a Health Savings Account, the City shall deposit any balance of the above contribution not needed to pay for the employee's combined premium into the employee's deferred compensation account.

Effective July 26, 2005, the City's contribution toward unrepresented employees with Family coverage shall not exceed the actual premium amount for the lowest cost health (HMO Plan), dental and vision plans offered by the City, regardless of the health plan selected by the employee or the contribution amounts listed above.

SECTION 29. DOMESTIC PARTNERS. Benefits applicable to spouses shall be extended to registered domestic partners, as required by law.

SECTION 30. RETIREE HEALTH INSURANCE. Employees who retire prior to December 31, 2015, may elect on a one-time basis at retirement to purchase health, dental and vision insurance under a City-authorized plan and are responsible for all cost.

Non-sworn employees hired **on or before December 31, 2010** and who retire from the City prior to October 23, 2012 after five (5) years of continuous service in good standing may, on a one-time basis, exercise the option to have ninety percent (90%) of their unused grandfathered sick leave applied by the City upon retirement to premiums for health, dental and vision insurance plans covered by the CITY at the rate of eight (8) hours equals one month of contribution. Said insurance contribution shall be provided in an amount up to that contributed to active employees subject to changes

in the median priced health HMO plan for active employees, as needed to cover the cost of retiree health, dental and vision premium.

Non-sworn employees hired **on or before December 31, 2010** and who retire from the City between October 23, 2012 and December 31, 2014, after five (5) years of continuous service in good standing may, on a one-time basis, exercise the option to have ninety percent (90%) of their unused grandfathered sick leave applied by the City upon retirement to premiums for health, dental and vision insurance plans covered by the CITY at the rate of eight (8) hours equals one month of contribution. Said insurance contribution shall be provided as needed to cover the cost of retiree health, dental and vision premiums up to a monthly rate of $621 for retiree without dependents and up to $1,100 for retirees with dependent coverage.

Sworn employees hired **on or before December 31, 2010** and who retire from the City prior to January 1, 2015, after five (5) years of continuous service in good standing may, on a one-time basis, exercise the option to have ninety percent (90%) of their unused grandfathered sick leave applied by the City upon retirement to premiums for health, dental and vision insurance plans covered by the CITY at a rate of eight (8) hours equals one month of contribution (employees promoted on or after December 30, 2014 into a Fire Unrepresented position on a 56-hour schedule, shall have hours at retirement applied at a rate of twelve (12) hours equals one month of contribution). Said insurance shall be provided in an amount up to that contributed to active employees subject to changes in the median priced health HMO plan for active employees, as needed to cover the cost of retiree health, dental and vision premium.

For all Non-Sworn and Sworn employees hired on or before December 31, 2010 who retire from the City on or after January 1, 2015, the City will no longer offer retiree medical plans through City's group plans effective December 31, 2015, however, retirees may elect on a one-time basis at retirement the option to purchase and maintain City's dental and vision plans at retiree's cost. For these employees who retire after five (5) continuous years of service in good standing may, on a one time basis, have ninety (90%) percent of their unused grandfathered sick leave converted to the City sponsored defined contribution retiree medical benefit plan at the rate of eight (8) hours equals one month of contribution (Fire Unrepresented position on a 56-hour schedule, shall have hours at retirement applied at a rate of twelve (12) hours equals one month of contribution) to purchase medical insurance. For each eight hours (or twelve hours) converted to the retiree medical program, the recipient shall be provided a monthly contribution under one of the following schedules:

Non-Medicare Eligible Recipient		Medicare Eligible Recipient	
Retiree Only =	$500	Retiree Only =	$250
Retiree +1 Dep =	$1,000	Retiree +1 Dep =	$500
Retiree + Family=	$1,000	Retiree + Family =	$500

Combined contributions for Retirees

1 Non-Medicare + 1 Medicare coverage = $750

Retiree only contribution for eligible recipients is allowable regardless of where the retiree acquires authorized and legitimate medical insurance coverage (i.e. through State Exchange, through individual insurance company, through a current employer, or through spouse employer). Retiree shall not be eligible to receive a contribution for

dependent, spouse, or registered domestic partner under the Retiree + 1 or Retiree + Family levels if retiree's dependent, spouse, or registered domestic partner has medical insurance coverage through their current employer, is covered under Retiree's current employer, or if Retiree does not purchase individual insurance for dependent. Upon retirement only, the City shall transfer contributions based on eligibility above into the City's sponsored Retiree Health Reimbursement Arrangement (HRA) for the individual. Employees will not be eligible for these contributions should they separate from City service prior to retirement. Contributions to eligible retirees will be made as follows: Upon Retirement – initial contributions will be made for the months following loss of coverage with City through either December 31st or June 30th, whichever date is earlier. Contributions will be deposited no later than 30 days after retirement date. Ongoing Contribution – a semi-annual years' worth of contributions will be made on a semi-annual basis no later than Jan 31st (for months January – June) and July 31st (for months July - December) until exhaustion of sick leave conversion. To receive the semi-annual contribution, the retiree must provide the City with proof and cost of coverage by December 15th each year to receive a contribution for the following calendar year. Failure to provide proof of coverage will result in the retiree losing a City contribution for that calendar year, however, if the retiree provides proof of coverage before June 15th, the retiree will be eligible for the July contribution. Loss of contribution will not result in a reduction to the number of months the retiree is eligible to receive contributions in the future. If retiree has a status change during any calendar year that would change the monthly contribution, such as a marriage, divorce, death, birth, spouse or dependent loss of coverage, the City will reconcile the new amount the

retiree is eligible for with the following semi-annual contribution. The change in status is presumed effective the 1st of the month following the month when the retiree provided notice to the City of the change in status. For example, if the retiree's status changes from retiree only to retiree +1 on November 15, the City will provide an additional $500 along with the total semi-annual contribution for the following calendar year to compensate the retiree for the change in status for the month of December in the previous calendar year. If the retiree's change in status results in monies owed to the City, the City will recoup the amount owed by deducting it from the following semi-annual contribution. However, in the event of a death of the retiree receiving a contribution for the retiree only level during the calendar year in which the contribution was already received, any remaining months of contribution will be deleted for subsequent calendar years, but the City will not endeavor to seek payments already made for the months following the retiree's death. In the event of the death of retiree participating in the contribution program, surviving qualified spouse will be eligible to receive a contribution for the following calendar year if the retiree would have been eligible to receive a contribution. If eligible, the contribution will be consistent with the eligibility criteria set above and continue until the exhaustion of the deceased retiree's sick leave bank, upon the death of the surviving spouse, upon the spouse and/or dependents coverage for other insurance through an employer, or upon voluntarily election to not continue with the contribution program.

For employees hired on or before December 31, 2010, the City shall contribute to a Defined Contribution retiree medical benefit plan for each eligible employee in the form of a deposit into a Health Reimbursement Arrangement (HRA). For non-sworn

employees, effective July 2, 2013, the City shall contribute $25.00 per month. For sworn employees, effective August 26, 2014 the City shall contribute $25.00 per month. For a full time employee, this equates to a maximum of $300 per year. Employees in regular positions budgeted less than eighty (80) hours per pay period or job-shared positions, shall receive a pro-rated amount per month. Beginning January 1, 2015, the defined City contribution for non-sworn and sworn employees shall increase annually through January 1, 2019, by an additional $10 per year, per employee each January. The defined City contribution shall be a maximum contribution of $75 per month by January 2019. For all employees regardless of date of hire by January 1, 2019, the City will increase the City contribution to the City HRA by an additional ten dollars ($10.00) monthly per employee effective January 1, 2017; followed by an additional increase of ten dollars ($10.00) monthly per employee effective January 1, 2018; and followed by an additional increase of ten dollars ($10.00) monthly per employee effective January 1, 2019. The contribution effective January 1, 2019 will be $100.

For all unrepresented employees (sworn and non-sworn) hired on or after January 1, 2011, the City shall contribute to a Defined Contribution retiree medical benefit plan for each eligible employee in the form of a deposit into a Health Reimbursement Arrangement (HRA) account. An employee is eligible to receive a City HRA contribution upon completion of two full years. If an employee separates employment before meeting eligibility requirement, the employee shall receive no benefit. On the first pay period following completion of two full years of continuous City service, the CITY shall deposit $2,400 into an HRA account established in the employee's name. Employees in regular positions budgeted less than eighty (80) hours per pay period or

job-shared positions, shall receive a pro-rated lump sum contribution based on hours worked. After the initial contribution is made, the City shall contribute $100 per month for each eligible full time employee. Employees in regular positions budgeted less than eighty (80) hours per pay period or job-shared positions, shall receive a pro-rated amount per month. Employees hired on or after January 1, 2011 and subject to this defined contribution plan shall not be eligible for any sick leave conversion towards retiree medical premiums of any sort. The City's contribution under this section represents the entire contribution towards employee retiree medical.

SECTION 31. PAYCHECK ADVICES. Employees will no longer be receiving hard-copy pay advices. Employees will now be able to utilize the Employee self-service tool available via Oracle under the CoM Employee Self Service responsibility to view their pay advices including their annual W-2s. Employees will no longer receive a paper payroll pay check, all employees will utilize direct deposit for payroll. Pay advices will be available anytime during payday Friday and pay slips can be printed utilizing city computer workstation.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that Resolution No. 2016-311 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of September, 2016, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

RESCINDED

Print

JAN 10 2017

THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2017-06

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-377

RESOLUTION GRANTING SALARY CHANGES TO NON-SWORN UNREPRESENTED MANAGEMENT AND CONFIDENTIAL EMPLOYEES INCLUDING CHARTER OFFICERS AND EXECUTIVES AND UNREPRESENTED SWORN POLICE EMPLOYEES, EFFECTIVE SEPTEMBER 6, 2016 AND RESCINDING RESOLUTION NO. 2016-310, AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO TAKE THE NECESSARY ADMINISTRATIVE ACTION TO IMPLEMENT THE CHANGES

WHEREAS, by Resolution No. 2016-310, which became effective on September 12, 2016, the City Council amended the salary schedules for unrepresented Management and Confidential employees including Charter Officers and Executives, and

WHEREAS, the Council of the City of Modesto adopted an agreement with Modesto Police Management Association (MPMA) on September 13, 2016 which included salary increases,

WHEREAS, the Council of the City of Modesto desires to approve a two percent (2.0%) base salary increase for all Unrepresented Sworn Police Captain employees effective September 6, 2016, and

WHEREAS, the City desires to maintain competitive position with the labor market;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. SALARY RANGES, RATES AND EFFECTIVE DATES. The salary rates, salary ranges and salary steps as set forth in the following **exhibits** which are **attached** hereto and made a part hereof provide for a two (2.0%) percent across-the-board salary adjustment for sworn Police Captains effective September 6, 2016 In addition, based on the results of the City's most recent labor market study, the salary

range for each of the benchmark classes listed in **Exhibit X**, along with any related classes, shall increase in accordance with the schedule and is set forth in these **Exhibits**.

1. **Exhibit** "A" entitled "City Of Modesto Class Range Table, Unrepresented Management And Confidential Non-Sworn Classes, Effective July 12, 2016."

2. **Exhibit** "B" entitled "City Of Modesto Class Range Table, Unrepresented Management And Confidential Non-Sworn Classes, Effective March 7, 2017."

3. **Exhibit** "C" entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY 16/17, Effective July 12, 2016 - Management/Confidential – Non-Sworn Unrepresented."

4. **Exhibit** "D" entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY 17/18, Effective June 27, 2017 Management/Confidential – Non-Sworn Unrepresented."

5. **Exhibit** "E" entitled "City of Modesto Schedule Of Salary Ranges In City Service For FY 18/19, Effective June 26, 2018 Management/Confidential – Non-Sworn Unrepresented."

6. **Exhibit** "F" entitled "City Of Modesto Class Range Table, Executive Management, Effective July 12, 2016" which includes Charter Officers.

7. **Exhibit** "G" entitled "City Of Modesto Class Range Table, Executive Management, Effective March 7, 2017" which includes Charter Officers.

8. **Exhibit** "H" entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY 16/17, Effective July 12, 2016 - Executive Management."

9. **Exhibit** "I" entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY 17/18, Effective June 27, 2017 - Executive Management."

10. **Exhibit** "J" entitled "City of Modesto Schedule Of Salary Ranges In City Service For FY 18/19, Effective June 26, 2018 – Executive Management."

11. **Exhibit** "K" entitled "City of Modesto Schedule Of Salary Ranges in City Service For FY 16/17, Effective July 12, 2016 – Schedule X, Fire Management – 80 Hrs. – Battalion Chief and Schedule Y, Fire

Management – 112 Hrs. – Battalion Chief.

12. **Exhibit** "L" entitled "City of Modesto Schedule Of Salary Ranges in City Service For FY 16/17, Effective December 27, 2016 – Schedule X, Fire Management – 80 Hrs. – Battalion Chief and Schedule Y, Fire Management – 112 Hrs. – Battalion Chief.

13. **Exhibit** "M" entitled "City of Modesto Schedule Of Salary Ranges in City Service For FY 17/18, Effective June 27, 2017 – Schedule X, Fire Management – 80 Hrs. – Battalion Chief and Schedule Y, Fire Management – 112 Hrs. – Battalion Chief.

14. **Exhibit** "N" entitled "City of Modesto Schedule Of Salary Ranges in City Service For FY 16/17, Effective July 12, 2016 – Schedule E Management/Confidential – Fire – 80 hours – Division Chief."

15. **Exhibit** "P" entitled "City of Modesto Schedule Of Salary Ranges in City Service For FY 16/17, Effective December 27, 2016 – Schedule E Management/Confidential – Fire – 80 hours – Division Chief."

16. **Exhibit** "Q" entitled "City of Modesto Schedule Of Salary Ranges in City Service For FY 17/18, Effective June 27, 2017 – Schedule E Management/Confidential – Fire – 80 hours – Division Chief."

17. **Exhibit** "T" City of Modesto Schedule of Salary Ranges In City Service For FY 16/17, Effective July 12, 2016 – Unrepresented - Fire Chief

18. **Exhibit** "V" City of Modesto Schedule of Salary Ranges In City Service For FY 16/17, Effective December 27, 2016 – Unrepresented - Fire Chief

19. **Exhibit** "W" City of Modesto Schedule of Salary Ranges In City Service For FY 17/18, Effective June 27, 2017 – Unrepresented – Fire Chief

20. **Exhibit** "Y" entitled "City of Modesto Class Range Table, Fire Management Classes, Effective July 12, 2016.

21. **Exhibit** "Z" entitled "City of Modesto Class Range Table, Sworn Fire Executive Management Classes, Effective July 12, 2016.

22. **Exhibit** "A-1" entitled "City of Modesto Class Range Table, Police Management Classes (Unrepresented), Effective February 9, 2016.

23. **Exhibit** "A-2" City of Modesto Schedule of Salary Ranges in City Service for FY 16/17, Effective September 6, 2016 – Management/Confidential Police Captains – Unrepresented.

SECTION 2. CHARTER OFFICERS. The salaries for the positions of the Charter Officers shall be as follows effective December 2, 2014:

TITLE	HOURLY	BI-WEEKLY	MONTHLY
City Manager Jim Holgersson	102.65	8,212.00	17,861.11
City Attorney Contract	77.97	6,237.50	13,566.57
City Clerk Stephanie Lopez	52.60	4,208.00	9,152.40

Charter Officers shall be as follows effective the pay period that includes March 1, 2016:

TITLE	HOURLY	BI-WEEKLY	MONTHLY
City Manager Jim Holgersson	103.68	8,294.40	18,040.32
City Attorney Contract	78.75	6,299.88	13,702.24
City Clerk Stephanie Lopez	53.13	4,250.40	9,244.62

SECTION 3. USE OF CLASSES. The designated classes of positions may be used in any organizational unit of the City deemed proper by the City Manager.

SECTION 4. POSITIONS. The City Council authorizes and directs the City Manager, within the limits of funds budgeted therefor, to appoint employees in such number and in such classes in each department as may be necessary to properly operate the department under the Charter, ordinances and resolutions adopted by the City Council, including, but not limited to, creating additional positions to replace employees

who are on disability leave or other leaves of absence.

SECTION 5. APPOINTMENTS AND SALARIES. The City Manager is hereby authorized to appoint, in accordance with the applicable provisions of the Modesto Municipal Code and Personnel Rules and within the limits of funds budgeted therefor, any person to a position in a class for which he is the appointing authority and for which the salary is hereby provided, to designate the definite salary rate or salary step at which such person is appointed, and the salary so designated is hereby fixed as the salary of such employee for the position.

SECTION 6. SPECIAL SALARY RATES. The City Manager is further authorized, subject to budgetary appropriation control by the City Council, to fix the salary range or rate for part-time, hourly or special positions in the Unclassified Service for which the City Manager is the appointing authority and which are not designated herein.

SECTION 7. PART-TIME EMPLOYMENT. Employees appointed to any of the positions referred to herein who, with the approval of the City Manager, regularly work less hours per week than established for their class by rule 13.1 of the Personnel Rules, shall be paid in approximate proportion of the time worked.

SECTION 8. REPEAL. Resolution No. 2016-310 is hereby rescinded effective September 13, 2016.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of September, 2016, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

CITY OF MODESTO
CLASS RANGE TABLE
UNREPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES
Effective **July 12, 2016**

RANGE	TITLE
2421	**Executive Assistant**
2424	**Office Supervisor - Personnel**
2425	Paralegal
2426	**Executive Assistant to the City Council** **Executive Assistant to the City Manager**
2428	**Legal Services Administrator**
2431	Equal Opportunity Analyst/Paralegal
2434	Senior Auditor
2439	Employee Benefits Manager Employee Relations Coordinator
2441	**Risk Manager**
2444	Deputy City Attorney I Human Resources Manager
2448	Deputy City Attorney II
2450	Budget Manager
2452	Deputy City Attorney III Deputy Director of Community and Economic Development Deputy Director of Cultural and Enterprise Services Deputy Director of Finance Deputy Director of Public Works – Operations Deputy Director of Recreation and Neighborhoods
2453	**Deputy Director of Human Resources**
2455	Deputy Director of Utility Planning and Projects
2456	Senior Deputy City Attorney
2462	Assistant City Attorney

CITY OF MODESTO
CLASS RANGE TABLE
POLICE MANAGEMENT CLASSES (Unrepresented)
Effective **February 9, 2016**

RANGE	TITLE
1624	Police Captain

Exhibit "A-1"

Old Base Rate	#####
Percentage Increase	2%

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 15/16
EFFECTIVE: September 06, 2016

UNREPRESENTED POLICE CAPTAINS

	HOURLY					BY-WEEKLY					MONTHLY = 2.174				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
1601	30.66	32.21	33.82	35.51	37.28	2,452.90	2,576.80	2,705.60	2,840.80	2,982.40	5,332.60	5,601.96	5,881.97	6,175.90	6,483.74
1602	31.44	33.01	34.66	36.40	38.22	2,515.20	2,640.80	2,772.80	2,912.00	3,057.60	5,468.04	5,741.10	6,028.07	6,330.69	6,647.22
1603	32.23	33.84	35.53	37.31	39.17	2,578.40	2,707.20	2,842.40	2,984.80	3,133.60	5,605.44	5,885.45	6,179.38	6,488.96	6,812.45
1604	33.03	34.68	36.42	38.24	40.15	2,642.40	2,774.40	2,913.60	3,059.20	3,212.00	5,744.58	6,031.55	6,334.17	6,650.70	6,982.89
1605	33.86	35.55	37.33	39.20	41.15	2,708.80	2,844.00	2,986.40	3,136.00	3,292.00	5,888.93	6,182.86	6,492.43	6,817.66	7,156.81
1606	34.71	36.44	38.26	40.17	42.18	2,776.80	2,915.20	3,060.80	3,213.60	3,374.40	6,036.76	6,337.64	6,654.18	6,986.37	7,335.95
1607	35.57	37.35	39.22	41.18	43.24	2,845.60	2,988.00	3,137.60	3,294.40	3,459.20	6,186.33	6,495.91	6,821.14	7,162.03	7,520.30
1608	36.46	38.28	40.20	42.21	44.32	2,916.80	3,062.40	3,216.00	3,376.80	3,545.60	6,341.12	6,657.66	6,991.58	7,341.16	7,708.13
1609	37.37	39.24	41.20	43.26	45.43	2,989.60	3,139.20	3,296.00	3,460.80	3,634.40	6,499.39	6,824.62	7,165.50	7,523.78	7,901.19
1610	38.31	40.22	42.23	44.35	46.56	3,064.80	3,217.60	3,378.40	3,548.00	3,724.80	6,662.88	6,995.06	7,344.64	7,713.35	8,097.72
1611	39.27	41.23	43.29	45.45	47.73	3,141.60	3,298.40	3,463.20	3,636.00	3,818.40	6,829.84	7,170.72	7,529.00	7,904.66	8,301.20
1612	40.25	42.26	44.37	46.59	48.92	3,220.00	3,380.80	3,549.60	3,727.20	3,913.60	7,000.28	7,349.86	7,716.83	8,102.93	8,508.17
1613	41.25	43.32	45.48	47.75	50.14	3,300.00	3,465.60	3,638.40	3,820.00	4,011.20	7,174.20	7,534.21	7,909.88	8,304.68	8,720.35
1614	42.28	44.40	46.62	48.95	51.40	3,382.40	3,552.00	3,729.60	3,916.00	4,112.00	7,353.34	7,722.05	8,108.15	8,513.38	8,939.49
1615	43.34	45.51	47.78	50.17	52.68	3,467.20	3,640.80	3,822.40	4,013.60	4,214.40	7,537.69	7,915.10	8,309.90	8,725.57	9,162.11
1616	44.42	46.65	48.98	51.43	54.00	3,553.60	3,732.00	3,918.40	4,114.40	4,320.00	7,725.53	8,113.37	8,518.60	8,944.71	9,391.68
1617	45.53	47.81	50.20	52.71	55.35	3,642.40	3,824.80	4,016.00	4,216.80	4,428.00	7,918.58	8,315.12	8,730.78	9,167.32	9,626.47
1618	46.67	49.01	51.46	54.03	56.73	3,733.60	3,920.80	4,116.80	4,322.40	4,538.40	8,116.85	8,523.82	8,949.92	9,396.90	9,866.48
1619	47.84	50.23	52.74	55.38	58.15	3,827.20	4,018.40	4,219.20	4,430.40	4,652.00	8,320.33	8,736.00	9,172.54	9,631.69	10,113.45
1620	49.04	51.49	54.06	56.76	59.60	3,923.20	4,119.20	4,324.80	4,540.80	4,768.00	8,529.04	8,955.14	9,402.12	9,871.70	10,365.63
1621	50.26	52.77	55.41	58.18	61.09	4,020.80	4,221.60	4,432.80	4,654.40	4,887.20	8,741.22	9,177.76	9,636.91	10,118.67	10,624.77
1622	51.52	54.09	56.80	59.64	62.62	4,121.60	4,327.20	4,544.00	4,771.20	5,009.60	8,960.36	9,407.33	9,878.66	10,372.59	10,890.87
1623	52.81	55.45	58.22	61.13	64.18	4,224.80	4,436.00	4,657.60	4,890.40	5,134.40	9,184.72	9,643.86	10,125.62	10,631.73	11,162.19
1624	54.13	56.83	59.67	62.66	65.79	4,330.40	4,546.40	4,773.60	5,012.80	5,263.20	9,414.29	9,883.87	10,377.81	10,897.83	11,442.20
1625	55.48	58.25	61.16	64.22	67.43	4,438.40	4,660.00	4,892.80	5,137.60	5,394.40	9,649.08	10,130.84	10,636.95	11,169.14	11,727.43
1626	56.87	59.71	62.69	65.83	69.12	4,549.60	4,776.80	5,015.20	5,266.40	5,529.60	9,890.83	10,384.76	10,903.04	11,449.15	12,021.35
1627	58.29	61.20	64.26	67.47	70.85	4,663.20	4,896.00	5,140.80	5,397.60	5,668.00	10,137.80	10,643.90	11,176.10	11,734.38	12,322.23
1628	59.74	62.73	65.87	69.16	72.62	4,779.20	5,018.40	5,269.60	5,532.80	5,809.60	10,389.98	10,910.00	11,456.11	12,028.31	12,630.07
1629	61.24	64.30	67.51	70.89	74.43	4,899.20	5,144.00	5,400.80	5,671.20	5,954.40	10,650.86	11,183.06	11,741.34	12,329.19	12,944.87
1630	62.77	65.91	69.20	72.66	76.29	5,021.60	5,272.80	5,536.00	5,812.80	6,103.20	10,916.96	11,463.07	12,035.26	12,637.03	13,268.36
1631	64.34	67.55	70.93	74.48	78.20	5,147.20	5,404.00	5,674.40	5,958.40	6,256.00	11,190.01	11,748.30	12,336.15	12,953.56	13,600.54
1632	65.95	69.24	72.70	76.34	80.16	5,276.00	5,539.20	5,816.00	6,107.20	6,412.80	11,470.02	12,042.22	12,643.98	13,277.05	13,941.43
1633	67.59	70.97	74.52	78.25	82.16	5,407.20	5,677.60	5,961.60	6,260.00	6,572.80	11,755.25	12,343.10	12,960.52	13,609.24	14,289.27
1634	69.28	72.75	76.39	80.20	84.21	5,542.40	5,820.00	6,111.20	6,416.00	6,736.80	12,049.18	12,652.68	13,285.75	13,948.38	14,645.80
1635	71.02	74.57	78.29	82.21	86.32	5,681.60	5,965.60	6,263.20	6,576.80	6,905.60	12,351.80	12,969.21	13,616.20	14,297.96	15,012.77
1636	72.79	76.43	80.25	84.26	88.48	5,823.20	6,114.40	6,420.00	6,740.80	7,078.40	12,659.64	13,292.71	13,957.08	14,654.50	15,388.44
1637	74.61	78.34	82.26	86.37	90.69	5,968.80	6,267.20	6,580.80	6,909.60	7,255.20	12,976.17	13,624.89	14,306.66	15,021.47	15,772.80
1638	76.48	80.30	84.31	88.53	92.96	6,118.40	6,424.00	6,744.80	7,082.40	7,436.80	13,301.40	13,965.78	14,663.20	15,397.14	16,167.60
1639	78.39	82.31	86.42	90.74	95.28	6,271.20	6,584.80	6,913.60	7,259.20	7,622.40	13,633.59	14,315.36	15,030.17	15,781.50	16,571.10
1640	80.35	84.36	88.58	93.01	97.66	6,428.00	6,748.80	7,086.40	7,440.80	7,812.80	13,974.47	14,671.89	15,405.83	16,176.30	16,985.03

CITY OF MODESTO
CLASS RANGE TABLE
UNREPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES
Effective **March 7, 2017**

RANGE	TITLE
2421	Executive Assistant
2425	Paralegal
2426	Executive Assistant to the City Council Executive Assistant to the City Manager **Office Supervisor - Personnel**
2428	Legal Services Administrator
2431	Equal Opportunity Analyst/Paralegal
2434	Senior Auditor
2439	Employee Benefits Manager Employee Relations Coordinator
2443	**Risk Manager**
2444	Deputy City Attorney I Human Resources Manager
2448	Deputy City Attorney II
2450	Budget Manager
2452	Deputy City Attorney III Deputy Director of Community and Economic Development Deputy Director of Cultural and Enterprise Services Deputy Director of Finance Deputy Director of Public Works – Operations Deputy Director of Recreation and Neighborhoods
2453	Deputy Director of Human Resources
2455	Deputy Director of Utility Planning and Projects
2456	Senior Deputy City Attorney
2462	Assistant City Attorney

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 16/17
EFFECTIVE: JULY 12 2016

UNREPRESENTED MANAGEMENT/CONFIDENTIAL

	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
2419	22.41	23.54	24.71	25.95	27.24	1,792.80	1,883.20	1,976.80	2,076.00	2,179.20	3,897.55	4,094.08	4,297.56	4,513.22	4,737.58
2420	22.98	24.12	25.33	26.60	27.93	1,838.40	1,929.60	2,026.40	2,128.00	2,234.40	3,996.68	4,194.95	4,405.39	4,626.27	4,857.59
2421	23.55	24.73	25.96	27.26	28.62	1,884.00	1,978.40	2,076.80	2,180.80	2,289.60	4,095.82	4,301.04	4,514.96	4,741.06	4,977.59
2422	24.14	25.34	26.61	27.94	29.34	1,931.20	2,027.20	2,128.80	2,235.20	2,347.20	4,198.43	4,407.13	4,628.01	4,859.32	5,102.81
2423	24.74	25.98	27.28	28.64	30.07	1,979.20	2,078.40	2,182.40	2,291.20	2,405.60	4,302.78	4,518.44	4,744.54	4,981.07	5,229.77
2424	25.36	26.63	27.96	29.36	30.82	2,028.80	2,130.40	2,236.80	2,348.80	2,465.60	4,410.61	4,631.49	4,862.80	5,106.29	5,360.21
2425	25.99	27.29	28.66	30.09	31.59	2,079.20	2,183.20	2,292.80	2,407.20	2,527.20	4,520.18	4,746.28	4,984.55	5,233.25	5,494.13
2426	26.64	27.98	29.37	30.84	32.38	2,131.20	2,238.40	2,349.60	2,467.20	2,590.40	4,633.23	4,866.28	5,108.03	5,363.69	5,631.53
2427	27.31	28.67	30.11	31.61	33.19	2,184.80	2,293.60	2,408.80	2,528.80	2,655.20	4,749.76	4,986.29	5,236.73	5,497.61	5,772.40
2428	27.99	29.39	30.86	32.40	34.02	2,239.20	2,351.20	2,468.80	2,592.00	2,721.60	4,868.02	5,111.51	5,367.17	5,635.01	5,916.76
2429	28.69	30.13	31.63	33.21	34.87	2,295.20	2,410.40	2,530.40	2,656.80	2,789.60	4,989.76	5,240.21	5,501.09	5,775.88	6,064.59
2430	29.41	30.88	32.42	34.04	35.75	2,352.80	2,470.40	2,593.60	2,723.20	2,860.00	5,114.99	5,370.65	5,638.49	5,920.24	6,217.64
2431	30.14	31.65	33.23	34.89	36.64	2,411.20	2,532.00	2,658.40	2,791.20	2,931.20	5,241.95	5,504.57	5,779.36	6,068.07	6,372.43
2432	30.90	32.44	34.06	35.77	37.55	2,472.00	2,595.20	2,724.80	2,861.60	3,004.00	5,374.13	5,641.96	5,923.72	6,221.12	6,530.70
2433	31.67	33.25	34.92	36.66	38.49	2,533.60	2,660.00	2,793.60	2,932.80	3,079.20	5,508.05	5,782.84	6,073.29	6,375.91	6,694.18
2434	32.46	34.08	35.79	37.58	39.46	2,596.80	2,726.40	2,863.20	3,006.40	3,156.80	5,645.44	5,927.19	6,224.60	6,535.91	6,862.88
2435	33.27	34.94	36.68	38.52	40.44	2,661.60	2,795.20	2,934.40	3,081.60	3,235.20	5,786.32	6,076.76	6,379.39	6,699.40	7,033.32
2436	34.10	35.81	37.60	39.48	41.45	2,728.00	2,864.80	3,008.00	3,158.40	3,316.00	5,930.67	6,228.08	6,539.39	6,866.36	7,208.98
2437	34.96	36.70	38.54	40.47	42.49	2,796.80	2,936.00	3,083.20	3,237.60	3,399.20	6,080.24	6,382.86	6,702.88	7,038.54	7,389.86
2438	35.83	37.62	39.50	41.48	43.55	2,866.40	3,009.60	3,160.00	3,318.40	3,484.00	6,231.55	6,542.87	6,869.84	7,214.20	7,574.22
2439	36.73	38.56	40.49	42.51	44.64	2,938.40	3,084.80	3,239.20	3,400.80	3,571.20	6,388.08	6,706.36	7,042.02	7,393.34	7,763.79
2440	37.64	39.53	41.50	43.58	45.76	3,011.20	3,162.40	3,320.00	3,486.40	3,660.80	6,546.35	6,875.06	7,217.68	7,579.43	7,958.58
2441	38.59	40.51	42.54	44.67	46.90	3,087.20	3,240.80	3,403.20	3,573.60	3,752.00	6,711.57	7,045.50	7,398.56	7,769.01	8,156.85
2442	39.55	41.53	43.60	45.78	48.07	3,164.00	3,322.40	3,488.00	3,662.40	3,845.60	6,878.54	7,222.90	7,582.91	7,962.06	8,360.33
2443	40.54	42.57	44.69	46.93	49.27	3,243.20	3,405.60	3,575.20	3,754.40	3,941.60	7,050.72	7,403.77	7,772.48	8,162.07	8,569.04
2444	41.55	43.63	45.81	48.10	50.51	3,324.00	3,490.40	3,664.80	3,848.00	4,040.80	7,226.38	7,588.13	7,967.28	8,365.55	8,784.70
2445	42.59	44.72	46.96	49.30	51.77	3,407.20	3,577.60	3,756.80	3,944.00	4,141.60	7,407.25	7,777.70	8,167.28	8,574.26	9,003.84
2446	43.66	45.84	48.13	50.54	53.06	3,492.80	3,667.20	3,850.40	4,043.20	4,244.80	7,593.35	7,972.49	8,370.77	8,789.92	9,228.20
2447	44.75	46.98	49.33	51.80	54.39	3,580.00	3,758.40	3,946.40	4,144.00	4,351.20	7,782.92	8,170.76	8,579.47	9,009.06	9,459.51
2448	45.86	48.16	50.57	53.09	55.75	3,668.80	3,852.80	4,045.60	4,247.20	4,460.00	7,975.97	8,375.99	8,795.13	9,233.41	9,696.04
2449	47.01	49.36	51.83	54.42	57.14	3,760.80	3,948.80	4,146.40	4,353.60	4,571.20	8,175.98	8,584.69	9,014.27	9,464.73	9,937.79
2450	48.19	50.60	53.13	55.78	58.57	3,855.20	4,048.00	4,250.40	4,462.40	4,685.60	8,381.20	8,800.35	9,240.37	9,701.26	10,186.49
2451	49.39	51.86	54.45	57.18	60.03	3,951.20	4,148.80	4,356.00	4,574.40	4,802.40	8,589.91	9,019.49	9,469.94	9,944.75	10,440.42
2452	50.63	53.16	55.81	58.60	61.53	4,050.40	4,252.80	4,464.80	4,688.00	4,922.40	8,805.57	9,245.59	9,706.48	10,191.71	10,701.30
2453	51.89	54.49	57.21	60.07	63.07	4,151.20	4,359.20	4,576.80	4,805.60	5,045.60	9,024.71	9,476.90	9,949.96	10,447.37	10,969.13
2454	53.19	55.85	58.64	61.57	64.65	4,255.20	4,468.00	4,691.20	4,925.60	5,172.00	9,250.80	9,713.43	10,198.67	10,708.25	11,243.93
2455	54.52	57.24	60.11	63.11	66.27	4,361.60	4,579.20	4,808.80	5,048.80	5,301.60	9,482.12	9,955.18	10,454.33	10,976.09	11,525.68
2456	55.88	58.67	61.61	64.69	67.92	4,470.40	4,693.60	4,928.80	5,175.20	5,433.60	9,718.65	10,203.89	10,715.21	11,250.88	11,812.65
2457	57.28	60.14	63.15	66.31	69.62	4,582.40	4,811.20	5,052.00	5,304.80	5,569.60	9,962.14	10,459.55	10,983.05	11,532.64	12,108.31
2458	58.71	61.64	64.73	67.96	71.36	4,696.80	4,931.20	5,178.40	5,436.80	5,708.80	10,210.84	10,720.43	11,257.84	11,819.60	12,410.93
2459	60.18	63.19	66.34	69.66	73.14	4,814.40	5,055.20	5,307.20	5,572.80	5,851.20	10,466.51	10,990.00	11,537.85	12,115.27	12,720.51
2460	61.68	64.77	68.00	71.40	74.97	4,934.40	5,181.60	5,440.00	5,712.00	5,997.60	10,727.39	11,264.80	11,826.56	12,417.89	13,038.78
2461	63.22	66.38	69.70	73.19	76.85	5,057.60	5,310.40	5,576.00	5,855.20	6,148.00	10,995.22	11,544.81	12,122.22	12,729.20	13,365.75
2462	64.80	68.04	71.45	75.02	78.77	5,184.00	5,443.20	5,716.00	6,001.60	6,301.60	11,270.02	11,833.52	12,426.58	13,047.48	13,699.68

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 17/18
EFFECTIVE: JUNE 27 2017

UNREPRESENTED MANAGEMENT/CONFIDENTIAL

	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
2419	22.86	24.01	25.21	26.47	27.79	1,828.80	1,920.80	2,016.80	2,117.60	2,223.20	3,975.81	4,175.82	4,384.52	4,603.66	4,833.24
2420	23.44	24.61	25.84	27.13	28.49	1,875.20	1,968.80	2,067.20	2,170.40	2,279.20	4,076.68	4,280.17	4,494.09	4,718.45	4,954.98
2421	24.02	25.22	26.48	27.81	29.20	1,921.60	2,017.60	2,118.40	2,224.80	2,336.00	4,177.56	4,386.26	4,605.40	4,836.72	5,078.46
2422	24.62	25.85	27.15	28.50	29.93	1,969.60	2,068.00	2,172.00	2,280.00	2,394.40	4,281.91	4,495.83	4,721.93	4,956.72	5,205.43
2423	25.24	26.50	27.82	29.22	30.68	2,019.20	2,120.00	2,225.60	2,337.60	2,454.40	4,389.74	4,608.88	4,838.45	5,081.94	5,335.87
2424	25.87	27.16	28.52	29.95	31.44	2,069.60	2,172.80	2,281.60	2,396.00	2,515.20	4,499.31	4,723.67	4,960.20	5,208.90	5,468.04
2425	26.52	27.84	29.23	30.69	32.23	2,121.60	2,227.20	2,338.40	2,455.20	2,578.40	4,612.36	4,841.93	5,083.68	5,337.60	5,605.44
2426	27.18	28.54	29.96	31.46	33.03	2,174.40	2,283.20	2,396.80	2,516.80	2,642.40	4,727.15	4,963.68	5,210.64	5,471.52	5,744.58
2427	27.86	29.25	30.71	32.25	33.86	2,228.80	2,340.00	2,456.80	2,580.00	2,708.80	4,845.41	5,087.16	5,341.08	5,608.92	5,888.93
2428	28.55	29.98	31.48	33.05	34.71	2,284.00	2,398.40	2,518.40	2,644.00	2,776.80	4,965.42	5,214.12	5,475.00	5,748.06	6,036.76
2429	29.27	30.73	32.27	33.88	35.57	2,341.60	2,458.40	2,581.60	2,710.40	2,845.60	5,090.64	5,344.56	5,612.40	5,892.41	6,186.33
2430	30.00	31.50	33.07	34.73	36.46	2,400.00	2,520.00	2,645.60	2,778.40	2,916.80	5,217.60	5,478.48	5,751.53	6,040.24	6,341.12
2431	30.75	32.29	33.90	35.60	37.37	2,460.00	2,583.20	2,712.00	2,848.00	2,989.60	5,348.04	5,615.88	5,895.89	6,191.55	6,499.39
2432	31.52	33.09	34.75	36.48	38.31	2,521.60	2,647.20	2,780.00	2,918.40	3,064.80	5,481.96	5,755.01	6,043.72	6,344.60	6,662.88
2433	32.31	33.92	35.62	37.40	39.27	2,584.80	2,713.60	2,849.60	2,992.00	3,141.60	5,619.36	5,899.37	6,195.03	6,504.61	6,829.84
2434	33.11	34.77	36.51	38.33	40.25	2,648.80	2,781.60	2,920.80	3,066.40	3,220.00	5,758.49	6,047.20	6,349.82	6,666.35	7,000.28
2435	33.94	35.64	37.42	39.29	41.25	2,715.20	2,851.20	2,993.60	3,143.20	3,300.00	5,902.84	6,198.51	6,508.09	6,833.32	7,174.20
2436	34.79	36.53	38.35	40.27	42.29	2,783.20	2,922.40	3,068.00	3,221.60	3,383.20	6,050.68	6,353.30	6,669.83	7,003.76	7,355.08
2437	35.66	37.44	39.31	41.28	43.34	2,852.80	2,995.20	3,144.80	3,302.40	3,467.20	6,201.99	6,511.56	6,836.80	7,179.42	7,537.69
2438	36.55	38.38	40.30	42.31	44.43	2,924.00	3,070.40	3,224.00	3,384.80	3,554.40	6,356.78	6,675.05	7,008.98	7,358.56	7,727.27
2439	37.46	39.34	41.30	43.37	45.54	2,996.80	3,147.20	3,304.00	3,469.60	3,643.20	6,515.04	6,842.01	7,182.90	7,542.91	7,920.32
2440	38.40	40.32	42.34	44.45	46.67	3,072.00	3,225.60	3,387.20	3,556.00	3,733.60	6,678.53	7,012.45	7,363.77	7,730.74	8,116.85
2441	39.36	41.33	43.39	45.56	47.84	3,148.80	3,306.40	3,471.20	3,644.80	3,827.20	6,845.49	7,188.11	7,546.39	7,923.80	8,320.33
2442	40.34	42.36	44.48	46.70	49.04	3,227.20	3,388.80	3,558.40	3,736.00	3,923.20	7,015.93	7,367.25	7,735.96	8,122.06	8,529.04
2443	41.35	43.42	45.59	47.87	50.26	3,308.00	3,473.60	3,647.20	3,829.60	4,020.80	7,191.59	7,551.61	7,929.01	8,325.55	8,741.22
2444	42.39	44.51	46.73	49.07	51.52	3,391.20	3,560.80	3,738.40	3,925.60	4,121.60	7,372.47	7,741.18	8,127.28	8,534.25	8,960.36
2445	43.45	45.62	47.90	50.29	52.81	3,476.00	3,649.60	3,832.00	4,023.20	4,224.80	7,556.82	7,934.23	8,330.77	8,746.44	9,184.72
2446	44.53	46.76	49.10	51.55	54.13	3,562.40	3,740.80	3,928.00	4,124.00	4,330.40	7,744.66	8,132.50	8,539.47	8,965.58	9,414.29
2447	45.64	47.93	50.32	52.84	55.48	3,651.20	3,834.40	4,025.60	4,227.20	4,438.40	7,937.71	8,335.99	8,751.65	9,189.93	9,649.08
2448	46.79	49.12	51.58	54.16	56.87	3,743.20	3,929.60	4,126.40	4,332.80	4,549.60	8,137.72	8,542.95	8,970.79	9,419.51	9,890.83
2449	47.96	50.35	52.87	55.51	58.29	3,836.80	4,028.00	4,229.60	4,440.80	4,663.20	8,341.20	8,756.87	9,195.15	9,654.30	10,137.80
2450	49.15	51.61	54.19	56.90	59.75	3,932.00	4,128.80	4,335.20	4,552.00	4,780.00	8,548.17	8,976.01	9,424.72	9,896.05	10,391.72
2451	50.38	52.90	55.55	58.32	61.24	4,030.40	4,232.00	4,444.00	4,665.60	4,899.20	8,762.09	9,200.37	9,661.26	10,143.01	10,650.86
2452	51.64	54.22	56.94	59.78	62.77	4,131.20	4,337.60	4,555.20	4,782.40	5,021.60	8,981.23	9,429.94	9,903.00	10,396.94	10,916.96
2453	52.93	55.58	58.36	61.28	64.34	4,234.40	4,446.40	4,668.80	4,902.40	5,147.20	9,205.59	9,666.47	10,149.97	10,657.82	11,190.01
2454	54.26	56.97	59.82	62.81	65.95	4,340.80	4,557.60	4,785.60	5,024.80	5,276.00	9,436.90	9,908.22	10,403.89	10,923.92	11,470.02
2455	55.61	58.39	61.31	64.38	67.60	4,448.80	4,671.20	4,904.80	5,150.40	5,408.00	9,671.69	10,155.19	10,663.04	11,196.97	11,756.99
2456	57.00	59.85	62.85	65.99	69.29	4,560.00	4,788.00	5,028.00	5,279.20	5,543.20	9,913.44	10,409.11	10,930.87	11,476.98	12,050.92
2457	58.43	61.35	64.42	67.64	71.02	4,674.40	4,908.00	5,153.60	5,411.20	5,681.60	10,162.15	10,669.99	11,203.93	11,763.95	12,351.80
2458	59.89	62.88	66.03	69.33	72.79	4,791.20	5,030.40	5,282.40	5,546.40	5,823.20	10,416.07	10,936.09	11,483.94	12,057.87	12,659.64
2459	61.39	64.45	67.68	71.06	74.61	4,911.20	5,156.00	5,414.40	5,684.80	5,968.80	10,676.95	11,209.14	11,770.91	12,358.76	12,976.17
2460	62.92	66.07	69.37	72.84	76.48	5,033.60	5,285.60	5,549.60	5,827.20	6,118.40	10,943.05	11,490.89	12,064.83	12,668.33	13,301.40
2461	64.49	67.72	71.10	74.66	78.39	5,159.20	5,417.60	5,688.00	5,972.80	6,271.20	11,216.10	11,777.86	12,365.71	12,984.87	13,633.59
2462	66.11	69.41	72.88	76.52	80.35	5,288.80	5,552.80	5,830.40	6,121.60	6,428.00	11,497.85	12,071.79	12,675.29	13,308.36	13,974.47

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 18/19
EFFECTIVE: JUNE 26 2018

UNREPRESENTED MANAGEMENT/CONFIDENTIAL

	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
2419	23.32	24.49	25.72	27.00	28.35	1,865.60	1,959.20	2,057.60	2,160.00	2,268.00	4,055.81	4,259.30	4,473.22	4,695.84	4,930.63
2420	23.91	25.10	26.36	27.68	29.06	1,912.80	2,008.00	2,108.80	2,214.40	2,324.80	4,158.43	4,365.39	4,584.53	4,814.11	5,054.12
2421	24.51	25.73	27.02	28.37	29.79	1,960.80	2,058.40	2,161.60	2,269.60	2,383.20	4,262.78	4,474.96	4,699.32	4,934.11	5,181.08
2422	25.12	26.37	27.69	29.08	30.53	2,009.60	2,109.60	2,215.20	2,326.40	2,442.40	4,368.87	4,586.27	4,815.84	5,057.59	5,309.78
2423	25.75	27.03	28.38	29.80	31.29	2,060.00	2,162.40	2,270.40	2,384.00	2,503.20	4,478.44	4,701.06	4,935.85	5,182.82	5,441.96
2424	26.39	27.71	29.09	30.55	32.08	2,111.20	2,216.80	2,327.20	2,444.00	2,566.40	4,589.75	4,819.32	5,059.33	5,313.26	5,579.35
2425	27.05	28.40	29.82	31.31	32.88	2,164.00	2,272.00	2,385.60	2,504.80	2,630.40	4,704.54	4,939.33	5,186.29	5,445.44	5,718.49
2426	27.73	29.11	30.57	32.09	33.70	2,218.40	2,328.80	2,445.60	2,567.20	2,696.00	4,822.80	5,062.81	5,316.73	5,581.09	5,861.10
2427	28.42	29.84	31.33	32.90	34.54	2,273.60	2,387.20	2,506.40	2,632.00	2,763.20	4,942.81	5,189.77	5,448.91	5,721.97	6,007.20
2428	29.13	30.58	32.11	33.72	35.40	2,330.40	2,446.40	2,568.80	2,697.60	2,832.00	5,066.29	5,318.47	5,584.57	5,864.58	6,156.77
2429	29.86	31.35	32.92	34.56	36.29	2,388.80	2,508.00	2,633.60	2,764.80	2,903.20	5,193.25	5,452.39	5,725.45	6,010.68	6,311.56
2430	30.60	32.13	33.74	35.43	37.20	2,448.00	2,570.40	2,699.20	2,834.40	2,976.00	5,321.95	5,588.05	5,868.06	6,161.99	6,469.82
2431	31.37	32.94	34.58	36.31	38.13	2,509.60	2,635.20	2,766.40	2,904.80	3,050.40	5,455.87	5,728.92	6,014.15	6,315.04	6,631.57
2432	32.15	33.76	35.45	37.22	39.08	2,572.00	2,700.80	2,836.00	2,977.60	3,126.40	5,591.53	5,871.54	6,165.46	6,473.30	6,796.79
2433	32.96	34.60	36.33	38.15	40.06	2,636.80	2,768.00	2,906.40	3,052.00	3,204.80	5,732.40	6,017.63	6,318.51	6,635.05	6,967.24
2434	33.78	35.47	37.24	39.10	41.06	2,702.40	2,837.60	2,979.20	3,128.00	3,284.80	5,875.02	6,168.94	6,476.78	6,800.27	7,141.16
2435	34.62	36.35	38.17	40.08	42.08	2,769.60	2,908.00	3,053.60	3,206.40	3,366.40	6,021.11	6,321.99	6,638.53	6,970.71	7,318.55
2436	35.49	37.26	39.13	41.08	43.14	2,839.20	2,980.80	3,130.40	3,286.40	3,451.20	6,172.42	6,480.26	6,805.49	7,144.63	7,502.91
2437	36.38	38.19	40.10	42.11	44.21	2,910.40	3,055.20	3,208.00	3,368.80	3,536.80	6,327.21	6,642.00	6,974.19	7,323.77	7,689.00
2438	37.29	39.15	41.11	43.16	45.32	2,983.20	3,132.00	3,288.80	3,452.80	3,625.60	6,485.48	6,808.97	7,149.85	7,506.39	7,882.05
2439	38.22	40.13	42.13	44.24	46.45	3,057.60	3,210.40	3,370.40	3,539.20	3,716.00	6,647.22	6,979.41	7,327.25	7,694.22	8,078.58
2440	39.17	41.13	43.19	45.35	47.61	3,133.60	3,290.40	3,455.20	3,628.00	3,808.80	6,812.45	7,153.33	7,511.60	7,887.27	8,280.33
2441	40.15	42.16	44.27	46.48	48.80	3,212.00	3,372.80	3,541.60	3,718.40	3,904.00	6,982.89	7,332.47	7,699.44	8,083.80	8,487.30
2442	41.16	43.21	45.37	47.64	50.02	3,292.80	3,456.80	3,629.60	3,811.20	4,001.60	7,158.55	7,515.08	7,890.75	8,285.55	8,699.48
2443	42.18	44.29	46.51	48.83	51.27	3,374.40	3,543.20	3,720.80	3,906.40	4,101.60	7,335.95	7,702.92	8,089.02	8,492.51	8,916.88
2444	43.24	45.40	47.67	50.05	52.56	3,459.20	3,632.00	3,813.60	4,004.00	4,204.80	7,520.30	7,895.97	8,290.77	8,704.70	9,141.24
2445	44.32	46.54	48.86	51.30	53.87	3,545.60	3,723.20	3,908.80	4,104.00	4,309.60	7,708.13	8,094.24	8,497.73	8,922.10	9,369.07
2446	45.43	47.70	50.08	52.59	55.22	3,634.40	3,816.00	4,006.40	4,207.20	4,417.60	7,901.19	8,295.98	8,709.91	9,146.45	9,603.86
2447	46.56	48.89	51.34	53.90	56.60	3,724.80	3,911.20	4,107.20	4,312.00	4,528.00	8,097.72	8,502.95	8,929.05	9,374.29	9,843.87
2448	47.73	50.11	52.62	55.25	58.01	3,818.40	4,008.80	4,209.60	4,420.00	4,640.80	8,301.20	8,715.13	9,151.67	9,609.08	10,089.10
2449	48.92	51.37	53.93	56.63	59.46	3,913.60	4,109.60	4,314.40	4,530.40	4,756.80	8,508.17	8,934.27	9,379.51	9,849.09	10,341.28
2450	50.14	52.65	55.28	58.05	60.95	4,011.20	4,212.00	4,422.40	4,644.00	4,876.00	8,720.35	9,156.89	9,614.30	10,096.06	10,600.42
2451	51.40	53.97	56.66	59.50	62.47	4,112.00	4,317.60	4,532.80	4,760.00	4,997.60	8,939.49	9,386.46	9,854.31	10,348.24	10,864.78
2452	52.68	55.32	58.08	60.98	64.03	4,214.40	4,425.60	4,646.40	4,878.40	5,122.40	9,162.11	9,621.25	10,101.27	10,605.64	11,136.10
2453	54.00	56.70	59.53	62.51	65.63	4,320.00	4,536.00	4,762.40	5,000.80	5,250.40	9,391.68	9,861.26	10,353.46	10,871.74	11,414.37
2454	55.35	58.12	61.02	64.07	67.27	4,428.00	4,649.60	4,881.60	5,125.60	5,381.60	9,626.47	10,108.23	10,612.60	11,143.05	11,699.60
2455	56.73	59.57	62.55	65.67	68.96	4,538.40	4,765.60	5,004.00	5,253.60	5,516.80	9,866.48	10,360.41	10,878.70	11,421.33	11,993.52
2456	58.15	61.06	64.11	67.31	70.68	4,652.00	4,884.80	5,128.80	5,384.80	5,654.40	10,113.45	10,619.56	11,150.01	11,706.56	12,292.67
2457	59.60	62.58	65.71	69.00	72.45	4,768.00	5,006.40	5,256.80	5,520.00	5,796.00	10,365.63	10,883.91	11,428.28	12,000.48	12,600.50
2458	61.09	64.15	67.36	70.72	74.26	4,887.20	5,132.00	5,388.80	5,657.60	5,940.80	10,624.77	11,156.97	11,715.25	12,299.62	12,915.30
2459	62.62	65.75	69.04	72.49	76.11	5,009.60	5,260.00	5,523.20	5,799.20	6,088.80	10,890.87	11,435.24	12,007.44	12,607.46	13,237.05
2460	64.19	67.40	70.76	74.30	78.02	5,135.20	5,392.00	5,660.80	5,944.00	6,241.60	11,163.92	11,722.21	12,306.58	12,922.26	13,569.24
2461	65.79	69.08	72.53	76.16	79.97	5,263.20	5,526.40	5,802.40	6,092.80	6,397.60	11,442.20	12,014.39	12,614.42	13,245.75	13,908.38
2462	67.44	70.81	74.35	78.06	81.97	5,395.20	5,664.80	5,948.00	6,244.80	6,557.60	11,729.16	12,315.28	12,930.95	13,576.20	14,256.22

CITY OF MODESTO
CLASS RANGE TABLE
EXECUTIVE MANAGEMENT
Effective **July 12, 2016**

RANGE	TITLE
1414	City Clerk
1417	**City Auditor**
1421	**Director of Human Resources**
1422	Chief Information Officer Director of Finance Director of Parks, Recreation and Neighborhoods Director of Public Works Director of Utility Planning and Projects
1425	Director of Administrative Services
1426	Director of Community and Economic Development
1427	Deputy City Manager
1429	**City Attorney** Director of Utilities
1436	City Manager

EXHIBIT F

CITY OF MODESTO
CLASS RANGE TABLE
EXECUTIVE MANAGEMENT
Effective **March 7, 2017**

RANGE	TITLE
1414	City Clerk
1420	**City Auditor**
1422	Chief Information Officer Director of Finance **Director of Human Resources** Director of Parks, Recreation and Neighborhoods Director of Public Works Director of Utility Planning and Projects
1425	Director of Administrative Services
1426	Director of Community and Economic Development
1427	Deputy City Manager
1429	Director of Utilities
1430	**City Attorney**
1436	City Manager

EXHIBIT G

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 16/17
EFFECTIVE: JULY 12 2016

Unrepresented Executive Management		Hourly		Biweekly		Monthly	
		Min	Max	Min	Max	Min	Max
1405		39.36	49.20	3,148.80	3,936.00	6,845.49	8,556.86
1406		40.35	50.43	3,228.00	4,034.40	7,017.67	8,770.79
1407		41.36	51.70	3,308.80	4,136.00	7,193.33	8,991.66
1408		42.39	52.99	3,391.20	4,239.20	7,372.47	9,216.02
1409		43.45	54.31	3,476.00	4,344.80	7,556.82	9,445.60
1410		44.54	55.67	3,563.20	4,453.60	7,746.40	9,682.13
1411		45.65	57.06	3,652.00	4,564.80	7,939.45	9,923.88
1412		46.79	58.49	3,743.20	4,679.20	8,137.72	10,172.58
1413		47.96	59.95	3,836.80	4,796.00	8,341.20	10,426.50
1414	City Clerk	49.16	61.45	3,932.80	4,916.00	8,549.91	10,687.38
1415		50.39	62.99	4,031.20	5,039.20	8,763.83	10,955.22
1416		51.65	64.56	4,132.00	5,164.80	8,982.97	11,228.28
1417	City Auditor	52.94	66.17	4,235.20	5,293.60	9,207.32	11,508.29
1418		54.26	67.83	4,340.80	5,426.40	9,436.90	11,796.99
1419		55.62	69.52	4,449.60	5,561.60	9,673.43	12,090.92
1420		57.01	71.26	4,560.80	5,700.80	9,915.18	12,393.54
1421	Director of Human Resources	58.44	73.04	4,675.20	5,843.20	10,163.88	12,703.12
1422	Chief Information Officer	59.90	74.87	4,792.00	5,989.60	10,417.81	13,021.39
	Director of Finance	59.90	74.87	4,792.00	5,989.60	10,417.81	13,021.39
	Director of Parks, Recreation & Neighborhoods	59.90	74.87	4,792.00	5,989.60	10,417.81	13,021.39
	Director of Public Works	59.90	74.87	4,792.00	5,989.60	10,417.81	13,021.39
	Director of Utility Planning and Projects	59.90	74.87	4,792.00	5,989.60	10,417.81	13,021.39
1423		61.39	76.74	4,911.20	6,139.20	10,676.95	13,346.62
1424		62.93	78.66	5,034.40	6,292.80	10,944.79	13,680.55
1425	Director of Administrative Services	64.50	80.62	5,160.00	6,449.60	11,217.84	14,021.43
1426	Director of Community and Economic Development	66.11	82.64	5,288.80	6,611.20	11,497.85	14,372.75
1427	Deputy City Manager	67.77	84.71	5,421.60	6,776.80	11,786.56	14,732.76
1428		69.46	86.82	5,556.80	6,945.60	12,080.48	15,099.73
1429	City Attorney	71.20	88.99	5,696.00	7,119.20	12,383.10	15,477.14
	Director of Utilities	71.20	88.99	5,696.00	7,119.20	12,383.10	15,477.14
1430		72.98	91.22	5,838.40	7,297.60	12,692.68	15,864.98
1431		74.80	93.50	5,984.00	7,480.00	13,009.22	16,261.52
1432		76.67	95.84	6,133.60	7,667.20	13,334.45	16,668.49
1433		78.59	98.23	6,287.20	7,858.40	13,668.37	17,084.16
1434		80.55	100.69	6,444.00	8,055.20	14,009.26	17,512.00
1435		82.57	103.21	6,605.60	8,256.80	14,360.57	17,950.28
1436	City Manager	84.63	105.79	6,770.40	8,463.20	14,718.85	18,399.00
1437		86.74	108.43	6,939.20	8,674.40	15,085.82	18,858.15
1438		88.91	111.14	7,112.80	8,891.20	15,463.23	19,329.47
1439		91.14	113.92	7,291.20	9,113.60	15,851.07	19,812.97
1440		93.41	116.77	7,472.80	9,341.60	16,245.87	20,308.64
1441		95.75	119.69	7,660.00	9,575.20	16,652.84	20,816.48

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 17/18
EFFECTIVE: JUNE 27 2017

Unrepresented Executive Management		Hourly		Biweekly		Monthly	
		Min	Max	Min	Max	Min	Max
1405		40.15	50.19	3,212.00	4,015.20	6,982.89	8,729.04
1406		41.16	51.45	3,292.80	4,116.00	7,158.55	8,948.18
1407		42.19	52.73	3,375.20	4,218.40	7,337.68	9,170.80
1408		43.24	54.05	3,459.20	4,324.00	7,520.30	9,400.38
1409		44.32	55.40	3,545.60	4,432.00	7,708.13	9,635.17
1410		45.43	56.79	3,634.40	4,543.20	7,901.19	9,876.92
1411		46.57	58.21	3,725.60	4,656.80	8,099.45	10,123.88
1412		47.73	59.66	3,818.40	4,772.80	8,301.20	10,376.07
1413		48.92	61.15	3,913.60	4,892.00	8,508.17	10,635.21
1414	City Clerk	50.15	62.68	4,012.00	5,014.40	8,722.09	10,901.31
1415		51.40	64.25	4,112.00	5,140.00	8,939.49	11,174.36
1416		52.69	65.86	4,215.20	5,268.80	9,163.84	11,454.37
1417		54.00	67.50	4,320.00	5,400.00	9,391.68	11,739.60
1418		55.35	69.19	4,428.00	5,535.20	9,626.47	12,033.52
1419		56.74	70.92	4,539.20	5,673.60	9,868.22	12,334.41
1420	City Auditor	58.15	72.69	4,652.00	5,815.20	10,113.45	12,642.24
1421		59.61	74.51	4,768.80	5,960.80	10,367.37	12,958.78
1422	Chief Information Officer	61.10	76.37	4,888.00	6,109.60	10,626.51	13,282.27
	Director of Finance	61.10	76.37	4,888.00	6,109.60	10,626.51	13,282.27
	Director of Human Resources	61.10	76.37	4,888.00	6,109.60	10,626.51	13,282.27
	Director of Parks, Recreation & Neighborhoods	61.10	76.37	4,888.00	6,109.60	10,626.51	13,282.27
	Director of Public Works	61.10	76.37	4,888.00	6,109.60	10,626.51	13,282.27
	Director of Utility Planning and Projects	61.10	76.37	4,888.00	6,109.60	10,626.51	13,282.27
1423		62.63	78.28	5,010.40	6,262.40	10,892.61	13,614.46
1424		64.19	80.24	5,135.20	6,419.20	11,163.92	13,955.34
1425	Director of Administrative Services	65.80	82.24	5,264.00	6,579.20	11,443.94	14,303.18
1426	Director of Community and Economic Development	67.44	84.30	5,395.20	6,744.00	11,729.16	14,661.46
1427	Deputy City Manager	69.13	86.41	5,530.40	6,912.80	12,023.09	15,028.43
1428		70.85	88.57	5,668.00	7,085.60	12,322.23	15,404.09
1429	Director of Utilities	72.63	90.78	5,810.40	7,262.40	12,631.81	15,788.46
1430	City Attorney	74.44	93.05	5,955.20	7,444.00	12,946.60	16,183.26
1431		76.30	95.38	6,104.00	7,630.40	13,270.10	16,588.49
1432		78.21	97.76	6,256.80	7,820.80	13,602.28	17,002.42
1433		80.16	100.20	6,412.80	8,016.00	13,941.43	17,426.78
1434		82.17	102.71	6,573.60	8,216.80	14,291.01	17,863.32
1435		84.22	105.28	6,737.60	8,422.40	14,647.54	18,310.30
1436	City Manager	86.33	107.91	6,906.40	8,632.80	15,014.51	18,767.71
1437		88.49	110.61	7,079.20	8,848.80	15,390.18	19,237.29
1438		90.70	113.37	7,256.00	9,069.60	15,774.54	19,717.31
1439		92.97	116.21	7,437.60	9,296.80	16,169.34	20,211.24
1440		95.29	119.11	7,623.20	9,528.80	16,572.84	20,715.61
1441		97.67	122.09	7,813.60	9,767.20	16,986.77	21,233.89

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 18/19
EFFECTIVE: JUNE 26 2018

Unrepresented Executive Management		Hourly		Biweekly		Monthly	
		Min	Max	Min	Max	Min	Max
1405		40.96	51.20	3,276.80	4,096.00	7,123.76	8,904.70
1406		41.99	52.48	3,359.20	4,198.40	7,302.90	9,127.32
1407		43.04	53.80	3,443.20	4,304.00	7,485.52	9,356.90
1408		44.11	55.14	3,528.80	4,411.20	7,671.61	9,589.95
1409		45.22	56.52	3,617.60	4,521.60	7,864.66	9,829.96
1410		46.35	57.93	3,708.00	4,634.40	8,061.19	10,075.19
1411		47.51	59.38	3,800.80	4,750.40	8,262.94	10,327.37
1412		48.69	60.87	3,895.20	4,869.60	8,468.16	10,586.51
1413		49.91	62.39	3,992.80	4,991.20	8,680.35	10,850.87
1414	City Clerk	51.16	63.95	4,092.80	5,116.00	8,897.75	11,122.18
1415		52.44	65.55	4,195.20	5,244.00	9,120.36	11,400.46
1416		53.75	67.18	4,300.00	5,374.40	9,348.20	11,683.95
1417		55.09	68.86	4,407.20	5,508.80	9,581.25	11,976.13
1418		56.47	70.58	4,517.60	5,646.40	9,821.26	12,275.27
1419		57.88	72.35	4,630.40	5,788.00	10,066.49	12,583.11
1420	City Auditor	59.33	74.16	4,746.40	5,932.80	10,318.67	12,897.91
1421		60.81	76.01	4,864.80	6,080.80	10,576.08	13,219.66
1422	Chief Information Officer	62.33	77.91	4,986.40	6,232.80	10,840.43	13,550.11
	Director of Finance	62.33	77.91	4,986.40	6,232.80	10,840.43	13,550.11
	Director of Human Resources	62.33	77.91	4,986.40	6,232.80	10,840.43	13,550.11
	Director of Parks, Recreation & Neighborhoods	61.10	76.37	4,986.40	6,232.80	10,840.43	13,550.11
	Director of Public Works	62.33	77.91	4,986.40	6,232.80	10,840.43	13,550.11
	Director of Utility Planning and Projects	62.33	77.91	4,986.40	6,232.80	10,840.43	13,550.11
1423		63.89	79.86	5,111.20	6,388.80	11,111.75	13,889.25
1424		65.49	81.86	5,239.20	6,548.80	11,390.02	14,237.09
1425	Director of Administrative Services	67.12	83.90	5,369.60	6,712.00	11,673.51	14,591.89
1426	Director of Community and Economic Development	68.80	86.00	5,504.00	6,880.00	11,965.70	14,957.12
1427	Deputy City Manager	70.52	88.15	5,641.60	7,052.00	12,264.84	15,331.05
1428		72.28	90.35	5,782.40	7,228.00	12,570.94	15,713.67
1429	Director of Utilities	74.09	92.61	5,927.20	7,408.80	12,885.73	16,106.73
1430	City Attorney	75.94	94.93	6,075.20	7,594.40	13,207.48	16,510.23
1431		77.84	97.30	6,227.20	7,784.00	13,537.93	16,922.42
1432		79.79	99.73	6,383.20	7,978.40	13,877.08	17,345.04
1433		81.78	102.23	6,542.40	8,178.40	14,223.18	17,779.84
1434		83.83	104.78	6,706.40	8,382.40	14,579.71	18,223.34
1435		85.92	107.40	6,873.60	8,592.00	14,943.21	18,679.01
1436	City Manager	88.07	110.09	7,045.60	8,807.20	15,317.13	19,146.85
1437		90.27	112.84	7,221.60	9,027.20	15,699.76	19,625.13
1438		92.53	115.66	7,402.40	9,252.80	16,092.82	20,115.59
1439		94.84	118.55	7,587.20	9,484.00	16,494.57	20,618.22
1440		97.21	121.51	7,776.80	9,720.80	16,906.76	21,133.02
1441		99.64	124.55	7,971.20	9,964.00	17,329.39	21,661.74

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 16/17
EFFECTIVE: JULY 12 2016

UNREP BATTALLION CHIEFS 80 HOURS

	HOURLY								
	1	2	3	4	5	6	7	8	9
1812	43.77	44.87	45.99	47.14	48.32	49.53	50.76	52.03	53.33
13	44.87	45.99	47.14	48.32	49.53	50.76	52.03	53.33	54.67
14	45.99	47.14	48.32	49.53	50.76	52.03	53.33	54.67	56.03
15	47.14	48.32	49.53	50.76	52.03	53.33	54.67	56.03	57.44
16	48.32	49.53	50.76	52.03	53.33	54.67	56.03	57.44	58.87
17	49.53	50.76	52.03	53.33	54.67	56.03	57.44	58.87	60.34
1818	50.76	52.03	53.33	54.67	56.03	57.44	58.87	60.34	61.85
1819	52.03	53.33	54.67	56.03	57.44	58.87	60.34	61.85	63.40
1820	53.33	54.67	56.03	57.44	58.87	60.34	61.85	63.40	64.98
1821	54.67	56.03	57.44	58.87	60.34	61.85	63.40	64.98	66.61
1822	56.03	57.44	58.87	60.34	61.85	63.40	64.98	66.61	68.27
1823	57.44	58.87	60.34	61.85	63.40	64.98	66.61	68.27	69.98
1824	58.87	60.34	61.85	63.40	64.98	66.61	68.27	69.98	71.73

UNREP BATTALLION CHIEFS 112 HOURS

	HOURLY								
	1	2	3	4	5	6	7	8	9
812	31.26	32.05	32.85	33.67	34.51	35.38	36.26	37.16	38.09
813	32.05	32.85	33.67	34.51	35.38	36.26	37.16	38.09	39.05
814	32.85	33.67	34.51	35.38	36.26	37.16	38.09	39.05	40.02
815	33.67	34.51	35.38	36.26	37.16	38.09	39.05	40.02	41.03
816	34.51	35.38	36.26	37.16	38.09	39.05	40.02	41.03	42.05
817	35.38	36.26	37.16	38.09	39.05	40.02	41.03	42.05	43.10
818	36.26	37.16	38.09	39.05	40.02	41.03	42.05	43.10	44.18
819	37.16	38.09	39.05	40.02	41.03	42.05	43.10	44.18	45.29
820	38.09	39.05	40.02	41.03	42.05	43.10	44.18	45.29	46.41
821	39.05	40.02	41.03	42.05	43.10	44.18	45.29	46.41	47.58
822	40.02	41.03	42.05	43.10	44.18	45.29	46.41	47.58	48.76
823	41.03	42.05	43.10	44.18	45.29	46.41	47.58	48.76	49.99
824	42.05	43.10	44.18	45.29	46.41	47.58	48.76	49.99	51.24

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 16/17
EFFECTIVE: DECEMBER 27 2016

UNREP BATTALLION CHIEFS 80 HOURS

HOURLY

	1	2	3	4	5	6	7	8	9
12	44.65	45.77	46.92	48.09	49.29	50.52	51.79	53.08	54.41
13	45.77	46.92	48.09	49.29	50.52	51.79	53.08	54.41	55.77
14	46.92	48.09	49.29	50.52	51.79	53.08	54.41	55.77	57.16
15	48.09	49.29	50.52	51.79	53.08	54.41	55.77	57.16	58.59
16	49.29	50.52	51.79	53.08	54.41	55.77	57.16	58.59	60.05
1817	50.52	51.79	53.08	54.41	55.77	57.16	58.59	60.05	61.56
1818	51.79	53.08	54.41	55.77	57.16	58.59	60.05	61.56	63.09
1819	53.08	54.41	55.77	57.16	58.59	60.05	61.56	63.09	64.67
1820	54.41	55.77	57.16	58.59	60.05	61.56	63.09	64.67	66.29
1821	55.77	57.16	58.59	60.05	61.56	63.09	64.67	66.29	67.95
1822	57.16	58.59	60.05	61.56	63.09	64.67	66.29	67.95	69.64
1823	58.59	60.05	61.56	63.09	64.67	66.29	67.95	69.64	71.38
1824	60.05	61.56	63.09	64.67	66.29	67.95	69.64	71.38	73.17

UNREP BATTALLION CHIEFS 112 HOURS

HOURLY

	1	2	3	4	5	6	7	8	9
812	31.89	32.69	33.51	34.35	35.21	36.09	36.99	37.91	38.86
813	32.69	33.51	34.35	35.21	36.09	36.99	37.91	38.86	39.84
814	33.51	34.35	35.21	36.09	36.99	37.91	38.86	39.84	40.83
815	34.35	35.21	36.09	36.99	37.91	38.86	39.84	40.83	41.85
816	35.21	36.09	36.99	37.91	38.86	39.84	40.83	41.85	42.89
817	36.09	36.99	37.91	38.86	39.84	40.83	41.85	42.89	43.97
818	36.99	37.91	38.86	39.84	40.83	41.85	42.89	43.97	45.06
819	37.91	38.86	39.84	40.83	41.85	42.89	43.97	45.06	46.19
820	38.86	39.84	40.83	41.85	42.89	43.97	45.06	46.19	47.35
821	39.84	40.83	41.85	42.89	43.97	45.06	46.19	47.35	48.54
822	40.83	41.85	42.89	43.97	45.06	46.19	47.35	48.54	49.74
823	41.85	42.89	43.97	45.06	46.19	47.35	48.54	49.74	50.99
824	42.89	43.97	45.06	46.19	47.35	48.54	49.74	50.99	52.26

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 17/18
EFFECTIVE: JUNE 27 2017

UNREP BATTALLION CHIEFS 80 HOURS

HOURLY

	1	2	3	4	5	6	7	8	9
12	45.55	46.69	47.86	49.06	50.28	51.54	52.83	54.15	55.50
13	46.69	47.86	49.06	50.28	51.54	52.83	54.15	55.50	56.89
14	47.86	49.06	50.28	51.54	52.83	54.15	55.50	56.89	58.31
15	49.06	50.28	51.54	52.83	54.15	55.50	56.89	58.31	59.77
16	50.28	51.54	52.83	54.15	55.50	56.89	58.31	59.77	61.26
1817	51.54	52.83	54.15	55.50	56.89	58.31	59.77	61.26	62.80
1818	52.83	54.15	55.50	56.89	58.31	59.77	61.26	62.80	64.37
1819	54.15	55.50	56.89	58.31	59.77	61.26	62.80	64.37	65.97
1820	55.50	56.89	58.31	59.77	61.26	62.80	64.37	65.97	67.62
1821	56.89	58.31	59.77	61.26	62.80	64.37	65.97	67.62	69.31
1822	58.31	59.77	61.26	62.80	64.37	65.97	67.62	69.31	71.05
1823	59.77	61.26	62.80	64.37	65.97	67.62	69.31	71.05	72.82
1824	61.26	62.80	64.37	65.97	67.62	69.31	71.05	72.82	74.64

UNREP BATTALLION CHIEFS 112 HOURS

HOURLY

	1	2	3	4	5	6	7	8	9
812	32.54	33.35	34.19	35.04	35.91	36.81	37.74	38.68	39.64
813	33.35	34.19	35.04	35.91	36.81	37.74	38.68	39.64	40.64
814	34.19	35.04	35.91	36.81	37.74	38.68	39.64	40.64	41.65
815	35.04	35.91	36.81	37.74	38.68	39.64	40.64	41.65	42.69
816	35.91	36.81	37.74	38.68	39.64	40.64	41.65	42.69	43.76
817	36.81	37.74	38.68	39.64	40.64	41.65	42.69	43.76	44.86
818	37.74	38.68	39.64	40.64	41.65	42.69	43.76	44.86	45.98
819	38.68	39.64	40.64	41.65	42.69	43.76	44.86	45.98	47.12
820	39.64	40.64	41.65	42.69	43.76	44.86	45.98	47.12	48.30
821	40.64	41.65	42.69	43.76	44.86	45.98	47.12	48.30	49.51
822	41.65	42.69	43.76	44.86	45.98	47.12	48.30	49.51	50.75
823	42.69	43.76	44.86	45.98	47.12	48.30	49.51	50.75	52.01
824	43.76	44.86	45.98	47.12	48.30	49.51	50.75	52.01	53.31

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 16/17
EFFECTIVE: JULY 12 2016

IREP DIVISION CHIEFS 80 HOURS

HOURLY

	1	2	3	4	5	6	7	8	9
515	46.36	47.52	48.71	49.93	51.18	52.46	53.77	55.11	56.49
516	47.52	48.71	49.93	51.18	52.46	53.77	55.11	56.49	57.90
517	48.71	49.93	51.18	52.46	53.77	55.11	56.49	57.90	59.35
518	49.93	51.18	52.46	53.77	55.11	56.49	57.90	59.35	60.83
519	51.18	52.46	53.77	55.11	56.49	57.90	59.35	60.83	62.35
520	52.46	53.77	55.11	56.49	57.90	59.35	60.83	62.35	63.91
521	53.77	55.11	56.49	57.90	59.35	60.83	62.35	63.91	65.51
522	55.11	56.49	57.90	59.35	60.83	62.35	63.91	65.51	67.15
523	56.49	57.90	59.35	60.83	62.35	63.91	65.51	67.15	68.83
524	57.90	59.35	60.83	62.35	63.91	65.51	67.15	68.83	70.55
525	59.35	60.83	62.35	63.91	65.51	67.15	68.83	70.55	72.31
526	60.83	62.35	63.91	65.51	67.15	68.83	70.55	72.31	74.12
527	62.35	63.91	65.51	67.15	68.83	70.55	72.31	74.12	75.97
528	63.91	65.51	67.15	68.83	70.55	72.31	74.12	75.97	77.87

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 16/17
EFFECTIVE: DECEMBER 27 2016

IREP DIVISION CHIEFS 80 HOURS

HOURLY

	1	2	3	4	5	6	7	8	9
515	47.29	48.48	49.69	50.93	52.20	53.51	54.85	56.22	57.62
516	48.48	49.69	50.93	52.20	53.51	54.85	56.22	57.62	59.06
517	49.69	50.93	52.20	53.51	54.85	56.22	57.62	59.06	60.54
518	50.93	52.20	53.51	54.85	56.22	57.62	59.06	60.54	62.05
519	52.20	53.51	54.85	56.22	57.62	59.06	60.54	62.05	63.60
520	53.51	54.85	56.22	57.62	59.06	60.54	62.05	63.60	65.19
521	54.85	56.22	57.62	59.06	60.54	62.05	63.60	65.19	66.82
522	56.22	57.62	59.06	60.54	62.05	63.60	65.19	66.82	68.50
523	57.62	59.06	60.54	62.05	63.60	65.19	66.82	68.50	70.21
524	59.06	60.54	62.05	63.60	65.19	66.82	68.50	70.21	71.96
525	60.54	62.05	63.60	65.19	66.82	68.50	70.21	71.96	73.76
526	62.05	63.60	65.19	66.82	68.50	70.21	71.96	73.76	75.61
527	63.60	65.19	66.82	68.50	70.21	71.96	73.76	75.61	77.50
528	65.19	66.82	68.50	70.21	71.96	73.76	75.61	77.50	79.43

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 17/18
EFFECTIVE: JUNE 27 2016

IREP DIVISION CHIEFS 80 HOURS

HOURLY

	1	2	3	4	5	6	7	8	9
515	47.29	48.48	49.69	50.93	52.20	53.51	54.85	56.22	57.62
516	48.48	49.69	50.93	52.20	53.51	54.85	56.22	57.62	59.06
517	49.69	50.93	52.20	53.51	54.85	56.22	57.62	59.06	60.54
518	50.93	52.20	53.51	54.85	56.22	57.62	59.06	60.54	62.05
519	52.20	53.51	54.85	56.22	57.62	59.06	60.54	62.05	63.60
520	53.51	54.85	56.22	57.62	59.06	60.54	62.05	63.60	65.19
521	54.85	56.22	57.62	59.06	60.54	62.05	63.60	65.19	66.82
522	56.22	57.62	59.06	60.54	62.05	63.60	65.19	66.82	68.50
523	57.62	59.06	60.54	62.05	63.60	65.19	66.82	68.50	70.21
524	59.06	60.54	62.05	63.60	65.19	66.82	68.50	70.21	71.96
525	60.54	62.05	63.60	65.19	66.82	68.50	70.21	71.96	73.76
526	62.05	63.60	65.19	66.82	68.50	70.21	71.96	73.76	75.61
527	63.60	65.19	66.82	68.50	70.21	71.96	73.76	75.61	77.50
528	65.19	66.82	68.50	70.21	71.96	73.76	75.61	77.50	79.43

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 16/17
EFFECTIVE: JULY 12 2016

represented Fire Chief

		Hourly		Biweekly		Monthly	
		Min	Max	Min	Max	Min	Max
1705		38.59	48.24	3,087.20	3,859.20	6,711.57	8,389.90
1706		39.56	49.45	3,164.80	3,956.00	6,880.28	8,600.34
1707		40.55	50.68	3,244.00	4,054.40	7,052.46	8,814.27
1708		41.56	51.95	3,324.80	4,156.00	7,228.12	9,035.14
1709		42.60	53.25	3,408.00	4,260.00	7,408.99	9,261.24
1710		43.67	54.58	3,493.60	4,366.40	7,595.09	9,492.55
1711		44.76	55.95	3,580.80	4,476.00	7,784.66	9,730.82
1712		45.88	57.34	3,670.40	4,587.20	7,979.45	9,972.57
1713		47.02	58.78	3,761.60	4,702.40	8,177.72	10,223.02
1714		48.20	60.25	3,856.00	4,820.00	8,382.94	10,478.68
1715		49.40	61.75	3,952.00	4,940.00	8,591.65	10,739.56
1716		50.64	63.30	4,051.20	5,064.00	8,807.31	11,009.14
1717		51.90	64.88	4,152.00	5,190.40	9,026.45	11,283.93
1718		53.20	66.50	4,256.00	5,320.00	9,252.54	11,565.68
1719		54.53	68.16	4,362.40	5,452.80	9,483.86	11,854.39
1720		55.89	69.87	4,471.20	5,589.60	9,720.39	12,151.79
1721		57.29	71.61	4,583.20	5,728.80	9,963.88	12,454.41
1722		58.72	73.40	4,697.60	5,872.00	10,212.58	12,765.73
1723		60.19	75.24	4,815.20	6,019.20	10,468.24	13,085.74
1724		61.70	77.12	4,936.00	6,169.60	10,730.86	13,412.71
1725		63.24	79.05	5,059.20	6,324.00	10,998.70	13,748.38
1726		64.82	81.02	5,185.60	6,481.60	11,273.49	14,091.00
1727	Fire Chief	66.44	83.05	5,315.20	6,644.00	11,555.24	14,444.06
1728		68.10	85.13	5,448.00	6,810.40	11,843.95	14,805.81
1729		69.80	87.25	5,584.00	6,980.00	12,139.62	15,174.52
1730		71.55	89.43	5,724.00	7,154.40	12,443.98	15,553.67
1731		73.34	91.67	5,867.20	7,333.60	12,755.29	15,943.25
1732		75.17	93.96	6,013.60	7,516.80	13,073.57	16,341.52
1733		77.05	96.31	6,164.00	7,704.80	13,400.54	16,750.24
1734		78.98	98.72	6,318.40	7,897.60	13,736.20	17,169.38
1735		80.95	101.19	6,476.00	8,095.20	14,078.82	17,598.96
1736		82.97	103.72	6,637.60	8,297.60	14,430.14	18,038.98
1737		85.05	106.31	6,804.00	8,504.80	14,791.90	18,489.44
1738		87.17	108.97	6,973.60	8,717.60	15,160.61	18,952.06
1739		89.35	111.69	7,148.00	8,935.20	15,539.75	19,425.12
1740		91.59	114.48	7,327.20	9,158.40	15,929.33	19,910.36
1741		93.88	117.34	7,510.40	9,387.20	16,327.61	20,407.77

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 16/17
EFFECTIVE: DECEMBER 27 2016

Unrepresented Fire Chief

		Hourly		Biweekly		Monthly	
		Min	Max	Min	Max	Min	Max
1705		39.37	49.22	3,149.60	3,937.60	6,847.23	8,560.34
1706		40.36	50.45	3,228.80	4,036.00	7,019.41	8,774.26
1707		41.37	51.71	3,309.60	4,136.80	7,195.07	8,993.40
1708		42.40	53.00	3,392.00	4,240.00	7,374.21	9,217.76
1709		43.46	54.33	3,476.80	4,346.40	7,558.56	9,449.07
1710		44.55	55.68	3,564.00	4,454.40	7,748.14	9,683.87
1711		45.66	57.08	3,652.80	4,566.40	7,941.19	9,927.35
1712		46.80	58.50	3,744.00	4,680.00	8,139.46	10,174.32
1713		47.97	59.97	3,837.60	4,797.60	8,342.94	10,429.98
1714		49.17	61.46	3,933.60	4,916.80	8,551.65	10,689.12
1715		50.40	63.00	4,032.00	5,040.00	8,765.57	10,956.96
1716		51.66	64.58	4,132.80	5,166.40	8,984.71	11,231.75
1717		52.95	66.19	4,236.00	5,295.20	9,209.06	11,511.76
1718		54.28	67.84	4,342.40	5,427.20	9,440.38	11,798.73
1719		55.63	69.54	4,450.40	5,563.20	9,675.17	12,094.40
1720		57.02	71.28	4,561.60	5,702.40	9,916.92	12,397.02
1721		58.45	73.06	4,676.00	5,844.80	10,165.62	12,706.60
1722		59.91	74.89	4,792.80	5,991.20	10,419.55	13,024.87
1723		61.41	76.76	4,912.80	6,140.80	10,680.43	13,350.10
1724		62.94	78.68	5,035.20	6,294.40	10,946.52	13,684.03
1725		64.52	80.65	5,161.60	6,452.00	11,221.32	14,026.65
1726		66.13	82.66	5,290.40	6,612.80	11,501.33	14,376.23
1727	Fire Chief	67.78	84.73	5,422.40	6,778.40	11,788.30	14,736.24
1728		69.48	86.85	5,558.40	6,948.00	12,083.96	15,104.95
1729		71.21	89.02	5,696.80	7,121.60	12,384.84	15,482.36
1730		72.99	91.24	5,839.20	7,299.20	12,694.42	15,868.46
1731		74.82	93.52	5,985.60	7,481.60	13,012.69	16,265.00
1732		76.69	95.86	6,135.20	7,668.80	13,337.92	16,671.97
1733		78.61	98.26	6,288.80	7,860.80	13,671.85	17,089.38
1734		80.57	100.71	6,445.60	8,056.80	14,012.73	17,515.48
1735		82.59	103.23	6,607.20	8,258.40	14,364.05	17,953.76
1736		84.65	105.81	6,772.00	8,464.80	14,722.33	18,402.48
1737		86.77	108.46	6,941.60	8,676.80	15,091.04	18,863.36
1738		88.94	111.17	7,115.20	8,893.60	15,468.44	19,334.69
1739		91.16	113.95	7,292.80	9,116.00	15,854.55	19,818.18
1740		93.44	116.80	7,475.20	9,344.00	16,251.08	20,313.86
1741		95.77	119.72	7,661.60	9,577.60	16,656.32	20,821.70

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 17/18
EFFECTIVE: JUNE 27 2017

Unrepresented Fire Chief

		Hourly		Biweekly		Monthly	
		Min	Max	Min	Max	Min	Max
1705		40.16	50.20	3,212.80	4,016.00	6,984.63	8,730.78
1706		41.17	51.46	3,293.60	4,116.80	7,160.29	8,949.92
1707		42.20	52.75	3,376.00	4,220.00	7,339.42	9,174.28
1708		43.25	54.06	3,460.00	4,324.80	7,522.04	9,402.12
1709		44.33	55.42	3,546.40	4,433.60	7,709.87	9,638.65
1710		45.44	56.80	3,635.20	4,544.00	7,902.92	9,878.66
1711		46.58	58.22	3,726.40	4,657.60	8,101.19	10,125.62
1712		47.74	59.68	3,819.20	4,774.40	8,302.94	10,379.55
1713		48.94	61.17	3,915.20	4,893.60	8,511.64	10,638.69
1714		50.16	62.70	4,012.80	5,016.00	8,723.83	10,904.78
1715		51.41	64.27	4,112.80	5,141.60	8,941.23	11,177.84
1716		52.70	65.87	4,216.00	5,269.60	9,165.58	11,456.11
1717		54.02	67.52	4,321.60	5,401.60	9,395.16	11,743.08
1718		55.37	69.21	4,429.60	5,536.80	9,629.95	12,037.00
1719		56.75	70.94	4,540.00	5,675.20	9,869.96	12,337.88
1720		58.17	72.71	4,653.60	5,816.80	10,116.93	12,645.72
1721		59.62	74.53	4,769.60	5,962.40	10,369.11	12,962.26
1722		61.11	76.39	4,888.80	6,111.20	10,628.25	13,285.75
1723		62.64	78.30	5,011.20	6,264.00	10,894.35	13,617.94
1724		64.21	80.26	5,136.80	6,420.80	11,167.40	13,958.82
1725		65.81	82.26	5,264.80	6,580.80	11,445.68	14,306.66
1726		67.46	84.32	5,396.80	6,745.60	11,732.64	14,664.93
1727	Fire Chief	69.14	86.43	5,531.20	6,914.40	12,024.83	15,031.91
1728		70.87	88.59	5,669.60	7,087.20	12,325.71	15,407.57
1729		72.64	90.80	5,811.20	7,264.00	12,633.55	15,791.94
1730		74.46	93.07	5,956.80	7,445.60	12,950.08	16,186.73
1731		76.32	95.40	6,105.60	7,632.00	13,273.57	16,591.97
1732		78.23	97.78	6,258.40	7,822.40	13,605.76	17,005.90
1733		80.18	100.23	6,414.40	8,018.40	13,944.91	17,432.00
1734		82.19	102.73	6,575.20	8,218.40	14,294.48	17,866.80
1735		84.24	105.30	6,739.20	8,424.00	14,651.02	18,313.78
1736		86.35	107.94	6,908.00	8,635.20	15,017.99	18,772.92
1737		88.51	110.63	7,080.80	8,850.40	15,393.66	19,240.77
1738		90.72	113.40	7,257.60	9,072.00	15,778.02	19,722.53
1739		92.99	116.23	7,439.20	9,298.40	16,172.82	20,214.72
1740		95.31	119.14	7,624.80	9,531.20	16,576.32	20,720.83
1741		97.70	122.12	7,816.00	9,769.60	16,991.98	21,239.11

UNREP Market Labor Adjusted Classes

Title	Union	% Adjusted upon Council	% Adjusted on March 7, 2017
FULLTIME REGULAR POSITIONS			
Office Supervisor - Unrepresented	UNREP	5.00%	5.00%
City Attorney	UNREP	2.50%	2.50%
City Auditor	UNREP	7.50%	7.50%
Deputy Director of Human Resources	UNREP	2.50%	
Director of Human Resources	UNREP	2.50%	2.50%
Risk Manager	UNREP	5.00%	5.00%
Executive Assistant (Unrep - Exempt)	UNREP	2.50%	
Executive Assistant (Unrep - Non Exempt)	UNREP	2.50%	
Executive Assistant to the City Council	UNREP	2.50%	
Executive Assistant to the City Manager	UNREP	2.50%	
Legal Services Administrator	UNREP	2.50%	

CITY OF MODESTO
CLASS RANGE TABLE
FIRE MANAGEMENT CLASSES
Effective **July 12, 2016**

RANGE	TITLE
524	**Fire Division Chief**
819	**Fire Battalion Chief (112 hrs)**
1819	**Fire Battalion Chief (80 hrs)**

CITY OF MODESTO
CLASS RANGE TABLE
SWORN **FIRE** EXECUTIVE MANAGEMENT
Effective **July 12, 2016**

RANGE	TITLE
1729	Fire Chief

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-378

RESOLUTION APPROVING THE UPDATED LATERAL POLICE OFFICER HIRING INCENTIVE PROGRAM FOR THE MODESTO POLICE DEPARTMENT

WHEREAS, in an effort to successfully attract and hire the highest quality candidates, the Modesto Police Department needs to provide appropriate monetary incentives to assist in its recruitment efforts, and

WHEREAS, the inclusion of a monetary hiring incentive will assist in distinguishing the Department from competing agencies, and

WHEREAS, the monetary recruitment incentive is as proposed:

1. Increase the current Lateral Officer incentive amount upon date of hire from $2,000 to $10,000
2. Lateral officers to receive $5,000 incentive paid at 5-year anniversary instead of $2,500 at end of probation, and

WHEREAS, the incentives are recommended as a contractual five (5) year incentive package, and

WHEREAS, incentive recipients choosing to voluntarily leave the Modesto Police Department in advance of their fifth anniversary shall be contractually required to repay the applicable prorated portion of the monetary incentive, and

WHEREAS, the Modesto Police Department will have the ability to suspend or cancel the program in the event that staffing is no longer a concern or if the fiscal constraints require that it be halted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Hiring and Recruitment Incentive Enhancement Program for the Modesto Police Department.

The foregoing resolution was adopted at a regular meeting of the Council of the City of Modesto held on the 13th day of September, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-379

RESOLUTION ACCEPTING THE RESIGNATIONS OF BOB BARZAN AND DAVID BURKETT FROM THE CITY OF MODESTO CULTURE COMMISSION

WHEREAS, Bob Barzan and David Burkett were appointed to serve as members of the Culture Commission on October 14, 2014, and

WHEREAS, Bob Barzan and David Burkett have tendered their resignations from the Culture Commission, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto accepts, with regret, the resignations of Bob Barzan and David Burkett from the City of Modesto Culture Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of September, 2016, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-380

RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO ADOPTING AN AMENDED CONFLICT OF INTEREST CODE FOR CITY OF MODESTO; AND RESCINDING RESOLUTION NO. 2014-502

WHEREAS, pursuant to Government Code Section 87300, every local agency must adopt a Conflict of Interest Code, and

WHEREAS, the City Clerk is authorized to maintain a current list of the City agencies/departments which have adopted a Conflict of Interest Code, and

WHEREAS, the Political Reform act requires every local government agency to review its Conflict of interest Code on a biennial basis to determine if it is accurate or, alternatively, the need for amendment, and

WHEREAS, pursuant to Government Code Section 82011, this Council is the Code reviewing body for agencies, boards, and commissions of the City of Modesto, and

WHEREAS, the Council, at its meeting of September 27, 2016, considered the adoption of the Amended Conflict of Interest Code for the City of Modesto.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby adopts an amended Conflict of Interest Code for the City of Modesto **attached** hereto.

BE IT FURTHER RESOLVED that Resolution No. 2014-502, adopted by the City Council is hereby rescinded.

RESCINDED

SEP 11 2018

THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2018-383

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of September, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

OFFICE OF THE CITY ATTORNEY

CONFLICT OF INTEREST CODE

APPENDIX "A"

Designated Positions	Disclosure Category
Assistant City Attorney	1
City Attorney	Statutory Filer
Consultant	1
Deputy City Attorney I, II	1
Senior Deputy City Attorney I, II	1
Paralegal/EEO Investigator	1

OFFICE OF THE CITY AUDITOR

CONFLICT OF INTEREST CODE

APPENDIX "A"

Designated Positions	Disclosure Category
Auditor	1
Consultant	1

OFFICE OF THE CITY CLERK

CONFLICT OF INTEREST CODE

APPENDIX "A"

Designated Positions	Disclosure Category
Assistant City Clerk	1
City Clerk	1
Consultant	1

OFFICE OF THE CITY MANAGER

CONFLICT OF INTEREST CODE

APPENDIX "A"

Designated Positions	Disclosure Category
City Manager	Statutory Filer
Deputy City Manager (12)	1
Consultant(s)	1
Public Information Coordinator	1

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

CONFLICT OF INTEREST CODE

APPENDIX "A"

Designated Positions	Disclosure Category
Administrative Analyst I, II	4
Administrative Services Technician I, II	4
Assistant Civil Engineer	4
Associate Civil Engineer	4
Assistant Engineer	4
Associate Engineer	4
Assistant Planner	4
Associate Planner	4
Building Inspection Program Coordinator	4
Building Inspector I, II	4
Business Analyst	4
Business Center Manager	4
Chief Building Official	4
City Engineer	4
Code Enforcement Officer, I, II	4
Cultural Services Manager	4
Development Services Technician I, II	4
Director of Community & Economic Development	4
Engineering Assistant II	4
Environmental Compliance Inspector I, II	4
Event Coordinator	4
Event Supervisor	4
Consultant	4
Assistant Chief Building Official	4
Environmental Compliance Inspector I, II	4
~~IFR Administrator~~	~~4~~
Office Supervisor ~~(1)~~	4
~~Parks Planning & Development Manager~~	~~4~~

~~Parks Planning Coordinator~~	~~4~~
Plans Examiner	4
Planning Manager	4
Principal Planner	4
Senior Building Inspector	4
Senior Civil Engineer	4
Senior Planner	4
Senior Transportation Planner	4
~~Traffic Engineer~~	~~4~~
~~Traffic Operations Engineer~~	~~4~~
Senior Business Analyst	4
IFP Supervisor	4
Senior Community Development Program Specialist	4
Community Development Program Specialist I/II	4
Community Development Manager	4
Housing and Urban Development Supervisor	4
Housing Financial Specialist	4
Housing Rehabilitation Specialist I/II	4
Environmental Review Specialist	4
Neighborhood Preservation Unit Supervisor	4

FINANCE DEPARTMENT

CONFLICT OF INTEREST CODE

APPENDIX "A"

Designated Employee Positions	Disclosure Category
Principal Accountant	1
Assistant Buyer (Purchasing Division)	1
Buyer/Senior Buyer	1
Customer Services Supervisor (2)	5
Customer Services Manager	1
Director of Finance	Statutory Filer
Budget Manager	1
Purchasing Manager	1
Stores Supervisor	5
Consultants	1
Senior Financial Analyst	5

FIRE DEPARTMENT

CONFLICT OF INTEREST CODE

APPENDIX "A"

Designated Positions	Disclosure Category
Administrative Analyst	6
Apparatus Committee Members	6
Consultant	6
~~Finance Manager~~	6
Deputy Fire Marshal	6
Fire Battalion Chief	6
Fire Chief	1
Fire Division Chief - Operations	6
Fire Division Chief - Fire Marshal	6
Fire Division Chief- Support	6
~~Senior Fire Mechanic~~	6

Comment [DM1]: This position no longer exists & falls under the Admin analyst category

Comment [DM2]: This position no longer exists

ADMINISTRATIVE SERVICES DEPARMENT

HUMAN RESOUCES

CONFLICT OF INTEREST CODE

APPENDIX "A"

Designated Positions	Disclosure Category
Risk and Loss Control Coordinator	9
Consultant	1
Human Resources Director	1
Risk Manager	9
Employee Benefits Manager	9
Employee Relations Coordinator	9
Human Resources Manager	9
~~Administrative Services Director~~	~~1~~
Administrative Services Officer	9

~~ADMINISTRATIVE SERVICES DEPARMENT~~

INFORMATION TECHNOLOGY DEPARTMENT

CONFLICT OF INTEREST CODE

APPENDIX "A"

Designated Positions	Disclosure Category
~~Consultant~~	~~1~~
Chief Information Officer	1
Information Technology Manager	7
Principal Software Analyst	7
Senior Software Analyst	7
Principal Systems Engineer	7
Senior Systems Engineer	7
~~Administrative Services Director~~	~~1~~

POLICE DEPARTMENT

CONFLICT OF INTEREST CODE

~~EXHIBIT~~ APPENDIX "A"

Designated Positions	Disclosure Category
Public Safety Business Services Analyst	10
Chief of Police	1
Police Captain (3)	10
Police Lieutenant -(8)	10
*** 2016 Add Assistant Police Chief	10
*** 2016 Add Police Civilian Manager	10

Per reorg 2015

PUBLIC WORKS DEPARTMENT

CONFLICT OF INTEREST CODE

APPENDIX "A"

Designated Positions	Disclosure Category
Administrative Analyst II	8
~~Administrative Services Officer~~	~~8~~
Administrative Services Technician I, II	1
Airport Manager	1
~~City Engineer~~	~~1~~
Code Enforcement Officer I, II	1
~~Compost Facility Supervisor~~	~~8~~
Consultant	1
Fleet Manager	8
~~Environmental Compliance Supervisor~~	~~8~~
~~Environmental & Regulatory Comp Administrator~~	~~8~~
~~Integrated Waste Specialist~~	~~8~~
Director of Public Works	1
Operations & Maintenance Supervisor	8
Operations Manager – Parks	1
Operations Manager – Streets~~/Airport/Fleet~~	1
~~Operations Supervisor~~	~~8~~
~~Parking Supervisor~~	~~8~~
~~Recycling Program Coordinator~~	~~8~~
~~Senior Civil Engineer~~	~~8~~
~~Solid Waste Enforcement Officer~~	~~8~~
~~Solid Waste Program Manager~~	~~8~~
Streets Manager	8
Traffic Engineer	1
Traffic Operations Engineer	1
Transit Manager	1

PARKS, RECREATION AND NEIGHBORHOODS DEPARTMENT
CONFLICT OF INTEREST CODE
APPENDIX "A"

Designated Positions	Disclosure Category
Administrative Analyst II	8
~~Administrative Analyst I~~	~~8~~
Consultant	1
Deputy Director – Recreation and Neighborhood Services	1
~~Parks Planning Project Coordinator~~	~~8~~
~~Housing Financial Specialist~~	~~8~~
~~Housing Rehabilitation Specialist II~~	~~8~~
~~Housing & Urban Development Manager~~	~~2~~
Parks, Recreation and Neighborhoods Director	1
Recreation Program Manager	8
Recreation Supervisor II	8
~~Senior Community Development Program Specialist~~	~~8~~
~~Senior Housing Rehabilitation Specialist~~	~~8~~
~~Parks Recreation Services Manager~~	~~1~~
~~Parks Planning Manager~~	~~8~~

UTILITIES DEPARTMENT
CONFLICT OF INTEREST CODE
APPENDIX "A"

Designated Positions	Disclosure Category
Administrative Analyst II	8
Associate Civil Engineer	8
Associate Land Surveyor	8
Construction Inspector	8
Consultant	1
Director of Utilities	1
Engineering Division Manager	1
Environmental Compliance Supervisor	8
Environmental & Water Quality Laboratory Supervisor	8
Environmental & Regulatory Compliance Manager	1
Property Agent	1
Senior Civil Engineer	1
Senior Construction Inspector	8
Supervising Construction Inspector	8
Wastewater Collections Manager	1
Wastewater Collection System Supervisor	8
Water Quality Control Plant Maintenance Supervisor	8
Water Quality Control Operations Supervisor	8
Water Quality Control Plant Manager	1
Water Distribution and Production Supervisor	8
Water Systems Manager	1

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-381

RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO ADOPTING A CONFLICT OF INTEREST CODE FOR THE SAFER NEIGHBORHOODS COMMUNITY ADVISORY BOARD

WHEREAS, pursuant to Government Code Section 87300, every local agency must adopt a Conflict of Interest Code, and

WHEREAS, the City Clerk is authorized to maintain a current list of the City agencies/departments which have adopted the Conflict of Interest Code, and

WHEREAS, The Political Reform act requires every local government agency to review its Conflict of interest Code on a biennial basis to determine if it is accurate or, alternatively, the need for amendment, and

WHEREAS, pursuant to Government Code Section 82011, this Council is the Code reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council, at its meeting of September 27, 2016, considered the adoption of the Conflict of Interest Code for the Safer Neighborhoods Community Advisory Board.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Conflict of Interest Code of the Safer Neighborhoods Community Advisory Board of the City of Modesto as **attached** hereto, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of September, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

CONFLICT OF INTEREST CODE

OF THE

CITIZENS HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Citizens Housing and Community Development Committee.

Designated employees and officials shall file their statements with the Office of the City Clerk which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Statements for all designated officials will be retained by the Office of the City Clerk.

CITIZENS HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE

CONFLICT OF INTEREST CODE

APPENDIX "A"

Designated Positions	Disclosure Category
Chairperson, All Committee Members	1
Consultant	1

CITIZENS HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE

CONFLICT OF INTEREST CODE

EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated official by virtue of his or her position.

Group 1: Individuals in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E and F - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.) A consultant designated under this category is required to file their economic disclosure form with the Clerk at the beginning and at the end of their contract term.

CONFLICT OF INTEREST CODE

OF THE

BOARD OF BUILDING APPEALS

OF THE CITY OF MODESTO

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Board of Building Appeals.

Designated employees and officials shall file their statements with the Office of the City Clerk which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Statements for all designated officials will be retained by the Office of the City Clerk.

BOARD OF BUILDING APPEALS

CONFLICT OF INTEREST CODE

APPENDIX "A"

Designated Positions	Disclosure Category
Chairperson, All Board Members	1
Consultant	1

BOARD OF BUILDING APPEALS

CONFLICT OF INTEREST CODE

EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated official by virtue of his or her position.

Group 1: Individuals in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E and F - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

CONFLICT OF INTEREST CODE

OF THE

BOARD OF ZONING ADJUSTMENT

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) that contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Board of Zoning Adjustment.

Designated employees and officials shall file their statements with the Office of the City Clerk who will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Statements for all designated officials will be retained by the Office of the City Clerk.

BOARD OF ZONING ADJUSTMENT

CONFLICT OF INTEREST CODE

APPENDIX "A"

Designated Positions	Disclosure Category
Chairperson, All Board Members	1
Consultant	1

BOARD OF ZONING ADJUSTMENT

CONFLICT OF INTEREST CODE

EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated official by virtue of his or her position.

Group 1: Individuals in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E and F - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.) A consultant designated under this category is required to file their economic disclosure form with the Clerk at the beginning and at the end of their contract term.

CONFLICT OF INTEREST CODE

OF THE

DISABLED ACCESS APPEALS BOARD

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Disabled Assess Appeals Board.

Designated employees and officials shall file their statements with the Office of the City Clerk which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Statements for all designated officials will be retained by the Office of the City Clerk.

DISABLED ACCESS APPEALS BOARD

CONFLICT OF INTEREST CODE

APPENDIX "A"

Designated Positions	Disclosure Category
Chairperson, All Board Members	1
Consultant	1

DISABLED ACCESS APPEALS BOARD

CONFLICT OF INTEREST CODE

EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated official by virtue of his or her position.

Group 1: Individuals in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E and F - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.) A consultant designated under this category is required to file their economic disclosure form with the Clerk at the beginning and at the end of their contract term.

CONFLICT OF INTEREST CODE

OF THE

ENTERTAINMENT COMMISSION

OF THE CITY OF MODESTO

The Political Reform Act (Government Code Section 8100, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Entertainment Commission.

Designated employees shall file their statements with the Office of the City Clerk which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Statements for all designated employees will be retained by the Office of the City Clerk.

ENTERTAINMENT COMMISSION

CONFLICT OF INTEREST CODE

APPENDIX "A"

Designated Positions	Disclosure Category
Chairperson, All Committee Members	1
Consultant	1

ENTERTAINMENT COMMISSION

CONFLICT OF INTEREST CODE

EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E and F - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.) A consultant designated under this category is required to file their economic disclosure form with the Clerk at the beginning and at the end of their contract term.

CONFLICT OF INTEREST CODE

OF THE

HOUSING REHABILITATION LOAN COMMITTEE

OF THE CITY OF MODESTO

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Housing Rehabilitation Loan Committee.

Designated employees and officials shall file their statements with the Office of the City Clerk which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Statements for all designated officials will be retained by the Office of the City Clerk.

HOUSING REHABILITATION LOAN COMMITTEE

CONFLICT OF INTEREST CODE

APPENDIX "A"

Designated Positions	Disclosure Category
Chairperson, All Committee Members	1
Consultant	1

HOUSING REHABILITATION LOAN COMMITTEE

CONFLICT OF INTEREST CODE

EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated official by virtue of his or her position.

Group 1: Individuals in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E and F - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.) A consultant designated under this category is required to file their economic disclosure form with the Clerk at the beginning and at the end of their contract term.

CONFLICT OF INTEREST CODE

OF THE

LANDMARK PRESERVATION COMMISSION

OF THE CITY OF MODESTO

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Landmark Preservation Commission.

Designated employees and officials shall file their statements with the Office of the City Clerk which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Statements for all designated officials will be retained by the Office of the City Clerk.

LANDMARK PRESERVATION COMMISSION

CONFLICT OF INTEREST CODE

APPENDIX "A"

Designated Positions	Disclosure Category
Chairperson, All Committee Members	1
Consultant	1

LANDMARK PRESERVATION COMMISSION

CONFLICT OF INTEREST CODE

EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated official by virtue of his or her position.

Group 1: Individuals in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E and F - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.) A consultant designated under this category is required to file their economic disclosure form with the Clerk at the beginning and at the end of their contract term.

CONFLICT OF INTEREST CODE

OF THE

MODESTO REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD

OF THE CITY OF MODESTO

The Political Reform Act (Government Code Section 8100, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Modesto Redevelopment Successor Agency Oversight Board.

Designated employees/members shall file their statements with the Clerk of the Modesto Redevelopment Successor Agency Oversight Board which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Statements for all designated employees/members will be retained by the Clerk of the Modesto Redevelopment Successor Agency Oversight Board.

MODESTO REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD

CONFLICT OF INTEREST CODE

APPENDIX "A"

Designated Positions	Disclosure Category
Chairperson, All Board Members	1
Consultant	1

MODESTO REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD

CONFLICT OF INTEREST CODE

EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E and F - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.) A consultant designated under this category is required to file their economic disclosure form with the Clerk at the beginning and at the end of their contract term.

CONFLICT OF INTEREST CODE

OF THE

SAFER NEIGHBORHOODS COMMUNITY ADVISORY BOARD

OF THE CITY OF MODESTO

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Safer Neighborhoods Community Advisory Board.

Designated employees and officials shall file their statements with the Office of the City Clerk which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Statements for all designated officials will be retained by the Office of the City Clerk.

SAFER NEIGHBORHOODS COMMUNITY ADVISORY BOARD

CONFLICT OF INTEREST CODE

APPENDIX "A"

Designated Positions	Disclosure Category
Chairperson, All Committee Members	1
Consultant	1

SAFER NEIGHBORHOODS COMMUNITY ADVISORY BOARD

CONFLICT OF INTEREST CODE

EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated official by virtue of his or her position.

Group 1: Individuals in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses relating to public safety - Schedules A, B, C, D, E and F - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.) A consultant designated under this category is required to file their economic disclosure form with the Clerk at the beginning and at the end of their contract term.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-382

RESOLUTION APPROVING FIFTH AMENDMENT TO THE MASTER AGREEMENT FOR AUDITING SERVICES BETWEEN THE CITY OF MODESTO AND MOSS-ADAMS, LLP IN AN AMOUNT NOT TO EXCEED $200,000; AND AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT TO THE AGREEMENT

WHEREAS, Section 900 of the Modesto City Charter provides that the City Auditor shall be appointed by and serve at the pleasure of the City Council of the City of Modesto, and

WHEREAS, the City Council desires to amend the Master Agreement for auditing services with the firm of Moss-Adams, LLP extending the term of the Agreement from July 1, 2016 to June 30, 2017, and

WHEREAS, the compensation amount needs to be amended to include an additional amount not to exceed $200,000,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Amendment to the Master Agreement for auditing services with Moss-Adams, LLP.

BE IT FURTHER RESOLVED that the Mayor, or his designee, is hereby authorized to execute the Amendment to the Master Agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of September, 2016, by Councilmember Kenoyer , who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-383

RESOLUTION ACCEPTING THE *DESTINATION MODESTO* REPORT FOR THE FOURTH QUARTER OF FISCAL YEAR 2015-16

WHEREAS, on October 27, 2015, the City Council accepted the *Destination Modesto* Report – First Quarter Fiscal Year 2015-16 for the convention and tourism activity,

WHEREAS, on March 1, 2016, the City Council accepted the *Destination Modesto* Report – Second Quarter Fiscal Year 2015-16 for the convention and tourism activity as well as activity at the McHenry Mansion, McHenry Museum, all three (3) City owned golf courses and City parks,

WHEREAS, on June 7, 2016, the City Council accepted the *Destination Modesto* Report – Third Quarter Fiscal Year 2015-16 for the convention, tourism, McHenry Mansion, McHenry Museum, all three (3) City owned golf courses and City parks activity,

WHEREAS, CEDD staff has prepared the *Destination Modesto* Report – Fourth Quarter Fiscal Year 2015-16 for the convention, tourism, McHenry Mansion, McHenry Museum, all three (3) City owned golf courses and City parks activity as well as an overview of each previous quarter to show overall data for Fiscal Year 2015-16,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the *Destination Modesto* Report – Fourth Quarter Fiscal Year 2015-16.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of September, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-384

RESOLUTION OF INTENTION TO ANNEX TERRITORY TO CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2002-1 (NORTHPOINTE) AND TO AUTHORIZE THE LEVY OF A SPECIAL TAX WITHIN THE TERRITORY PROPOSED TO BE ANNEXED (ANNEXATION #1)

WHEREAS, pursuant to Chapter 3.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the Act), proceedings for annexation of additional territory to an existing community facilities district may be instituted by the adoption by the legislative body of a resolution of intention to annex such territory, and

WHEREAS, pursuant to the Act, this Council did, by its Resolution No. 2002-96, adopted on, February 26, 2002 (the Resolution of Formation) establish Community Facilities District No. 2002-1 (NorthPointe) (the District), and

WHEREAS, this Council hereby determines that the pubic convenience and necessity require the annexation, pursuant to Section 53339 of the Act, of certain territory to the District, and

WHEREAS, the territory to be annexed is within the City limits,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it finds as follows:

The above recitals are true and correct, and

The territory is proposed to be annexed to the District (the Annexed Territory) under the terms of the Act, and

The original boundaries of the District are shown on a map entitled "Proposed

Boundaries of Community Facilities District No. 2002-1 of the City of Modesto, County of Stanislaus, State of California" on file with the County Recorder of the County of Stanislaus, at Volume 3 of Maps of Assessment and Community Facilities Districts, at Page 56, and

The Annexed Territory is described in **Exhibit "A"** to this Resolution, and

The boundaries of the Annexed Territory are also shown on the map thereof, entitled "Proposed Boundaries of Annexation No. 1 to the City of Modesto Community Facilities District No. 2002-1 (NorthPointe)", on file in the office of the City Clerk, and hereby approved and adopted. Pursuant to Sections 3110.5 and 3113 of the California Streets and Highways Code, the City Clerk shall endorse her certificate on the original and one copy of the map evidencing the date and adoption of this Resolution, file the original in her office and, not later than fifteen (15) days after the adoption of this Resolution, file a copy of the map with the County Recorder of the County of Stanislaus. The map shall contain the legends provided in Sections 3110 and 3110.5 of the California Streets and Highways Code; including a reference to the title, book, page and recording date of the original boundary map of the District, and

The type of services authorized to be provided to the District are set forth in the CFD Report, dated January 2, 2002, a copy of which is **attached** hereto as **Exhibit "B"**. These same types of services will be provided to the Annexed Territory, and

The Annual Special Tax component of the special tax to be levied on the Annexed Territory shall be the same as the Maintenance Special Tax currently levied in Zone 1 of the original District, as set forth in the Resolution of Formation. It is the intention of the City Council that in the event all of the subject taxes are not approved by the qualified

electors of the Annexed Territory at an election to be held subsequent to the approval of this Resolution of Intention, that then, and in that sole event, the annexation of the Annexed Territory shall be a nullity, and void from the date of the public hearing on this resolution where it is approved, and

Pursuant to the CFD Report, the Maximum Annual Special Maintenance Tax shall be adjusted annually.

Pursuant to the CFD Report, the Maximum One-Time Facilities Special Tax shall be levied when "a separate One-Time Special Tax is approved for property that subsequently annexes into the CFD" and "all Taxable Property within the CFD shall be subject to an Annual Maintenance Special Tax that will be levied each Fiscal Year to meet the Maintenance Special Tax Requirement." The CFD Report will be amended to reflect, in Fiscal Year 2001-2002 dollars, the following maximum tax rates for the Annexed Territory: the Maximum One-Time Facilities Special Tax for the Annexed Territory is $54,218.95, the Maximum Annual Maintenance Special Tax is $26,399.95 and the Maximum Sinking Fund portion of the Annual Special Tax is $1770.30. Said rates are established in accordance with Section 53339.3 of the Act. In current dollars, the Maximum One-Time Facilities Special Tax for the Annexed Territory is $106,627.14, the Maximum Annual Maintenance Special Tax is $53,091.30 and the Maximum Sinking Fund portion of the Annual Special Tax is $1770.30, and

A public hearing upon this Resolution shall be held at 5:30 p.m., or as soon thereafter as practicable, on Tuesday, November 1, 2016 in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, such time being not less than thirty (30) or more than sixty (60) days following the adoption thereof, and

At the hearing, any interested persons for or against the annexation of the Annexed Territory to the District, and the levy of the special tax therein, may appear and will be heard and considered. Any protest may be made orally or in writing. However, any protests pertaining to the regularity or sufficiency of the proceedings shall be in writing and clearly set forth the irregularities and defects to which the objection is made. All written protests shall be filed with the City Clerk on or before the time fixed for the public hearing. Written protests may be withdrawn in writing at any time before the conclusion of the hearing, and

The City Clerk is directed to publish, not later than seven days prior thereto, a notice of the hearing, in the form required by the Act, in a newspaper of general circulation published in the area of the District, being the Modesto Bee, and otherwise in accordance with Section 6061 of the California Government Code, stating (a) the text or a summary of this Resolution, (b) the time and place of the hearing, and (c) that all interested persons for or against the proposed annexation or the levying of the special tax therein will be heard, and

If a majority (but at least six) of the registered voters residing within the District or a majority (but at least six) of the registered voters residing within the Annexed Territory, or the owners of one-half or more of the area of land in the District and not exempt from the special tax, or the owners of one-half or more of the Annexed Territory, file written protests against the proposed annexation of the Annexed Territory to the District, and the protests are not withdrawn so as to reduce the value of the protests to less than a majority, no further proceedings to annex the Annexed Territory, or to levy the District special tax therein, shall be taken for a period of one year from the date of the

election of the Council on the issues discussed at the hearing, and

At the conclusion of the hearing, if the Council determines to annex the Annexed Territory, it shall then submit the levy of the District special tax to the qualified electors of the Annexed Territory in a special election. If held, the proposed voting procedure at the election is expected to be a landowner vote with each landowner of record as of the close of the Hearing having one vote for each acre of land or portions thereof owned within the Annexed Territory. Ballots for the special election may be distributed by mail or by personal service.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of September, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Grewal

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

NORTHPOINTE CFD NO. 2002-1

PROPOSED BOUNDARIES OF ANNEXATION NO. 1 TO THE CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2002-1 (NORTHPOINTE) CITY OF MODESTO, COUNTY OF STANISLAUS, STATE OF CALIFORNIA

FLEUR DE VILLE
33-M-62

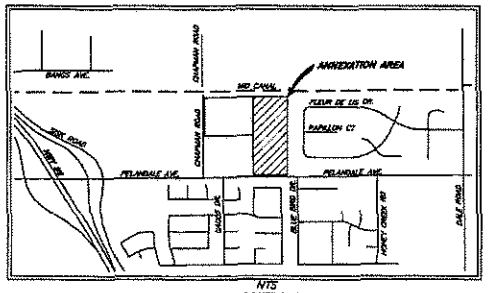
N

0 100 200 Feet

LEGEND

BOUNDARY OF PROPOSED ANNEXATION TO COMMUNITY FACILITIES DISTRICT 2002-1

APN ASSESSORS PARCEL NUMBER



NTS

VICINITY MAP

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF MODESTO SHOWING THIS _____ DAY OF _____, 2016.

STEPHANIE LOPEZ, CITY CLERK

BY: _____

_____

PRINT NAME

I HEREBY CERTIFY THAT THIS MAP SHOWING THE PROPOSED BOUNDARIES OF ANNEXATION NO. 1 TO THE CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2002-1 (NORTHPOINTE), CITY OF MODESTO, COUNTY OF STANISTAUS, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF MODESTO AT A REGULAR MEETING THEREOF, HELD ON THE _____ DAY OF _____, 2016, BY ITS RESOLUTION NO. _____.

STEPHANIE LOPEZ, CITY CLERK

BY: _____

_____

PRINT NAME

FILED THIS _____ DAY OF _____, 2016, AT THE HOUR OF _____ O'CLOCK _____ M IN BOOK _____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE(S) _____ IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF STANISTAUS, STATE OF CALIFORNIA.

LEE LUNDGREN, COUNTY RECORDER OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA

By: _____

_____

PRINT NAME

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Rd September 15, 2016 at 2:30 PM KSCWL 3DCivil 3D Projects\NC1818 PELANDALE-CHAPMAN\MAPPING\NC1818-LA ANNEXATION.dwg

EXHIBIT B

CITY OF MODESTO
NORTHPOINTE COMMUNITY FACILITIES DISTRICT NO. 2002-1

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

A special tax applicable to each Assessor's Parcel in NorthPointe Community Facilities District No. 2002-1 (herein "CFD No. 2002-1") shall be levied and collected according to the tax liability determined by the City Council of the City of Modesto, through the application of the appropriate amount or rate for Taxable Property, as described below. All of the property in CFD No. 2002-1, unless exempted by law or by the provisions of Section E below, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to CFD No. 2002-1 unless a separate Rate and Method of Apportionment of Special Tax is adopted for the annexation area.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Acre or Acreage" means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable final subdivision map or other parcel map recorded at the Stanislaus County Recorder's Office.

"Annual Special Tax" means a special tax levied in any Fiscal Year to pay the Maintenance Special Tax Requirement.

"Assessor's Parcel" means a lot or parcel shown on an Assessor's Parcel Map with an assigned Assessor's Parcel number.

"Assessor's Parcel Map" means an official map of the County Assessor of the County of Stanislaus designating parcels by Assessor's Parcel number.

"City" means the City of Modesto.

"City Council" means the City Council of the City of Modesto, acting as the legislative body of CFD No. 2002-1.

"Developed Property" means, in any Fiscal Year, that a building permit for new construction was issued on or prior to June 30 of the preceding Fiscal Year.

"District Administrator" means the individual(s) designated by the City Council to administer the CFD in accordance with the authority and powers granted by the City Council to said individual(s).

"Fiscal Year" means the period starting July 1 and ending on the following June 30.

"Maintenance Special Tax Requirement" means the amount necessary in any Fiscal Year to (i) pay authorized maintenance expenses, (ii) create a sinking fund for replacement of facilities, (iii) pay administrative expenses of CFD No. 2002-1, (iv) cure any delinquencies in the payment of Annual Special Taxes levied in prior Fiscal Years or (based on delinquencies in the payment of Annual Special Taxes which have already taken place) are expected to occur in the Fiscal Year in which the tax will be collected, and (v) maintain a reasonable reserve, as determined by the District Administrator, for unforeseen expenses, cost overruns, etc.

"Maximum Special Tax" means the maximum Annual Special Tax and the maximum One-Time Special Tax, determined in accordance with Section C below that can be levied on Taxable Property in any Fiscal Year.

"One-Time Special Tax" means the special tax set forth in Section C below that will be levied once on all Parcels in the CFD, with the exception of Parcels within Zone 2.

"Public Agency" means the federal government, State of California or other local governments or public agencies.

"Taxable Property" means all of the Assessor's Parcels within the boundaries of CFD No. 2002-1 which are not exempt from the One-Time Special Tax and Annual Special Tax pursuant to law or Section E below.

"Zone 1" means all Parcels within CFD No. 2002-1 that are not included within Zone 2, as defined below.

"Zone 2" means all property included within the geographic area identified by Assessor's Parcel number 078-14-43 in Fiscal Year 2001-02.

B. STATUS OF DEVELOPMENT IN ZONE 2

On or about July 1 of each Fiscal Year, the District Administrator shall determine whether any property within Zone 2 has become Developed Property. To the extent the original Assessor's Parcel included within Zone 2 has been subdivided, all of the subsequent Parcels shall be considered Developed Property if a building permit has been issued for any Parcel within Zone 2.

C. MAXIMUM SPECIAL TAX

1. One-Time Special Tax

The maximum One-Time Special Tax that can be levied on Parcels of Taxable Property within Zone 1 is $3,859 per Acre. After the One-Time Special Tax has been levied on and collected from all Parcels within Zone 1, no additional One-Time Special Tax shall be levied within the CFD unless a separate One-Time Special Tax is approved for property that subsequently annexes into the CFD. No One-Time Special Tax shall be levied on property within Zone 2.

2. Annual Special Tax

Ultimately, all Taxable Property within the CFD shall be subject to an Annual Special Tax that will be levied each Fiscal Year to meet the Maintenance Special Tax Requirement. Until Zone 2 becomes Developed Property, no Annual Special Tax shall be levied on any property within Zone 2. Once Zone 2 becomes Developed Property, all Parcels of Taxable Property within Zone 2 shall be subject to the Annual Special Tax levy in the then current and all future Fiscal Years.

The following maximum rates apply to all Parcels of Taxable Property within CFD No. 2002-1 for each Fiscal Year in which the Annual Special Tax will be levied. The appropriate Maximum Special Tax will be applied depending on whether property within Zone 2 has become Developed Property:

TABLE 1
Maximum Annual Special Tax
Fiscal Year 2001-02

Status of Development in Zone 2	Maximum Maintenance Portion of Annual Special Tax (fy 2001-02)	Maximum Sinking Fund Portion of Annual Special Tax	Total Maximum Annual Special Tax (fy 2001-02)
Zone 2 is not Developed Property	$1,879 per Acre	$126 per Acre	$2,005 per Acre
Zone 2 is Developed Property	$1,193 per Acre	$80 per Acre	$1,273 per Acre

TABLE 2 Per Acre Special Taxes – Zone 1 Annexations Fiscal Year 2001-02				
Property Annexed to Zone 1	**Maximum One-Time Special Tax**	**Maximum Maintenance Portion of Annual Special Tax (fy 2001-02)**	**Maximum Sinking Fund Portion of Annual Special Tax**	**Total Maximum Annual Special Tax (fy 2001-02)**
APN 078-014-042	$3,859 per Acre	$1,879 per Acre	$126 per Acre	$2,005 per Acre

Beginning in January 2002, the maintenance portion of the maximum Annual Special Tax shall be adjusted annually by applying the greater of (i) the percentage increase, if any, in the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%). Each annual adjustment of the maintenance portion of the maximum Annual Special Tax shall become effective on the subsequent July 1. The sinking fund portion of the maximum Annual Special Tax shall not escalate.

D. METHOD OF LEVY AND COLLECTION OF THE SPECIAL TAX

1. One-Time Special Tax

The One-Time Special Tax shall be levied by the District Administrator through a direct billing or on the County tax roll. If levied through a direct billing, the District Administrator shall identify a date by which the One-Time Special Tax is due, and the One-Time Special Tax shall be immediately delinquent if not paid by such date.

2. Annual Special Tax

Each Fiscal Year, the District Administrator shall determine the Maintenance Special Tax Requirement for that Fiscal Year. The Annual Special Tax shall then be levied on all Parcels of Taxable Property as follows:

Step 1: Calculate the total Annual Special Tax revenues that could be collected from Taxable Property within the CFD based on application of the maximum Annual Special Tax rates determined pursuant to Section C above.

Step 2: Divide the Maintenance Special Tax Requirement by the maximum revenues that could be collected as determined in Step 1.

Step 3: If the ratio determined in Step 2 is greater than or equal to 1, levy the Maximum Annual Special Tax determined pursuant to Section C on all Taxable Property in the CFD. If the ratio determined in Step 2 is less than 1, continue to Step 4.

Step 4: Levy the Annual Special Tax against all Parcels of Taxable Property in equal percentages up to 100% of the maximum Annual Special Tax determined pursuant to Section C above.

The Annual Special Tax for CFD No. 2002-1 shall be collected in the same manner and at the same time as ordinary ad valorem property taxes provided, however, that CFD No. 2002-1 may (under the authority of Government Code Section 53340) in any particular case bill the taxes directly to the property owner off the County tax roll, and the Annual Special Tax will be equally subject to foreclosure if delinquent.

E. LIMITATIONS

Notwithstanding any other provision of this Rate and Method of Apportionment of Special Tax, no One-Time Special Tax or Annual Special Tax shall be levied on land that has been conveyed to a Public Agency, except as otherwise provided in Sections 53317.3 and 53317.5 of the Mello-Roos Community Facilities Act of 1982. In addition, no One-Time Special Tax shall be levied in any Fiscal Year on Parcels in Zone 2, and no Annual Special Tax shall be levied on Parcels in Zone 2 until at least one Parcel within Zone 2 becomes Developed Property.

F. ENFORCEMENT

All delinquent One-Time Special Taxes, or delinquent Annual Special Taxes billed off the County tax roll, shall be subject to an immediate 10% penalty plus interest charges of 1½% as of the first day of the month after the delinquency date and on the first day of each month thereafter. Any such delinquent special taxes shall, at the City's discretion, be placed on the next secured property tax roll. The amount placed on the roll shall include the 10% penalty and the interest charges through the following December 1. This shall not prevent the City from simultaneously pursuing the delinquency by an action on a contract or guarantee against a third party who promised to pay the taxes, or from assigning such right of action to the property owner or other appropriate party.

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-385

Print

RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND OFFICER MARK ULRICH FOR THE PURCHASE OF RETIRED CITY OF MODESTO POLICE CANINE, STRYKER; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Police Chief for the City of Modesto, from time to time, officially retires police canines from departmental service, and

WHEREAS, City of Modesto police canine handler, Officer Ulrich, wishes to purchase and assume possession of his assigned canine, Stryker, upon the dog's official retirement, and

WHEREAS, it is necessary to adopt a resolution authorizing the purchase of a City of Modesto police canine by its assigned handler,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the agreement between the City of Modesto and Officer Ulrich for the purchase of retired police canine, Stryker.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of September, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

RESCINDED

JAN 10 2017

THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2017-13

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-386

RESOLUTION APPROVING THE QUARTERLY FUEL ADJUSTMENTS AND CORRECTION TO THE MAXIMUM CHARGES FOR THE GARBAGE SERVICE RATE SCHEDULE FOR CITY RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL SOLID WASTE COLLECTION SERVICES, TO BECOME EFFECTIVE OCTOBER 1, 2016, AND APPROVING ADJUSTMENTS/CORRECTIONS TO THE MAXIMUM RATE SCHEDULE, DATED JULY 1, 2016, WITH CERTAIN RATES TO BECOME EFFECTIVE RETROACTIVE TO JULY 1, 2016, AND RESCINDING RESOLUTION NO. 2016-307

WHEREAS, with the adoption of Ordinance No. 3068-C.S. in November of 1997, the City no longer sets rates for the collection of garbage in Modesto, and instead performs a comprehensive review of cost information submitted by the contract garbage haulers, and

WHEREAS, the City sets the maximum rate that the haulers may charge for the various types of services provided under the contracts based on cost data provided by the lowest cost hauler, and

WHEREAS, Section f (2) of the City's Service Agreements with its solid waste collectors requires that when the City makes adjustments to the collection services provided under the Agreements, any additional costs should be covered by adjustments to the maximum rates, and

WHEREAS, in addition, maximum rates for solid waste collection services are reviewed annually as requested by the City's garbage collection companies, and

WHEREAS, the City conducted an analysis using the audited financial statements provided by the garbage haulers, supplemental data provided by the garbage haulers, and fuel price information and forecast prices developed by the United States Department of Energy, and

WHEREAS, new maximum rates were calculated, and a recommendation for a new maximum rate schedule was developed, which included a recommendation that quarterly adjustments to the fuel component of the maximum rates be made, and

WHEREAS, staff has made adjustments related to the fuel component of the maximum rates and has incorporated the fuel component adjustments into the schedule of the Maximum Charges for Garbage Service **attached** hereto, marked **Attachment A**, October 1, 2016, and incorporated herein by reference, and

WHEREAS, on July 12, 2016 by Resolution No. 2016-307, the City Council approved the schedule for Maximum Charges for Garbage Service, effective July 1, 2016, and

WHEREAS, the Maximum Charges for Garbage Service marked dated July 1, 2016, contained the following inadvertent typographical administrative errors: the Standard Container Service maximum rate being shown as $30.59 instead of $30.56, the Extra Pickup for Standard Containers or Equivalent being shown as $3.50 plus $1.38/container instead of $3.50 plus $2.30/container, the Extra Pickup for Detachable Containers being shown as $12.00 plus $2.75/cubic yard instead of $12.00 plus $4.15/cubic yard, and under Notations the AB939 Green Waste Diversion Fee for commercial bin and front-loader compactor maximum rates being shown as $14.00 per yard/month instead of $7.79 per yard/month, and

WHEREAS, staff recommends an adjustment to the maximum rate to correct the $30.59 error back to $30.56. The **attached** Maximum Charges for Garbage Service corrects the $.03 and overcharge by reducing the maximum garbage rate the $.03 and also an additional $.01 until the next rate adjustment (at least 9 months). This will correct the administrative error and account for the overcharge. The new maximum rate

is proposed to take effect on October 1, 2016, and

WHEREAS, the Extra Pickup for Standard Containers, Detachable Containers and the AB939 Green Waste Diversion Fee is also corrected in the **attached** Maximum Charges for Garbage Service and is recommended to become effective retroactive to July 1, 2016, and

WHEREAS, this action is to adjust maximum rates for existing services and therefore does not require environmental review, and

WHEREAS, it was found and determined by the Council of the City of Modesto that the existing schedules of rates and charges for garbage service in the City of Modesto should be revised as recommended and that quarterly adjustments to the fuel component of the maximum rates should be made, and

WHEREAS, staff has made the necessary adjustments related to the fuel component of the maximum rates and has incorporated the fuel component adjustment into the schedule of Maximum Charges for Garbage Service **attached** hereto, marked **Attachment A**, October 1, 2016 and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the **attached** quarterly fuel adjustments and correction to the Maximum Charges for Garbage Service rate schedule marked in **Attachment A**, October 1, 2016, for City residential, commercial, and industrial solid waste collection services, to become effective October 1, 2016.

BE IT FURTHER RESOLVED, that the adjustments to the Maximum Rate Schedule for Garbage Services for Extra Pickups for Standard Containers or Equivalents and Detachable Containers and AB 939 Green Waste Diversion Fees are approved as described in the above recitals and accompanying Agenda Report, and as shown in

Attachment A. These adjustments shall become effective retroactive to July 1, 2016 and shall remain in effect until rescinded.

BE IT FURTHER RESOLVED, that the Maximum Charges for Garbage Service **attached** as **Attachment A** to this Resolution, dated October 1, 2016, shall replace **Attachment A** of Resolution No. 2016-307 in its entirety and shall be effective October 1, 2016, and shall remain in effect until revised or rescinded by Council.

BE IT FURTHER RESOLVED, that this Resolution incorporates the above recitals and this Resolution's Agenda Report as findings.

BE IT FURTHER RESOLVED, said Maximum Charges for Garbage Service shall include all other services as stipulated in the Service Agreements.

BE IT FURTHER RESOLVED that Resolution No. 2016-307 is hereby rescinded effective October 1, 2016.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of September, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

ATTACHMENT A
October 1, 2016

MAXIMUM CHARGES FOR GARBAGE SERVICE

STANDARD CONTAINERS

Maximum Monthly Rates (Once a Week Pickup Service)

Standard container service maximum rates shall include the following:

- One 96-gallon container for garbage and one 96-gallon container for organics recycling
- Two bulky item collections per year by appointment
- Maintenance of City trees, including collection & composting of Green Waste/Forestry materials
- Removal of illegally dumped items in streets and alleys
- Drop off program for Household Hazardous Waste at the HHW Facility

Standard container service customers may opt for smaller containers; however, maximum rates apply. Containers must be placed in a location set forth in Section 5-5.111 of the Municipal Code.

1. Standard container service

a. The maximum rate for new sign-ups for service or changes in service that occur after October 1, 1996, shall be **$30.47 per month** regardless of size of container. A fuel component of $.84 per month is included in the maximum rate for April 2016 through June 2016. The fuel component may be adjusted quarterly as needed.

b. The maximum rate for each additional garbage container shall be **$21.44 per month, and $10.27 per month** for each additional organics recycling container.

2. 60-gallon container service (grandfathered customers)

a. The maximum rate for customers with 60-gallon containers who subscribed to service at an address prior to July 1, 1996 and who have not changed their service address shall be **$24.06 per month**. A fuel component of $.84 per month is included in the maximum rate for April 2016 through June 2016. The fuel component may be adjusted quarterly as needed

b. The maximum rate for each additional 60-gallon garbage container shall be **$20.90 per month.**

3. **Fuel Component adjustments** - The fuel component will be analyzed quarterly and adjustments shall be made as needed. The adjustment shall be based on the average price of fuel for a preceding quarter as follows: July 1/January-March; October 1/April-June; January 1/July-September; April 1/October-December. Average prices shall be determined based on published prices for California from the Department of Energy, Energy Information Agency.

DETACHABLE CONTAINERS
Maximum Monthly Rates

Container Size	Regular Container Maximum Rates					
	NUMBER OF COLLECTIONS PER WEEK					
	1	2	3	4	5	6
1 CY	$39.24	$78.48	$117.72	$156.96	$196.20	$235.44
2 CY	$78.48	$156.96	$235.44	$313.92	$392.40	$470.88
3 CY	$117.72	$235.44	$353.16	$470.88	$588.60	$706.32
4 CY	$156.96	$313.92	$470.88	$627.84	$784.80	$941.76
5 CY	$196.20	$392.40	$588.60	$784.80	$981.00	$1,177.20
6 CY	$235.44	$470.88	$706.32	$941.76	$1,177.20	$1,412.64

Organic Recycling Participants signed prior to 2016 Container Maximum Rates						
Container	NUMBER OF COLLECTIONS PER WEEK					
Size	1	2	3	4	5	6
2 CY	$58.86	$117.72	$176.58	$235.44	$294.30	$353.16
3 CY	$88.29	$176.58	$264.87	$353.16	$441.45	$529.74
4 CY	$117.72	$235.44	$353.16	$470.88	$588.60	$706.32
5 CY	$147.15	$294.30	$441.45	$588.60	$735.75	$882.90
6 CY	$176.58	$353.16	$529.74	$706.32	$882.90	$1,059.48
90-gallon	$22.85	$45.70	$68.55	$91.40	$114.25	$137.10

1. **Weekly rental/Detachable Containers** - Shall not exceed the rate for 1 pick-up per week for each size container.

2. **Fuel Component** - A fuel component of $.73 per cubic yard per month per pick-up is included in the maximum rate for April 2016 through June 2016. The fuel component shall be analyzed quarterly and adjustments shall be made as necessary. The adjustment shall be based on the average price of fuel for a preceding quarter as follows: July 1/January-March; October/April-June; January 1/July-September; April 1/October-December. Average prices shall be

determined based on published prices for California from the Department of Energy.

DROP BOX CONTAINERS

1. **Pick up charge** - $248.22 per pick-up
2. **Rental** - $0.85 per day up to 7 day maximum rental
   - $3.00 per day for boxes kept 7 or more days without servicing
   - $10.00 per day for boxes kept 21 or more days without servicing
3. **Disposal charge** - Actual charge to be paid by customer. Garbage company will provide up to 40 CY Drop Box containers for above stated charges subject only to load limit of transfer vehicle. An AB 939 Green Waste Diversion Fee of $14 per ton is added to the disposal charges.

COMPACTORS

Front Loader Type:

Compactor Rates						
Container	**NUMBER OF COLLECTIONS PER WEEK**					
Size	**1**	**2**	**3**	**4**	**5**	**6**
3 CY	**$353.16**	**$706.32**	**$1,059.48**	**$1,412.64**	**$1,765.80**	**$2,118.96**
4 CY	**$470.88**	**$941.76**	**$1,412.64**	**$1,883.52**	**$2,354.40**	**$2,825.28**
6 CY	**$706.32**	**$1,412.64**	**$2,118.96**	**$2,825.28**	**$3,531.60**	**$4,237.92**

Roll-Off Types:

1. **6 CY to 40 CY** — $248.22 per pick-up
2. **Hospital waste compactors** — $265.00 per pick-up
3. **Washing compactor** — $30.00
4. **Disposal Charge:** — Actual charge to be paid by customer
5. **AB 939 Green Waste Diversion Fee** — $14.00 per ton

EXTRA PICKUPS

1. **Standard containers or equivalent** — $3.50 plus $2.30/container – *Effective July 1, 2016*
2. **Detachable containers** — $12.00 plus $4.15/cubic yard – *Effective July 1, 2016*

SPECIAL SERVICE CONDITIONS

In situations where none of the above maximum rates reasonably apply, the cost of service is to be negotiated between the garbage company and the customer.

DETACHABLE CONTAINER ONLY
REPLACEMENT AND CLEANING SERVICE

1 CY	1½ CY	2 CY	3 CY	4 CY	5 CY	6 CY
$10.12	$11.00	$12.10	$15.40	$20.24	$25.08	$29.92

NOTATIONS

1. The above maximum rates include a $0.25 per month residential recycling fee; a $0.05 per cubic yard ($0.22/cubic yard/month) commercial recycling fee; and a $5.00 per pull ($0.25 per ton) industrial recycling fee; a $0.05 per cubic yard ($0.22/cubic yard/month) commercial litter abatement fee.
2. The above residential maximum rates include a $4.26 per month per household AB 939 Green Waste Diversion Fee.
3. The above commercial bin and front-loader compactor maximum rates include an AB 939 Green Waste Diversion Fee of $7.79 per yard/month – *Effective July 1, 2016.*
4. Carpenter Road Landfill Mitigation Fees for residential shall be $.50 per household per month and commercial wastes shall be $.91 per month for 1 cubic yard collected 1 time per week. Carpenter Road Landfill Mitigation fees on Industrial wastes shall be $5.00 per pull on industrial wastes.
5. Pursuant to Section 11-6.16(c)(2) of the Modesto Municipal Code, the garbage company may require a deposit equivalent to two (2) months service charge from customers prior to beginning service. The deposit will be credited back to the customer after 18 months under specified conditions.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-387

RESOLUTION APPROVING THE SPECIFICATIONS FOR THE RIVER TRUNK REHABILITATION PROJECT (GALLO SECTION), ACCEPTING THE BID, AND APPROVING A CONTRACT WITH CON-QUEST EBERT, SAN FRANCISCO, CA IN THE AMOUNT OF $1,588,225, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE CONTRACT

WHEREAS, specifications have been prepared for the River Trunk Rehabilitation Project – Gallo Section, and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the River Trunk Rehabilitation Project – Gallo Section were opened at 11:00 a.m. on August 30, 2016 for the consideration of the Council, and

WHEREAS, the Director of Utilities has recommended that the bid of $1,588,225 received from Con-Quest Ebert, be accepted as the lowest responsible and responsive bid and the contract be awarded to Con-Quest Ebert.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the specifications for River Trunk Rehabilitation Project – Gallo Section, accepts the bid of $1,588,225 and awards Con-Quest Ebert, San Francisco, CA, the contract for the River Trunk Rehabilitation Project – Gallo Section.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of September, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-388

RESOLUTION APPROVING THE CITY OF MODESTO'S CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT FOR PROGRAM YEAR 2015-16 REFLECTING THE USE OF COMMUNITY DEVELOPMENT BLOCK GRANT, HOME INVESTMENT PARTNERSHIP GRANT, AND EMERGENCY SOLUTIONS GRANT FUNDS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE REQUIRED DOCUMENTS FOR SUBMITTAL TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) requires entitlement grantees adopt a comprehensive, long-term plan for the use of its HUD funds, and

WHEREAS, the Five-Year Consolidated Plan (CP), also referred to as the Strategic Plan, analyzes the City's housing and community development needs, with a priority focus on low- and moderate-income individuals, households, and neighborhoods, and describes long-term strategies for meeting those needs, and

WHEREAS, HUD also requires entitlement grantees to submit a Consolidated Annual Performance Evaluation Report (CAPER) to HUD, and

WHEREAS, this document describes how funds were used in a particular fiscal year to address the needs and priorities established in the CP, and

WHEREAS, notice has been duly given to the community of the proposed CAPER, and to provide a 15-day comment period, which began September 12, 2016, and ended on September 27, 2016, and

WHEREAS, the Citizens Housing and Community Development Committee (CH&CDC) considered the proposed CAPER at its September 21, 2016 meeting, and recommended forwarding to the Council for approval, and

WHEREAS, a duly noticed public hearing was held by the City Council on September 27, 2016 at 5:30 p.m., in the Tenth Street Place Chambers, located at 1010 Tenth Street, and

WHEREAS, any comments received during the 15-day public review period or during the City Council meeting will be incorporated into the final CAPER.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes approval of the 2015-16 Consolidated Annual Performance Evaluation Report for the use of Community Development Block Grant, HOME Investment Partnerships Grant, and Emergency Solutions Grant funds, and

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby authorizes the City Manager, or his designee, to sign any required certifications and documents for submittal to the U.S. Department of Housing and Urban Development

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of September, 2016, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-389

Print

RESOLUTION APPROVING THE ACCEPTANCE OF THE 2015 SAFER GRANT FOR THE ADDITION OF (9) FIREFIGHTER POSITIONS AND AUTHORIZING THE FIRE CHIEF, OR HIS DESIGNEE, TO EXECUTE ALL GRANT-RELATED DOCUMENTS

WHEREAS, on April 26, 2016, Council approved by Resolution No. 2016-168 authorizing application for this grant, since that time staff has received notification that the Modesto Fire Department (MFD) had been awarded the $2,222,649 requested through the SAFER grant, and

WHEREAS, the Modesto Fire Department is seeking approval to accept the 2015 SAFER grant, which will fund the hiring of nine (9) firefighters. This is a two-year program that will pay 100 percent (100%) of the salaries and benefits for the nine (9) firefighters requested SAFER-funded positions for a period of two (2) years, and

WHEREAS, if accepted, the MFD would have the funding to re-staff Engine 11 which was eliminated due to budget reductions in July 2011. The grant requires the MFD to maintain staffing levels and incur no layoffs during the two (2) year grant period. After the performance period there is no obligation to retain SAFER-funded positions. There are no match requirements to this grant program however, it will not fund the costs to hire, train and equip firefighters, and

WHEREAS, staff recommends acceptance of the 2015 SAFER Grant funding the hiring of nine (9) firefighters which will allow the department to put Engine 11 back into service, and

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the acceptance of the 2015 SAFER Grant for the addition of (9)

Firefighter positions.

BE IT FURTHER RESOLVED that the Fire Chief, or his designee, is hereby authorized to execute all grant-related documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of September, 2016 by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-390

Print

RESOLUTION AUTHORIZING THE CREATION OF 2015 SAFER-E11 PROJECT #100976 AND APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF $132,985 AND TRANSFERRING SAID FUNDS TO THE MODESTO FIRE DEPARTMENT'S FISCAL YEAR 16-17 OPERATING BUDGET

WHEREAS, on April 26, 2016 Council approved by Resolution 2016-168 authorizing application for this grant since that time staff has received notification that the Modesto Fire Department had been awarded the $2,222,649 requested through the SAFER grant, and

WHEREAS, staff is seeking approval to accept the 2015 SAFER grant funding the hiring of nine (9) firefighters. This is a two-year program that will pay 100 percent of the salaries and benefits for the nine (9) requested SAFER-funded positions for a period of two (2) years, and

WHEREAS, if accepted, the MFD would have the funding to re-staff Engine 11 which was eliminated due to budget reductions in July 2011. The grant requires the MFD to maintain staffing levels and incur no layoffs during the two (2) year grant period, and

WHEREAS, a new project account is needed to receive SAFER Grant funds and a budget adjustment is needed to fund hiring costs (background investigations, physicals, etc.), personal protective equipment, uniforms and related safety items in the amount of $95,274 and additional personnel costs for the current fiscal year in the amount of $37,711 totaling $132,985, and

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the creation of 2015 SAFER-E11 Staffing project #100976 and approving a budget adjustment in the amount of $132,985 and transferring said funds to

the Modesto Fire Department's FY 16-17 Operating budget.

BE IT FURTHER RESOLVED that the Finance Director, or her designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of September, 2016, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-391

RESOLUTION AMENDING THE POSITION ALLOCATION FOR FISCAL YEAR 2016-17 AS ADOPTED IN THE OPERATING BUDGET

WHEREAS, a Position Allocation for the City of Modesto was adopted by Modesto City Council on June 28, 2016, as part of the Annual Budget of the City of Modesto for Fiscal Year 2016-2017, and

WHEREAS, the Modesto Fire Department has applied for and received SAFER grant funds to add additional allocations to their department, and

WHEREAS, these additional classifications were verified by Human Resources to determine appropriate classification, and

WHEREAS, position changes will be effective the first full pay period following Council adoption, (pay period beginning September 20, 2016), and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Position Allocation and the Fiscal Year 2016-17 Operating Budget for various departments as follows:

1. Allocate three (3) Firefighters in the Suppression Division of the Fire Department.
2. Allocate three (3) Firefighter Engineers in the Suppression Division of the Fire Department.
3. Allocate three (3) Fire Captains in the Suppression Division of the Fire Department.

BE IT FUTHER RESOLVED by the Council of the City of Modesto that the City Manager or designee is hereby authorized to execute the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of September, 2016, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-392

Print

RESOLUTION APPROVING THE ANTI-TAGGING MEMORANDUM OF UNDERSTANDING WITH STANISLAUS COUNTY REGARDING THE REMOVAL OF TAGGING BY CITY IN AREAS OF THE COUNTY THAT ADJOIN THE CITY ALONG HIGHWAY 99

WHEREAS, on May 26, 2015, City Council adopted Resolution No. 2015-163 approving additional staffing and resources to expand the City's tagging abatement program, "Tag We're on It," which utilizes strong partnerships with public and private entities to accomplish its goal eliminating tagging in the City.

WHEREAS, the Highway 99 corridor, which abuts the City but is outside of its boundaries and is part of the City's tagging "hot spot" route and City crews are currently driving this route thus it makes good economic sense for City crews to remove or paint over tagging in these areas that are in Stanislaus County but adjoin the City, and

WHEREAS, the proposed Memorandum of Understanding (MOU) formalizes the City's and County's agreement, and outlines the basic terms under which the City of Modesto and the County of Stanislaus have come together to collaborate in the removal or painting over "tagging." The City will, from time to time, perform tagging abatement function in County areas similar to its operation and procedures in the City. In addition, the City will work with County property owners to abate tagging and/or graffiti visible in the County areas that abut City boundaries. However, the City will not proceed with tagging and/or abatement for County property owners that are unwilling to cooperate with City staff. In these cases, the City will refer these property owners to the County for appropriate action, and

WHEREAS, the program was approved by Council last fiscal year and is funded

by existing resources in the General Fund and in part by the Multi-Year Abatement Fund. The proposed MOU will have no impact on the City budget.

NOW, THEREFORE, LET IT BE RESOLVED, by the Council of the City of Modesto that it hereby approves the Anti-Tagging MOU between the City and the County and authorizes the City Manager to execute the agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of October, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Stephanie Lopez
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Adam Lindgren
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-393

RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE PURCHASE OF A TELESCOPING MATERIAL HANDLER OFF-ROAD FORKLIFT TO SONSRAY MACHINERY, STOCKTON, CA, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE ORDER FOR AN ESTIMATED TOTAL COST OF $91,481

WHEREAS, the replacement of a telescoping material handler for the Sutter Wastewater Division has been subjected to a thorough evaluation and has met or exceeded the replacement criteria before being placed on the replacement list, and

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFBs) for new vehicles and heavy equipment through various competitive processes, and

WHEREAS, on July 15, 2016, the Purchasing Division issued RFB 1617-02 for the purchase of a telescoping material handler on the City's website under the commodity codes for lifts, platforms telescoping, material handling, and road and highway equipment. Prospective bidders were notified online of the bid opportunity. Five companies chose to download the RFB document, and

WHEREAS, on August 9, 2016, bids were formally opened in the City Clerk's office. Two companies chose to respond. Both companies provided responsive and responsible bids. Local vendors capable of providing this type of equipment chose not to respond, and

WHEREAS, based on providing the overall lowest responsive and responsible bid, City staff recommends the award of bid for the purchase of a telescoping material handler to Sonsray Machinery, Stockton CA, for a total estimated cost of $91,481, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of bid for the purchase of a telescoping material handler to Sonsray Machinery, Stockton, CA, conforms to the Modesto Municipal Code, 8-3.203, and

WHEREAS, sufficient funds for this replacement unit were encumbered in the Fleet Replacement account 5409-53246-57003 for Fiscal Year 2015/2016, therefore, making the funds available in the Fiscal Year 2016/2017 budget. Funding for this unit was collected through the internal service fund (ISF) via straight-line depreciation over the life of the unit.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid for the purchase of a telescoping material handler to Sonsray Machinery, Stockton, CA.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to issue a purchase order for an estimated total cost of $91,481.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of October, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-394

RESOLUTION APPROVING THE TRANSIT POLICY AND IMPROVEMENT PLAN (AUGUST, 2016) AND AUTHORIZING STAFF TO BEGIN IMPLEMENTATION

WHEREAS, the Transit Division operates the Modesto Area Express (MAX) bus system that provides fixed route bus service to Modesto and neighboring communities, and

WHEREAS, MAX is in a position to rise to a higher level of public transportation by improving the systems, processes and public perception of transit in Modesto, and

WHEREAS, the transit policy and improvement plan details the philosophy, policies, and projects necessary to achieve a higher utilization of the MAX system by Modesto residents and visitors, and

WHEREAS, approval of the Transit Policy and Improvement Plan (August 2016), **attached** hereto and hereinafter incorporated by reference, will allow staff to move forward with projects detailed in the plan to entice more people to utilize MAX for their daily transportation.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Transit Policy and Improvement Plan (August 2016).

BE IT FURTHER RESOLVED, that staff is authorized to begin implementation of the Transit and Improvement Plan (August 2016).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of October, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO AREA EXPRESS

Transit Policy and Improvement Plan

August 2016

Introduction

The MAX system has several areas that could be improved, to provide better service to the community, entice more people to use the transit system and improve the farebox recovery requirement. This document details the different ideas, projects and policies that have been proven in other transit systems, industry experts and staff experience to improve ridership and create an overall positive perception of public transportation. The areas that will be reviewed are:

1. Transit Philosophy
2. Policies
3. Projects
4. Operational Analysis
5. Bus Replacement Schedule
6. Implementation

Transit Philosophy

These ideas will assist in guiding the policy, planning and projects of the system to obtain higher ridership which translates into higher revenue to meet the required farebox recovery requirements.

1. A transit system needs to be:
    - Frequent
    - Convenient
    - Safe and Clean
    - Easy to understand
    - Able to meet an overall 20% farebox recovery
2. Information on how to use MAX should be easy to obtain and easy to understand quickly.
3. All marketing and informational materials need to portray a positive, professional and polished image of public transportation in Modesto.
4. Public perception of MAX must change to promote MAX as a convenient and accessible mode of transportation for everyone. In addition, promote MAX as a benefit to quality of life, improved air quality, sustainable living, health and improved mobility.

Policies

Adopted policies of the transit system will direct staff in proper planning of future and existing routes, to ensure the desired service level to the community. These policies tie into the transit philosophy outlined on the previous page.

	Policy	**Measurement Method**
1	Transit routes will achieve 90% on-time performance.	Determined by route departure from all scheduled time points.
2	All routes will have a scheduled 10% recovery time, with a minimum of 5 minutes, per trip.	Determined from route schedule
3	Individual routes must meet 18% farebox recovery	Measured each month
4	Individual routes must meet an average of 20 passengers per hour minimum	Measured each month
5	The standard headway for weekday service is 30 minutes during the entire service day, though 15 minutes is preferable	Determined from route schedule
6	Standard headway for weekend service is 60 minutes	Determined from route schedule
7	Route information to be displayed at every bus stop	Bus Stop Inventory data
8	Bus stop amenities will be constructed at stops with high ridership, availability of space, physical capabilities of passengers and distribution of boardings	Ridership data and land availability
9	Less than 20 complaints/100,000 trips	Customer comments
10	Less than 10 valid complaints/100,000 trips	Customer comments
11	90% of households that meet the following criteria will be within ¼ mile walking distance of a bus stop: - Low Income (under $30k) – over 3,000 people per square mile - Zero car households – over 1,200 people per square mile - Young and Old Population (0-18, 65+) – over 4,000 people per square mile	Census data

Projects

To achieve the goals and policies of the community, the following projects have been identified to improve the system, increase ridership and promote public transportation.

Goal: Make routes easy to understand

1. Install a bus tracking system that is available to the public via smartphone app and website
2. Eliminate trip by trip variability on routes
3. Eliminate or modify routes that do not perform to the approved policies
4. Install route schedules at all bus stops with full displays

Goal: Make routes easy to use

1. Increase frequency of all routes to 15-30 minutes
2. Install new fareboxes/kiosks with magnetic card and cash capability, with new fare structure
3. Install Automated Voice Announcements on buses

Goal: Make the system safe and comfortable

1. Relocate Transit Center customer service area
2. Install a new smoking area near the MAX boarding island
3. Make other Transit Center improvements in conjunction with remodel for ACE train
4. Install Wi-Fi on all buses
5. Replace buses that have exceeded useful life per the replacement schedule
6. Install bus stop shelters at applicable bus stops
7. Create a bus stop location and transit amenities development guideline
8. Update radio system for buses and dispatchers to a digital system to better communicate

Goal: Change public perception of MAX

1. Reassign interior cleaning of buses to Modesto staff
2. Redesign Ride Guide by a graphic design company
3. Redesign other brochures (BART, ACE, Biking) by a graphic design company
4. Create consistent color brand on MAX buses, with website and phone number on the bus
5. Attend community shows, fairs, festivals and events to promote MAX and transit
6. Ride Guide and other brochures distributed at more locations with vibrant information stands
7. Attend and present at community organizations and college classes
8. Organize promotional events
9. Place printed surveys and comment cards on buses
10. Redesign website and develop social media presence
11. Create How-To use the MAX bus videos
12. Design and place print, internet, television and radio advertisements
13. Install a new complaint tracking system, and emphasize customer service with contractor
14. Improve Senior/Disabled program by reassigning to third party or implementing new card production system

Operational Analysis - Route Performance and Recommendations

The following table shows each route and the key performance indicators for the last completed fiscal year. This is the first step in performing an operational analysis of the routes and developing a plan to improve the route structure so that more people will use the bus.

	Trips per Hour	Trips per Mile	Cost per Ride	Farebox Recovery	Peak Weekday Frequency (in min)
21	32.79	2.89	$2.60	29%	30
22	42.33	4.33	$2.01	38%	30
24	14.61	1.27	$5.83	13%	60
25	27.09	1.75	$3.14	24%	30
26	38.06	2.88	$2.24	34%	30
27	18.34	1.44	$4.64	16%	60
28	10.30	0.91	$8.26	9%	60
29	30.78	2.69	$2.77	27%	30
30	25.10	2.24	$3.39	22%	30
31	24.32	1.92	$3.50	22%	30
32	34.62	2.94	$2.46	31%	60
33	35.30	2.64	$2.41	32%	30
34	14.13	1.36	$6.02	13%	60
36	20.10	1.67	$4.24	18%	60
37	28.50	1.61	$2.99	25%	60
38	34.47	3.09	$2.47	31%	30
39	9.75	0.72	$8.73	9%	90
41	23.43	1.15	$3.63	21%	30
42	36.78	2.55	$2.31	33%	30
43	19.60	1.74	$4.34	17%	30
ACE	9.12	0.47	$9.34	21%	30
BART	9.08	0.33	$9.38	86%	30

Route Specific Observations on low performing routes

Route	Issues impacting poor performance
24	Low frequency (only every 60 minutes). Loop route, not inbound/outbound.
27	Low frequency (only every 60 minutes). Goes down McHenry with 4 other routes.
28	Low frequency (only every 60 minutes). Hard schedule to understand, to many variations between trips.
34	Low frequency (only every 60 minutes). Loop route, not inbound/outbound.
36	Low frequency (only every 60 minutes). Route 21 and 43 also serve the area on other streets.
39	Low frequency (only every 90+ minutes). Hard schedule to understand, to many variations between trips.
43	21/36 serves similar area, no adjustments to this route.

Preliminary figures indicate that the following routes need to be further studied. Further analysis is required to review Title VI, low income, age and zero car household areas. After that analysis, recommendations will be made to the city council on how to proceed. These are easily analyzed using a transit planning tool called Remix.

Routes to Study	
24	34
27	36
28	39

Bus Replacement Schedule

The department does not seem to have a bus replacement schedule in place to guide them in grant planning. This table outlines the current fleet and projected replacement requirements.

		Replacement Year and Costs												
Make	**Quantity**	**2016**	**2017[3]**	**2018**	**2019**	**2020[6]**	**2021[6]**	**2022[6]**	**2023[6]**	**2024**	**2025**	**2026**	**2027**	**2028**
Gillig Suburban (1998)	1	$650,000[1]												
MCI (1999)	1		$650,000[4]											
Gillig (2001)	3		$1,650,000[2]											
Gillig (2003)	14					$1,125,000	$4,025,000	$2,300,000						
Gillig (2006)	1			$550,000[2]										
MCI (2007)	1				$650,000[5]									
Gillig (2008)	5					$2,875,000								
Gillig (2009)	7							$1,725,000	$2,300,000					
MCI (2012)	1									$650,000				
Gillig (2014)	8											$4,800,000		
Gillig (2015)	14												$8,400,000	
MCI (2016)	1													$700,000
Total	57	$650,000	$2,300,000	$550,000	$650,000	$4,000,000	$4,025,000	$4,025,000	$2,300,000	$650,000	$0	$4,800,000	$8,400,000	$700,000
Buses being replaced		1	4	1	1	7	7	7	4	1	0	8	14	1

Notes:

1. 2016 MCI will replace 1998 Gillig Suburban
2. 2017 Gilligs (4) will replace 2001 and 2006 Gilligs, though 2006 Gillig cannot be disposed until 2018
3. 2017 Proterra (4) will be additional buses for the fleet
4. Replace 1999 MCI in 2017 with recently approved CMAQ funds
5. Replace 2007 MCI in 2019 with recently approved CMAQ funds
6. Accumulate CMAQ and 5339 funds from 2016-2023 to replace 2003,2008 and 2009 Gilligs between 2020 and 2023
7. Bus purchase costs would increase by 35% if an electric bus option is used

Implementation Schedule

The projects and tasks outlined above can be accomplished in the following phases:

Phase 1 (July 2016 – June 2017)

	Task	Date Completed	Estimated Cost
1	Place printed surveys and comment cards on buses	August 2016	$1,000 *(Funds available)*
2	Install a new designated smoking area at the Transit Center	September 2016	$1,000 *(Funds available)*
3	Develop social media presence on Facebook and Twitter	December 2016	$0
4	Obtain Remix Software to better analyze routes	December 2016	$20,000 *(Funds available)*
5	Install and operate Wi-Fi on all BART and ACE buses	December 2016	$10,000 *(Funds available)*
6	Add website and phone number to exterior of all buses above windows	December 2016	$1,000 *(Funds available)*
7	Install route schedules at all bus stops with full displays	December 2016	$30,000 *(Funds available)*
8	Install a customer complaint tracking system	December 2016	$5,000 *(Funds available)*
9	Perform Operational Analysis on all fixed routes using KPI's, adopted policies, demographics and other transit philosophy factors. Plan route changes based on analysis.	June 2017	$0
10	Implement new route structure	June 2017	$0
11	Install GFI Odyssey fareboxes on all buses, enabling swipe card capability	June 2017	$300,000 *(Funds available)*

12	Redesign the Ride Guide and other brochures	June 2017	$10,000 *(Funds available)*
13	Replace buses according to replacement schedule	June 2017	$2,202,140 *(Grant funds secured)*
14	Install and operate Wi-Fi on all urban MAX buses	June 2017	$40,000 *(Funds available)*
15	Install new radio system for bus/dispatch communication	June 2017	$200,000 *(Funds available)*
16	Implement picture ID card system for Senior/Disabled program	June 2017	$3,000 *(Funds available)*
17	Construct additional bus stop shelters	On-going	$5,000 per shelter
18	Attend and present at community organizations and college classes. Organize promotional events. Enlist assistance of social service agencies to promote MAX	On-going	$0

Phase 1 Budget Summary

Type	**Amount**
Funds available	$621,000
On-Going	$5,000+
Grant funds secured	$2,202,140

Phase 2 (July 2017 – onward)

	Task	Date Completed	Cost
1	Improve interior cleaning of buses	July 2017	$225,000 *(To be funded in FY18 budget)*
2	Enhance marketing outreach activities and technology administration and support	June 2017	$150,000 *(Funds available)*
3	Install new or upgraded AVL system to include public facing real-time bus tracking smartphone app, website, depot monitors, automated announcements and other technology	June 2018	$1,000,000 *(Grant funds secured)*
4	Redesign website	June 2018	$10,000 *(Funds available)*
5	Remodel Transit Center	June 2018	$2,000,000 *(Grant funds required)*
6	Create bus stop location and transit amenities development guidelines	June 2018	$0
7	Additional marketing enhancements	June 2018	$20,000 *(To be funded in FY18 budget)*
8	Design and place print, internet, television and radio advertisements	June 2018	$50,000 *(To be funded in FY18 budget)*

Phase 2 Budget

Type	Amount
To be funded in FY18 budget	$3,455,000

Conclusion

The improvement projects, marketing strategies and transit planning ideas will improve the public perception of the public transportation system in Modesto, improve ridership and entice more people to utilize public transportation.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-395

RESOLUTION APPROVING REINSTATING STAGE IIA REQUIREMENTS, OF THE CITY OF MODESTO DROUGHT CONTINGENCY PLAN, TO RESTRICT OUTDOOR WATERING TO ONE DAY A WEEK, EFFECTIVE NOVEMBER 1, 2016 THROUGH MARCH 31, 2017, AND REVISING THE PHASING CRITERIA OF THE PLAN TO BE CONSISTENT WITH THE U.S. DROUGHT MONITOR

WHEREAS, on March 17, 2015, the State Water Resources Control Board adopted emergency drought regulations to govern the use of urban water in California, which required the City of Modesto to meet a 36 percent (36%) cumulative reduction for the period of June 2015 through February 2016, and

WHEREAS, on May 9, 2016, Governor Edmund G. Brown Jr. issued Executive Order B-37-16 requiring the State Water Resources Control Board (SWRCB) to adjust its emergency water conservation regulation through the end of January 2017 in recognition of the differing water supply conditions across the state, and

WHEREAS, on June 21, 2016, the City of Modesto submitted projections and calculations to the SWRCB of a minimum conservation standard of 20% reduction versus the 2013 water production level, and

WHEREAS, to ensure that we meet the 20% requirement, a 25% conservation target has been set through January 2017, and

WHEREAS, Section 11-1.14 of the Modesto Municipal Code authorizes the City Council to establish rules and regulations by resolution concerning the City's municipal water system, the use of water, and water conservation, and

WHEREAS, on April 26, 2016, the City Council, by Resolution No. 2016-178, reinstated the Stage II Plan requirements of the Drought Contingency Plan, which restricted outdoor watering to twice weekly, and

WHEREAS, staff is tracking water production reduction percentages and as of August 31, 2016, the City is at a 28.2% cumulative reduction, and

WHEREAS, to assist us in sustaining our water supply and meet our reduction goals, staff recommends reinstating Stage IIA requirements of the City of Modesto Drought Contingency Plan which implements one day a week watering for all City of Modesto customers, and

WHEREAS, addresses ending in an even number will water only on Saturday and addresses ending in an odd number will water only on Sunday, and

WHEREAS, outdoor water use is prohibited daily from 9:00 a.m. – 7:00 p.m., and

WHEREAS, most of the state including our area continues to endure extreme drought conditions as defined by the United States Drought Monitor, and

WHEREAS, staff proposes the revision of the City of Modesto Drought Contingency Plan phasing criteria consistent with the U.S. Drought Monitor, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves reinstating Stage IIA requirements of the City of Modesto Drought Contingency Plan to restrict outdoor watering to one day a week, effective November 1, 2016 through March 31, 2017, and revising the phasing criteria of the Plan to be consistent with the U.S. Drought Monitor.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of October, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-396

RESOLUTION APPROVING THE PREQUALIFIED CONSULTANT LIST, CONSISTING OF ARCHITECTURAL PLUS, INC., PIRES, LIPOMI & NAVARRO ARCHITECTS AND HMR ARCHITECTS, INC. FOR ARCHITECTURAL SERVICES FOR VARIOUS CAPITAL IMPROVEMENT PROGRAM (CIP) PROJECTS FOR A PERIOD OF ONE YEAR, WITH THE POSSIBILITY OF TWO ADDITIONAL ONE-YEAR EXTENSIONS AT THE WRITTEN APPROVAL OF THE DEPARTMENT DIRECTOR

WHEREAS, there are a number of Capital Improvement Program (CIP) projects that may require outside consultant services for efficient project delivery, and

WHEREAS, retaining a prequalified, as-needed list of consultants allows the Utilities Department to have accelerated access to specific architectural services, when needed, and

WHEREAS, this will eliminate the need to send out repetitive Requests for Qualifications (RFQ) for projects of similar scope and/or type, saving staff time and project costs, and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural & Engineering Services for Capital Projects, which is in compliance with State of California Government Code, Sections 4526-4529, staff solicited and formally advertised an RFQ through Planet Bids for architectural services, and

WHEREAS, staff received five (5) Statements of Qualifications (SOQs) for architectural services, two (2) of which are considered local firms, and

WHEREAS, after careful review of the SOQs by Community & Economic Development and Utilities Department staff, the following firms, two of which are considered local, were selected as the most qualified: 1) Architectural Plus, Inc.(API),

Modesto, CA; 2) Pires, Lipomi & Navarro Architects, Modesto, CA; and 3) HMR Architects, Inc., Sacramento, CA, and

WHEREAS, when architectural services are required for CIP projects with a total budget of $2 million or less, a Request for Proposals (RFP) with a specific scope of work may be issued to these firms, and

WHEREAS, following evaluation of proposals, interviews will be conducted to select the most qualified firm, and

WHEREAS, an agreement for architectural services will then be presented to City Council for approval, and

WHEREAS, this prequalified consultant list will be active for one year from the date of Council approval, at which time the City may extend the list for two additional one-year extensions at the written approval of the Department Director, and

WHEREAS, in the event the firms listed on the pre-qualified list are deemed to lack experience or expertise for specific projects, the City retains the right to recruit consultants for individual projects and not be restricted to the approved list, and

WHEREAS, a formal process will be conducted should this situation occur,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the prequalified consultant list, consisting of Architectural Plus, Inc. (API), Modesto, CA; Pires, Lipomi & Navarro Architects, Modesto, CA; and HMR Architects, Inc., Sacramento, CA for Architectural Services for various Capital Improvement Program (CIP) projects for a period of one year, with the two optional additional one-year extensions at the written approval of the Department Director.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of October, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-397

RESOLUTION APPROVING THE PREQUALIFIED LOCAL CONSULTANT LIST, CONSISTING OF KLEINFELDER, INC., CRAWFORD & ASSOCIATES, AND CTE CAL INC. FOR GEOTECHNICAL ENGINEERING SERVICES FOR VARIOUS CAPITAL IMPROVEMENT PROGRAM (CIP) PROJECTS FOR A PERIOD OF ONE YEAR, WITH THE POSSIBILITY OF TWO ADDITIONAL ONE-YEAR EXTENSIONS AT THE WRITTEN APPROVAL OF THE DEPARTMENT DIRECTOR

WHEREAS, there are a number of Capital Improvement Program (CIP) projects that may require outside consultant services for efficient project delivery, and

WHEREAS, retaining a prequalified, as-needed list of consultants allows the Utilities Department to have accelerated access to specific geotechnical engineering services, when needed, and

WHEREAS, this will eliminate the need to send out repetitive Requests for Qualifications (RFQ) for projects of similar scope and/or type, saving staff time and project costs, and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural & Engineering Services for Capital Projects, which is in compliance with State of California Government Code, Sections 4526-4529, staff solicited and formally advertised an RFQ through Planet Bids for civil design and drafting services, and

WHEREAS, staff received five (5) Statements of Qualifications (SOQs) for geotechnical engineering services, three (3) of which are considered local firms, and

WHEREAS, after careful review of the SOQs by Community & Economic Development and Utilities Department staff, the following firms, three of which are

considered local, were selected as the most qualified: 1) Kleinfelder, Inc., Modesto, CA; 2) Crawford & Associates, Inc., Modesto, CA; and 3) CTE Cal, Inc., Modesto, CA, and

WHEREAS, when geotechnical engineering services are required for CIP projects with a total budget of $2 million or less, a Request for Proposals (RFP) with a specific scope of work may be issued to these firms, and

WHEREAS, following evaluation of proposals, interviews will be conducted to select the most qualified firm, and

WHEREAS, an agreement for engineering design services will then be presented to City Council for approval, and

WHEREAS, this prequalified local consultant list will be active for one year from the date of Council approval, at which time the City may extend the list for two additional one-year extensions at the written approval of the Department Director, and

WHEREAS, in the event the firms listed on the pre-qualified list are deemed to lack experience or expertise for specific projects, the City retains the right to recruit consultants for individual projects and not be restricted to the approved list, and

WHEREAS, a formal process will be conducted should this situation occur,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the prequalified local consultant list, consisting of Kleinfelder, Inc., Modesto, CA; 2) Crawford & Associates, Inc., Modesto, CA; and 3) CTE Cal, Inc., Modesto, CA for Geotechnical Engineering Services for various Capital Improvement Program (CIP) projects for a period of one year, with the two optional additional one-year extensions at the written approval of the Department Director.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of October, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-398

RESOLUTION APPROVING AN AGREEMENT WITH AXIOM STRUCTURAL DESIGN, INC., HUGHSON, CA FOR ON-CALL STRUCTURAL ENGINEERING SERVICES FOR VARIOUS CITY PROJECTS FOR ONE YEAR, WITH TWO ONE-YEAR EXTENSION OPTIONS, AT THE SOLE DISCRETION OF THE CITY, IN AN AMOUNT NOT TO EXCEED $45,000 PER YEAR, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT, AND UP TO TWO ONE-YEAR EXTENSION OPTIONS

WHEREAS, there are a number of Capital Improvement Program (CIP) projects that may require outside consultant services for efficient project delivery, and

WHEREAS, retaining on-call professional services consultants allows the department to have quick access to specific structural engineering services, when needed, and

WHEREAS, on-call professional services consultants can provide designs for small projects using experienced staff and offer a quick turnaround, which is essential to efficient implementation of the City's CIP projects, and

WHEREAS, this will eliminate the need to send out repetitive Requests for Qualifications (RFQ) for projects of similar scope and/or type, saving staff time and project costs, and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural & Engineering Services for Capital Projects, which is in compliance with State of California Government Code, Sections 4526-4529, staff solicited and formally advertised an RFQ through Planet Bids for structural engineering services for on-call services, and

WHEREAS, staff received one (1) Statement of Qualifications (SOQ) for structural engineering services, and

WHEREAS, after careful review of the SOQ/Proposal by Community Economic and Development and Utilities Department staff, the local firm of Axiom Structural Design, Inc. was selected as the most qualified firm to provide on-call structural engineering services, and

WHEREAS, although the local firm of Axiom has not previously provided engineering services for City projects, it has provided services for the following local projects: Axiom's principal's assisted with the construction of the Modesto Toyota Dealership and the remodel of Doctor's Medical Center, and

WHEREAS, when on-call structural professional services are required on an "as needed" basis, written task orders will be issued to the consultant identifying the scope, cost, and schedule to complete specific task, and

WHEREAS, there are no fiscal impacts at this time, and

WHEREAS, to fund consultant work for project-specific task orders, funds will be budgeted and encumbered against each specific CIP project account as the project is assigned, and

WHEREAS, consultant invoices will be paid from each specific CIP project on a task order basis received and verified by Capital Improvement Services (CIS) staff, and

WHEREAS, costs for on-call structural engineering services will not exceed the allotted amount for one year for each agreement with two one-year extension options, at the sole discretion of the City, and

WHEREAS, when on-call professional services are required, staff will prepare task order(s), and

WHEREAS, the consultant will submit a written scope of services outlining the specific work, schedule, and cost estimate associated with each task order, and

WHEREAS, the consultant will not perform any services until CIS management has approved the proposed specific task order and a written Notice to Proceed is prepared and sent to the consultant, prior to commencement of services, and

WHEREAS, total cost for three years is not to exceed $135,000 for the agreement for On-Call Structural Engineering Services, and

WHEREAS, City staff recommends an On-call Structural Engineering Services Agreement with Axiom Structural Design, Inc. be approved,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Axiom Structural Design, Inc. for On-Call Structural Engineering Services for Capital Improvement Program Projects for one year, with two one-year extension options at the sole discretion of the City in an amount not to exceed $45,000 per year, in a form approved by the City Attorney. Total cost for three years is not to exceed $135,000.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute said Agreement, and approve up to two one-year extension options.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of October, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-399

RESOLUTION APPROVING AN AGREEMENT WITH NEXUS ENGINEERING, MODESTO, CA FOR ON-CALL MECHANICAL ENGINEERING SERVICES FOR VARIOUS CITY PROJECTS FOR ONE YEAR, WITH TWO ONE-YEAR EXTENSION OPTIONS, AT THE SOLE DISCRETION OF THE CITY, IN AN AMOUNT NOT TO EXCEED $45,000 PER YEAR, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT, AND UP TO TWO ONE-YEAR EXTENSION OPTIONS

WHEREAS, there are a number of Capital Improvement Program (CIP) projects that may require outside consultant services for efficient project delivery, and

WHEREAS, retaining on-call professional services consultants allows the department to have quick access to specific mechanical engineering services, when needed, and

WHEREAS, on-call professional services consultants can provide designs for small projects using experienced staff and offer a quick turnaround, which is essential to efficient implementation of the City's CIP projects, and

WHEREAS, this will eliminate the need to send out repetitive Requests for Qualifications (RFQ) for projects of similar scope and/or type, saving staff time and project costs, and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural & Engineering Services for Capital Projects, which is in compliance with State of California Government Code, Sections 4526-4529, staff solicited and formally advertised an RFQ through Planet Bids for mechanical engineering services for on-call services, and

WHEREAS, staff received one (1) Statement of Qualifications (SOQ) for mechanical engineering services, and

WHEREAS, after careful review of the SOQ/Proposal by Community Economic and Development and Utilities Department staff, the local firm of Nexus Engineering (Nexus) was selected as the most qualified firm to provide on-call mechanical engineering services, and

WHEREAS, the local firm of Nexus is deemed the most qualified to provide the requested on-call professional services and have demonstrated satisfactory services to the City on the following past projects: Nexus assisted with the design of the Tertiary Treatment Plant Operations Building and Multiple HVAC Unit Replacement, and

WHEREAS, when on-call mechanical professional services are required on an "as needed" basis, written task orders will be issued to the consultant identifying the scope, cost, and schedule to complete specific task, and

WHEREAS, there are no fiscal impacts at this time, and

WHEREAS, to fund consultant work for project-specific task orders, funds will be budgeted and encumbered against each specific CIP project account as the project is assigned, and

WHEREAS, consultant invoices will be paid from each specific CIP project on a task order basis received and verified by Capital Improvement Services (CIS) staff, and

WHEREAS, costs for on-call mechanical engineering services will not exceed the allotted amount for one year for each agreement with two one-year extension options, at the sole discretion of the City, and

WHEREAS, when on-call professional services are required, staff will prepare task order(s), and

WHEREAS, the consultant will submit a written scope of services outlining the specific work, schedule, and cost estimate associated with each task order, and

WHEREAS, the consultant will not perform any services until CIS management has approved the proposed specific task order and a written Notice to Proceed is prepared and sent to the consultant, prior to commencement of services, and

WHEREAS, total cost for three years is not to exceed $135,000 for the agreement for On-Call Mechanical Engineering Services, and

WHEREAS, City staff recommends an On-call Mechanical Engineering Services Agreement with Axiom Structural Design, Inc. be approved,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Nexus Engineering, Modesto, CA for On-call Mechanical Engineering Services for Capital Improvement Program Projects for one year, with two one-year extension options at the sole discretion of the City in an amount not to exceed $45,000 per year, in a form approved by the City Attorney. Total cost for three years is not to exceed $135,000.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute said Agreement, and approve up to two one-year extension options.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of October, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-400

RESOLUTION APPROVING AN AGREEMENT WITH KLEINFELDER, INC., MODESTO, CA FOR ON-CALL GEOTECHNICAL ENGINEERING SERVICES FOR VARIOUS CITY PROJECTS FOR ONE YEAR, WITH TWO ONE-YEAR EXTENSION OPTIONS, AT THE SOLE DISCRETION OF THE CITY, IN AN AMOUNT NOT TO EXCEED $75,000 PER YEAR, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT, AND UP TO TWO ONE-YEAR EXTENSION OPTIONS

WHEREAS, there are a number of Capital Improvement Program (CIP) projects that may require outside consultant services for efficient project delivery, and

WHEREAS, retaining on-call professional services consultants allows the department to have quick access to specific geotechnical engineering services, when needed, and

WHEREAS, on-call professional services consultants can provide designs for small projects using experienced staff and offer a quick turnaround, which is essential to efficient implementation of the City's CIP projects, and

WHEREAS, this will eliminate the need to send out repetitive Requests for Qualifications (RFQ) for projects of similar scope and/or type, saving staff time and project costs, and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural & Engineering Services for Capital Projects, which is in compliance with State of California Government Code, Sections 4526-4529, staff solicited and formally advertised an RFQ through Planet Bids for geotechnical engineering services for on-call services, and

WHEREAS, staff received five (5) Statement of Qualifications (SOQs) for geotechnical engineering services, and

WHEREAS, after careful review of the SOQs/Proposals by Community Economic and Development and Utilities Department staff, the local firm of Kleinfelder, Inc. (Kleinfelder) was selected as the most qualified firm to provide on-call geotechnical engineering services, and

WHEREAS, the local firm of Kleinfelder is deemed the most qualified to provide the requested on-call professional services and have demonstrated satisfactory services to the City on the following past projects: Kleinfelder assisted with the design of the North Tank & Pump Station, Emerald Trunk Sewer Rehabilitation & Rose Avenue/Celeste Drive Sewer Lift Station, and

WHEREAS, when on-call geotechnical professional services are required on an "as needed" basis, written task orders will be issued to the consultant identifying the scope, cost, and schedule to complete specific task, and

WHEREAS, there are no fiscal impacts at this time, and

WHEREAS, to fund consultant work for project-specific task orders, funds will be budgeted and encumbered against each specific CIP project account as the project is assigned, and

WHEREAS, consultant invoices will be paid from each specific CIP project on a task order basis received and verified by Capital Improvement Services (CIS) staff, and

WHEREAS, costs for on-call geotechnical engineering services will not exceed the allotted amount for one year for each agreement with two one-year extension options, at the sole discretion of the City, and

WHEREAS, when on-call professional services are required, staff will prepare task order(s), and

WHEREAS, the consultant will submit a written scope of services outlining the specific work, schedule, and cost estimate associated with each task order, and

WHEREAS, the consultant will not perform any services until CIS management has approved the proposed specific task order and a written Notice to Proceed is prepared and sent to the consultant, prior to commencement of services, and

WHEREAS, total cost for three years is not to exceed $225,000 for the agreement for On-Call Geotechnical Engineering Services, and

WHEREAS, City staff recommends an On-call Geotechnical Engineering Services Agreement with Axiom Structural Design, Inc. be approved,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Kleinfelder, Inc., Modesto, CA for On-call Geotechnical Engineering Services for Capital Improvement Program Projects for one year, with two one-year extension options at the sole discretion of the City in an amount not to exceed $75,000 per year, in a form approved by the City Attorney. Total cost for three years is not to exceed $225,000.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute said Agreement, and approve up to two one-year extension options.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of October, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-401

RESOLUTION APPROVING AN AGREEMENT WITH MILLER-PEZZONI & ASSOCIATES, INC., MODESTO, CA FOR ON-CALL ELECTRICAL ENGINEERING SERVICES FOR VARIOUS CITY PROJECTS FOR ONE YEAR, WITH TWO ONE-YEAR EXTENSION OPTIONS, AT THE SOLE DISCRETION OF THE CITY, IN AN AMOUNT NOT TO EXCEED $75,000 PER YEAR, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT, AND UP TO TWO ONE-YEAR EXTENSION OPTIONS

WHEREAS, there are a number of Capital Improvement Program (CIP) projects that may require outside consultant services for efficient project delivery, and

WHEREAS, retaining on-call professional services consultants allows the department to have quick access to specific electrical engineering services, when needed, and

WHEREAS, on-call professional services consultants can provide designs for small projects using experienced staff and offer a quick turnaround, which is essential to efficient implementation of the City's CIP projects, and

WHEREAS, this will eliminate the need to send out repetitive Requests for Qualifications (RFQ) for projects of similar scope and/or type, saving staff time and project costs, and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural & Engineering Services for Capital Projects, which is in compliance with State of California Government Code, Sections 4526-4529, staff solicited and formally advertised an RFQ through Planet Bids for electrical engineering services for on-call services, and

WHEREAS, staff received two (2) Statement of Qualifications (SOQs) for electrical engineering services, and

WHEREAS, after careful review of the SOQs/Proposals by Community Economic and Development and Utilities Department staff, the local firm of Miller-Pezzoni & Associates, Inc. (Miller-Pezzoni) was selected as the most qualified firm to provide on-call electrical engineering services, and

WHEREAS, the local firm of Miller-Pezzoni is deemed the most qualified to provide the requested on-call professional services and have demonstrated satisfactory services to the City on the following past projects: Miller-Pezzoni assisted with the implementation of electrical engineering services for the Rumble/Hahn Lift Station, Jennings Wastewater Cannery Segregation Project and Industrial Tank No. 13 & Pump Station, and

WHEREAS, when on-call electrical professional services are required on an "as needed" basis, written task orders will be issued to the consultant identifying the scope, cost, and schedule to complete specific task, and

WHEREAS, there are no fiscal impacts at this time, and

WHEREAS, to fund consultant work for project-specific task orders, funds will be budgeted and encumbered against each specific CIP project account as the project is assigned, and

WHEREAS, consultant invoices will be paid from each specific CIP project on a task order basis received and verified by Capital Improvement Services (CIS) staff, and

WHEREAS, costs for on-call electrical engineering services will not exceed the allotted amount for one year for each agreement with two one-year extension options, at the sole discretion of the City, and

WHEREAS, when on-call professional services are required, staff will prepare task order(s), and

WHEREAS, the consultant will submit a written scope of services outlining the specific work, schedule, and cost estimate associated with each task order, and

WHEREAS, the consultant will not perform any services until CIS management has approved the proposed specific task order and a written Notice to Proceed is prepared and sent to the consultant, prior to commencement of services, and

WHEREAS, total cost for three years is not to exceed $225,000 for the agreement for On-Call Electrical Engineering Services, and

WHEREAS, City staff recommends an On-call Electrical Engineering Services Agreement with Axiom Structural Design, Inc. be approved,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Miller-Pezzoni & Associates, Inc., Modesto, CA for On-call Electrical Engineering Services for Capital Improvement Program Projects for one year, with two one-year extension options at the sole discretion of the City in an amount not to exceed $75,000 per year, in a form approved by the City Attorney. Total cost for three years is not to exceed $225,000.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute said Agreement, and approve up to two one-year extension options.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of October, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-402

RESOLUTION APPROVING A PREQUALIFIED LOCAL CONSULTANT LIST CONSISTING OF DF ENGINEERING, INC., MODESTO, CA, NORTH STAR ENGINEERING GROUP, INC., MODESTO, CA, AND HAWKINS & ASSOCIATES ENGINEERING, INC., MODESTO, CA FOR LAND SURVEYING SERVICES FOR VARIOUS CAPITAL IMPROVEMENT PROGRAM PROJECTS FOR A PERIOD OF ONE YEAR, WITH THE POSSIBILITY OF TWO ADDITIONAL ONE-YEAR EXTENSIONS AT THE WRITTEN APPROVAL OF THE DEPARTMENT DIRECTOR

WHEREAS, there are a number of Capital Improvement Program (CIP) projects that may require outside consultant services for efficient project delivery, and

WHEREAS, retaining a prequalified, as-needed list of consultants, allows the Utilities Department to have accelerated access to specific land surveying services, when necessary, and this will eliminate the need to send out repetitive Requests for Qualifications (RFQ) for projects of similar scope and/or type, saving staff time and project costs, and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural & Engineering Services for Capital Projects, which is in compliance with State of California Government Code, Sections 4526-4529, staff solicited and formally advertised an RFQ through Planet Bids for land surveying services, and

WHEREAS, staff received eight (8) Statements of Qualifications (SOQs), six (6) of which were considered local firms, and

WHEREAS, after careful review of the SOQs, the following local firms were selected as the three most qualified: 1) DF Engineering, Inc.; 2) North Star Engineering Group; and 3) Hawkins & Associates Engineering, Inc., and

WHEREAS, when services are needed for land surveying or water, wastewater, and storm drain engineering design, a Request for Proposals (RFP) with a specific scope of work may be issued to these firms, and

WHEREAS, following an evaluation process, City staff will then select the most qualified firm, and

WHEREAS, an agreement for services will then be presented to City Council for approval, and

WHEREAS, all of the selected firms have proposed the use of various local firms as subconsultants, with participation depending on scope of project, and

WHEREAS, this prequalified consultant list will be active for three years from the date of Council approval, at which time the City may extend the list, and

WHEREAS, staff requests approval of two additional one-year extensions at the written approval of the Department Director, and

WHEREAS, in the event the firms listed on the prequalified list are deemed to lack experience or expertise for specific projects, the City retains the right to recruit consultants for individual projects and not be restricted to only using the approved list, and

WHEREAS, a formal process will be conducted should this situation occur,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the prequalified local consultant list, consisting of DF Engineering, Inc.; North Star Engineering Group; and Hawkins & Associates Engineering, Inc. for land surveying services for various Capital Improvement Program

projects for a period of one year, with the two optional additional one-year extensions at the written approval of the Department Director.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of October, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-403

Print

RESOLUTION APPROVING A PREQUALIFIED CONSULTANT LIST CONSISTING OF KENNEDY JENKS CONSULTANTS, RANCHO CORDOVA, CA, HYDROSCIENCE ENGINEERS, INC., SACRAMENTO, CA, WEST YOST ASSOCIATES, INC., PLEASANTON, CA, STANTEC CONSULTING SERVICES, ROCKLIN, CA, AND HAZEN SAWYER, SAN FRANCISCO, CA FOR WATER ENGINEERING DESIGN SERVICES FOR VARIOUS CAPITAL IMPROVEMENT PROGRAM PROJECTS FOR A PERIOD OF ONE YEAR, WITH THE POSSIBILITY OF TWO ADDITIONAL ONE-YEAR EXTENSIONS AT THE WRITTEN APPROVAL OF THE DEPARTMENT DIRECTOR

WHEREAS, there are a number of Capital Improvement Program (CIP) projects that may require outside consultant services for efficient project delivery, and

WHEREAS, retaining a prequalified, as-needed list of consultants, allows the Utilities Department to have accelerated access to specific water engineering design services, when necessary, and this will eliminate the need to send out repetitive Requests for Qualifications (RFQ) for projects of similar scope and/or type, saving staff time and project costs, and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural & Engineering Services for Capital Projects, which is in compliance with State of California Government Code, Sections 4526-4529, staff solicited and formally advertised an RFQ through Planet Bids for water engineering design services, and

WHEREAS, staff received sixteen (16) Statements of Qualifications (SOQs), three (3) of which were considered local firms, and

WHEREAS, after careful review of the SOQs, the following firms were selected as the five most qualified, none of which were local: 1) Kennedy Jenks Consultants; 2)

HydroScience Engineers, Inc.; 3) West Yost Associates, Inc.; 4) Stantec Consulting Services; and 5) Hazen Sawyer, and

WHEREAS, the prequalified engineering design consultant list would be used for CIP projects with a total budget of $2 million or more, and

WHEREAS, generally, the scope of work to be provided by engineering consultants would include preparation of preliminary design reports (PDR), final design and potentially peer review for projects such as, but not limited to, water wells, wellhead treatment, and water pump stations, and

WHEREAS, when services are needed for water engineering design, a Request for Proposals (RFP) with a specific scope of work may be issued to these firms, and

WHEREAS, following an evaluation process, City staff will then select the most qualified firm, and

WHEREAS, an agreement for services will then be presented to City Council for approval, and

WHEREAS, all of the selected firms have proposed the use of various local firms as subconsultants, with participation depending on scope of project, and

WHEREAS, this prequalified consultant list will be active for three years from the date of Council approval, at which time the City may extend the list, and

WHEREAS, staff requests approval of two additional one-year extensions at the written approval of the Department Director, and

WHEREAS, in the event the firms listed on the prequalified list are deemed to lack experience or expertise for specific projects, the City retains the right to recruit

consultants for individual projects and not be restricted to only using the approved list, and

WHEREAS, a formal process will be conducted should this situation occur,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the prequalified consultant list, consisting of Kennedy Jenks Consultants; HydroScience Engineers, Inc.; West Yost Associates, Inc.; Stantec Consulting Services; and Hazen Sawyer for water engineering design services for various Capital Improvement Program projects for a period of one year, with the two optional additional one-year extensions at the written approval of the Department Director.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of October, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-404

RESOLUTION APPROVING A PREQUALIFIED CONSULTANT LIST CONSISTING OF CAROLLO ENGINEERS, WALNUT CREEK, CA, BROWN & CALDWELL, WALNUT CREEK, CA, HAZEN SAWYER, SAN FRANCISCO, CA, HYDROSCIENCE ENGINEERS, INC., SACRAMENTO, CA, RMC, WALNUT CREEK, CA, AND WEST YOST ASSOCIATES, DAVIS, CA FOR WASTEWATER AND STORM DRAIN ENGINEERING DESIGN SERVICES FOR VARIOUS CAPITAL IMPROVEMENT PROGRAM PROJECTS FOR A PERIOD OF ONE YEAR, WITH THE POSSIBILITY OF TWO ADDITIONAL ONE-YEAR EXTENSIONS AT THE WRITTEN APPROVAL OF THE DEPARTMENT DIRECTOR

WHEREAS, there are a number of Capital Improvement Program (CIP) projects that may require outside consultant services for efficient project delivery, and

WHEREAS, retaining a prequalified, as-needed list of consultants allows the Utilities Department to have accelerated access to specific wastewater and storm drain engineering design services, when needed, and

WHEREAS, this will eliminate the need to send out repetitive Requests for Qualifications (RFQ) for projects of similar scope and/or type, saving staff time and project costs, and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural & Engineering Services for Capital Projects, which is in compliance with State of California Government Code, Sections 4526-4529, staff solicited and formally advertised an RFQ through Planet Bids for wastewater and storm drain engineering design services, and

WHEREAS, staff received fourteen (14) Statements of Qualifications (SOQs), two (2) of which were considered local firms, and

WHEREAS, after careful review of the SOQs by Utilities Department staff, the following firms were selected as the six most qualified, none of which were local: 1) Carollo Engineers; 2) Brown & Caldwell; 3) Hazen Sawyer; 4) HydroScience Engineers, Inc.; 5) RMC; and 6) West Yost Associates, Inc., and

WHEREAS, this prequalified engineering design consultant list would be used for CIP projects with a total budget of $2 million or more, and

WHEREAS, generally, the scope of work to be provided by engineering consultants would include preparation of preliminary design reports (PDR), final design and potentially peer review for projects such as, but not limited to, larger sewer trunk lines (36" in diameter or larger), wastewater pump stations and lift stations, and wastewater treatment plant improvements, and

WHEREAS, when services are needed for wastewater and storm drain engineering design, a Request for Proposals (RFP) with a specific scope of work may be issued to these firms, and

WHEREAS, following an evaluation process, City staff will then select the most qualified firm, and

WHEREAS, an agreement for services will then be presented to City Council for approval, and

WHEREAS, all of the selected firms have proposed the use of various local firms as subconsultants, with participation depending on scope of project, and

WHEREAS, this prequalified consultant list will be active for three years from the date of Council approval, at which time the City may extend the list, and

WHEREAS, staff requests approval of two additional one-year extensions at the written approval of the Department Director, and

WHEREAS, in the event the firms listed on the prequalified list are deemed to lack experience or expertise for specific projects, the City retains the right to recruit consultants for individual projects and not be restricted to only using the approved list, and

WHEREAS, a formal process will be conducted should this situation occur,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the prequalified consultant list, consisting of Carollo Engineers; Brown & Caldwell; Hazen Sawyer; HydroScience Engineers, Inc.; RMC; and West Yost Associates, Inc. for wastewater and storm drain engineering design services for various Capital Improvement Program projects for a period of one year, with the two optional additional one-year extensions at the written approval of the Department Director.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of October, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-405

Print

RESOLUTION APPROVING AMENDMENT NO. 1 TO CITY OF MODESTO PROGRAM YEAR 2016-2017 U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT DEPARTMENT (HUD) ANNUAL ACTION PLAN FOR USE OF THE COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR ELIGIBLE HOMELESS RELATED ACTIVITIES; AUTHORIZING SUBMISSION OF AN APPLICATION TO HUD PERTAINING TO AMENDMENT NO. 1 TO CITY OF MODESTO PROGRAM YEAR 2016-2017 ANNUAL ACTION PLAN; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO NEGOTIATE AND EXECUTE ANY RELATED PROGRAM AGREEMENTS, CONTRACTS OR OTHER DOCUMENTATION REQUIRED FOR IMPLEMENTATION OF AMENDMENT NO. 1

WHEREAS, the City of Modesto, as a U.S. Department of Housing and Urban Development (HUD) entitlement community, is required to develop an Annual Action Plan that describes proposed activities funded with Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), and Emergency Solutions Grant (ESG) funds, and

WHEREAS, the City's Annual Action Plan should align and support the priorities described in the City's Fiscal Year 2015-2020 Consolidated Plan, and

WHEREAS, HUD regulations require the City provide ample opportunity and means for the populations served by the grants, as well as the general citizenry, to provide input on the goals and priorities and the specific type of activities to be funded in the City's Program Year 2016-2017 Annual Action Plan, and

WHEREAS, on September 15, 2016, City staff held a community meeting, to assess local needs and priorities related to homelessness, and

WHERAS, on September 21, 2016, the City's Citizens Housing and Community Development Committee (CH&CDC) reviewed the proposed amendment, received public comment and recommended forwarding Amendment No. 1 to the City of Modesto

Program Year 2016-2017 Annual Action Plan to the City Council for consideration and approval, and

WHEREAS, the information obtained from both the community meeting and the CH&CDC meeting were used to prepare the draft Amendment No. 1 to City of Modesto Program Year 2016-2017 Annual Action Plan, and

WHEREAS, the 30-day public review period to review and comment on the draft documents opened on Friday, September 2, 2016 and closed with a public hearing at the City Council meeting on Tuesday, October 4, 2016, and

WHEREAS, any comments received during the public review period or during the October 4, 2016 City Council meeting will be incorporated into the final Amendment No. to City of Modesto Program Year 2016-2017 Annual Action Plan that is submitted to HUD, and

WHEREAS, the estimated amount of funding anticipated for this activity within the Program Year 2016-2017 is approximately $250,000, and

WHEREAS, all HUD assisted projects are required to undergo an environmental review to evaluate environmental impacts including both how the project can affect the environment and how the environment can affect the project, site and end users, and

WHEREAS, an environmental review must be performed before any funds, regardless of source, are committed to a project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby adopts the Resolution approving Amendment No. 1 to City of Modesto Program Year 2016-2017 Annual Action Plan to include the use of the Community Development Block Grant funds for eligible homeless related activities.

BE IT FURTHER RESOLVED that City staff is authorized to submit an application to HUD pertaining to Amendment No. 1 to the City of Modesto Program Year 2016-2017 Annual Action Plan as described in "Draft Program Year 2016-2017 Annual Action Plan Amendment", **attached** hereto as **Exhibit A** and incorporated by reference herein.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to negotiate and execute any related program agreements, contracts or other documentation required for implementation of Amendment No. 1 to City of Modesto Program year 2016-17 Annual Action Plan.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of October, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT A

City of Modesto
Program Year 2016-2017
Annual Action Plan Amendment

FIRST AMENDMENT
City of Modesto

2016 Annual Action Plan

Substantial Amendment

City Council October 3, 2016: The purpose of the Substantial Amendment is to define the Eligible Use – Emergency Shelter Beds and Eligible – Supportive Services - Homeless (SP-60 Homelessness Strategy – 24 CFR 91.215(d)).

. Access Center $250,000

Resources: CDBG 24CFR 570.200

National Objective: Low/Moderate Income Area (LMA)

- Acquisition (570.504)
- Public Facility Improvement (570.200(b))
- Clearance and remediation activities (570.205)

DECLARATION OF PUBLICATION
(C.C.P. S2015.5)

COUNTY OF STANISLAUS
STATE OF CALIFORNIA

I am a citizen of the United States and a resident Of the County aforesaid; I am over the age of Eighteen years, and not a party to or interested In the above entitle matter. I am a printer and Principal clerk of the publisher of THE MODESTO BEE, printed in the City of MODESTO, County of STANISLAUS, State of California, daily, for which said newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of STANISLAUS, State of California, Under the date of February 25, 1951, Action No. 46453; that the notice of which the annexed is a printed copy, has been published in each issue there of on the following dates, to wit:

Aug 21, 2016

City of Modesto
NOTICE OF PUBLIC COMMENT PERIOD

2016 Annual Action Plan

Substantial Amendment

A 30-Day Public Comment period to consider a Substantial Amendment to the Homeless Program of the Action Plan.

The purpose of the Substantial Amendment is to define the Eligible Use - Emergency Shelter Beds and Eligible - Supportive Services - Homeless (SP-60 Homelessness Strategy - 24 CFR 91.215(d)).

In accordance with the Code of Federal Regulations Citizen Participation Plan requirements, the City of Modesto will post a draft of the Substantial Amendment in order to provide opportunity for public comment. The proposed Substantial Amendment to the Annual Action Plan will be available on City's website at www.modestogov.com . Copies of the draft Substantial Amendment will be available on September 2, 2016 at the Community and Economic Development Department, Community Development Division 1010 Tenth Street Suite 3100, Modesto.

Interested parties should feel free to submit comments through October 3, 2016, in writing or via email, directly to the City of Modesto. Comments may be directed to: Tina Rocha, Community Development Manager, P O Box 642, Modesto CA 95353 or trocha@modestogov.com

Pub Dates 08/21/2016

I certify (or declare) under penalty of perjury
That the foregoing is true and correct and that
This declaration was executed at

MODESTO, California on

August 21st, 2016

(By Electronic Facsimile Signature)

CASE NO. 10262602 key 85408

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-406

RESOLUTION AMENDING THE FISCAL YEAR 2016-2017 CAPITAL IMPROVEMENT PROJECT BUDGET TO INCLUDE PROJECT 100980 FOR $250,000 IN COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS AND AUTHORIZING THE FINANCE DIRECTOR, OR HER DESIGNEE, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISION OF THIS RESOLUTION

WHEREAS, the City of Modesto receives Community Development Block Grant (CDBG), and

WHEREAS, these funds are allocated through an Annual Action Plan which is reviewed by the Citizens' Housing and Community Development Committee (CH&CDC) and approved by the City Council; and

WHEREAS, on June 14, 2016, the City Council, by Resolution No. 2016-254, adopted the City's 2016-2017 Annual Action Plan (AAP); and

WHEREAS, any changes to AAP allocations are accomplished through amendments to the AAP; and

WHEREAS, Amendment No. 1 allocated $250,000 in CDBG entitlement funds for a Homeless Access Center, and

WHEREAS, the capital costs associated with the Homeless Access Center include on-site improvements and the purchase and relocation of a modular unit.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2016-2017 Capital Improvement Project Budget to include Project 100980 for $250,000 in CDBG funds and authorizing

the Finance Director, or her designee, to take the necessary steps to implement the provision of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of October, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-407

RESOLUTION ACCEPTING THE 2016 PUBLIC HEALTH GOALS REPORT IN COMPLIANCE WITH TITLE 22 OF THE CALIFORNIA HEALTH AND SAFETY CODE

WHEREAS, the California Health and Safety Code, Title 22, Section 116470, specifies that utilities with greater than 10,000 service connections prepare a special report if water quality measurements taken during the previous three years have exceeded a Public Health Goal (PHG), and

WHEREAS, water system providers are mandated to hold a public hearing for comments regarding the PHG Report and a copy is on file in the office of the City Clerk, and

WHEREAS, State law requires the report to include numerical public health risk, category/type of health risk, Best Available Treatment (BAT), and estimated treatment cost, and

WHEREAS, only constituents that meet or exceed a PHG or Maximum Contaminant Level Goals (MCLG) if there is no PHG, are addressed, and

WHEREAS, the report was prepared using all water quality data collected between 2013 and 2015, and

WHEREAS, the drinking water quality of the City of Modesto meets all State Water Resource Control Board and U.S. Environmental Protection Agency drinking water standards, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the 2016 Public Health Goals Report in compliance with Title 22 of the California Health and Safety Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of October, 2016, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-408

RESOLUTION APPROVING THE FINAL MAP OF ROSE VILLAS TWO SUBDIVISION, AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE A SUBDIVISION AGREEMENT WITH MODESTO MABLE, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY AND AUTHORIZING THE CITY CLERK TO CERTIFY THE FINAL MAP AND RECORD IT WITH THE STANISLAUS COUNTY RECORDER'S OFFICE

WHEREAS, MODESTO MABLE, LLC, a California limited liability company ("SUBDIVIDER"), is in possession of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 9.43 acres, known as the ROSE VILLAS TWO SUBDIVISION ("SUBDIVISION"), in the Planned Development Zone, P-D 373, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on December 6, 2010, and

WHEREAS, the first phase of the tentative map, Rose Villas One, was approved by City Council on September 1, 2015, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto and the City Engineer have certified that the final map of said tract substantially conforms to the approved tentative map, and

WHEREAS, the project is currently under construction and the public improvements have not yet been completed, and

WHEREAS, as required by Section 4-4.605 of the Modesto Municipal Code, the SUBDIVIDER has executed a Subdivision Agreement with the City, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said SUBDIVISION meets all of the provisions of the California Subdivision

Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and the City Surveyor has determined that the map is technically correct, and

WHEREAS, the SUBDIVIDER has furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities are in forms acceptable to the City Attorney and in the amounts required by the City Engineer.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said Final Map be approved; that the dedications for public streets and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Manager or designee be authorized to execute the Subdivision Agreement.

BE IT FURTHER RESOLVED that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of October, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-409

Print

RESOLUTION AMENDING FISCAL YEARS 2015-2016 AND 2016-2017 ANNUAL OPERATING AND CAPITAL IMPROVEMENT BUDGETS

WHEREAS, a financial analysis has been completed and it has been determined that a budget adjustment is required to the Annual and Capital Improvement Budgets of the City of Modesto for Fiscal Years 2015-2016 and 2016-17,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Years 2015-2016 and 2016-17 Annual Operating and Capital Improvement budgets as shown in **Exhibit A**, which is **attached** hereto and incorporated by reference herein.

BE IT FURTHER RESOLVED that the Deputy City Manager, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of October, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT A

FISCAL YEAR 2015-16

PUBLIC WORKS
A budget adjustment is necessary to move $570,000 in Revenue and $380,339 in Expense from Fund 1360, a Special Revenue Fund, to Fund 4893, Carpenter Road Landfill to correctly identify these funds in an Enterprise Fund, not a Special Revenue Fund.

FISCAL YEAR 2016-17

PUBLIC WORKS
A budget adjustment is necessary to move $550,355 in Revenue and $545,006 in Expense from Fund 1360, a Special Revenue Fund, to Fund 4893, Carpenter Road Landfill to correctly identify these fund in an Enterprise Fund, not a Special Revenue Fund.

A budget adjustment is necessary to increase the budget for Project #100632 – Right Turn Lane McHenry to Briggsmore Ave to a total budget of $1,052,930. Additional funding was recently awarded by the Department of Transportation (Caltrans) from $335,000 to $858,630. A local match of $4,000 is needed and will be covered by the Streets Capital Facility Fee Fund where the project resides. A budget adjustment needs to be made to: 1) Recognize the additional revenue and increase the budget by $523,630 from Caltrans, 2) Increase the revenue budget in the Capital Facility Fees Account by $4,000 from $190,300 to $194,300, and 3) Increase the Engineering/Design/Admin expense task, reduce the Land Acquisition and Utility and EIR expense tasks, and establish the Construction, Contingency – CIP and Construction Administration expense tasks to match the total budget of $1,052,930.

UTILITIES
A budget adjustment is necessary to create and establish the budget for Project #100977 – Tank 6 Recoat & Repairs, and transfer $582,000 from Water Fund CIP Reserves to Construction Administration, City Construction Forces, Construction, Contingency-CIP and Engineering/Design/Administration expense budgets.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-410

RESOLUTION MAKING FINDINGS THAT THE CARPENTER ROAD PLANNING AREA SOCCER COMPLEX IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 2007072023)

WHEREAS, on October 14, 2008, the City Council of the City of Modesto by Resolution No. 2008-583, certified the Final Master Environmental Impact Report ("Master EIR") (SCH No. 2007072023) for the Modesto Urban Area General Plan, and

WHEREAS, City of Modesto Department of Parks, Recreation, & Neighborhoods has proposed development of a the Carpenter Road Planning Area Soccer Complex on parcels at the southern terminus of Sutter Avenue, north of the Sutter Wastewater Treatment Facility, and

WHEREAS, pursuant to Section 21157.1 of the Public Resources Code, the City of Modesto's Community & Economic Development Department prepared an Environmental Assessment Initial Study EA/PRN 2016-007 ("Initial Study") which analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the report, and

WHEREAS, in accordance with CEQA guidelines and section 21092 of the Public Resources Code, beginning on September 19, 2016, the City caused to be published a 20-day notice of the City's intent to make a finding that the subsequent project conforms with the Master EIR, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on October 11, 2016, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed Carpenter Road Planning Area Soccer Complex, a copy of which is **attached** hereto as **Exhibit "A"**, and incorporated herein by reference, and based on substantial evidence in the Initial Study makes the following findings:

1. An Initial Study was prepared by the City of Modesto that analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the report.

2. The subsequent project will have no additional significant effect on the environment, as defined in subdivision (d) of Section 21158 of the Public Resources Code, that was not identified in the Master EIR.

3. No new or additional mitigation measures or alternatives are required.

4. The subsequent project is within the scope of the project covered by the Master EIR.

5. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

6. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community & Economic Development Director is hereby authorized and directed to file

a notice of approval or determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of October, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT A

Initial Study

No. EA PRN2016-007

City of Modesto

Finding of Conformance to General Plan Master EIR:

Initial Study Environmental Checklist C&ED No. EA/PRN 2016-007

For the proposed:

Carpenter Road Planning Area Soccer Complex

Prepared by:
City of Modesto
Community & Economic Development Department
Planning Division

September 2016

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City of Modesto
Master EIR Initial Study Environmental Checklist

I. PURPOSE

CEQA allows for the limited environmental review of subsequent projects under the City's Master Environmental Impact Report ("Master EIR" or "MEIR"). This Initial Study Environmental Checklist ("Initial Study") is used in determining whether the Carpenter Road Planning Area Soccer Complex is "within the scope" of the project analyzed in the Modesto Urban Area General Plan Master EIR (SCH# 2007072023) and Tuolumne River Regional Park Master Plan Master EIR (SCH#2000022028) (Public Resources Code section 21157.1). When the Initial Study supports this conclusion, the City will issue a finding of conformance.

A subsequent project is "within the scope" of the Master EIR when:

1. it will have no additional significant effects on the environment that were not addressed as significant effects in the Master EIR; and

2. no new or additional mitigation measures or alternatives are required.

"Additional significant effects" means a project-specific effect that was not addressed as a significant effect in the Master EIR. [Public Resources Code Section 21158(d)]

The determination must be based on substantial evidence in the record. "Substantial evidence" means facts, reasonable assumptions predicated upon facts, or expert opinion based on facts. It does not include speculation or unsubstantiated opinion. (CEQA Guidelines Section 15384)

This project is an identified subsequent project of the Tuolumne River Regional Park Master Plan and the Master EIR (SCH #2000022018) for that document was utilized in the preparation of this environmental document. The Tuolumne River Regional Park Master Plan Master EIR was tiered from Modesto's General Plan EIR (SCH #2007072023), which was used in the preparation of this environmental document. Additionally information contained in the Grogan Park Mitigated Negative Declaration (SCH #2004062131), which evaluated a project very similar to the proposed project, was used in the preparation of this document.

II. PROJECT DESCRIPTION

A. Title: Carpenter Road Planning Area Soccer Complex

B. Address or Location: Parcels at the southern terminus of Sutter Avenue, north of the Sutter Wastewater Treatment Facility on the following parcels:

037.023.002, approximately 28.1 acres
037.024.040, approximately 11.8 acres
037.025.049, approximately 8.8 acres

C. Applicant: City of Modesto Department of Parks, Recreation, & Neighborhoods

D. City Contact Person: Cindy van Empel, Senior Planner

Project Manager: Nathan Houx, Acting Parks Planning and Development Manager
Department: Parks, Recreation, & Neighborhoods
Phone Number: (209) 577-5344
E-mail address: nhoux@modestogov.com

E. Current General Plan Designation(s):
In Modesto city limits--OS (Open Space)
Sphere of Influence, Modesto General Plan--MU (Mixed Use)
Sphere of Influence, County General Plan—LDR (Low Density Residential)

F. Current Zoning Classification(s):
In Modesto city limits—R-1, Low-Density Residential
Sphere of Influence, County zoning—RA, Rural Residential

G. Surrounding Land Uses:
North: Single family and multi-family residential development, church
South: Sutter Wastewater Treatment Facility
East: Sutter Wastewater Treatment Facility and Dryden Golf Course
West: Single family residential development and Tuolumne River Regional Park

H. Project Description, including the project type listed in Section II.C (Anticipated Future Projects) of the Master EIR (Attach additional maps/support materials as needed for complete record):

The proposed Carpenter Road Planning Area Park Soccer Complex ("Soccer Complex") comprises three parcels totaling approximately 42 acres, including the existing Bellenita Park. The proposed Soccer Complex lies entirely within the confines of the Tuolumne River Regional Park (TRRP) JPA authority. The location of the project is shown on **Figure 1**.

The existing soccer field at Bellenita Park would be retained and 11 fields would be added for a total of 12 soccer fields. The plan includes support amenities such as an approximately 800-space parking lot, landscaping, security lighting in the parking lot, fencing around the new soccer fields, accessible pathways around the parking lot, renovation of the existing playground and restroom at Bellenita Park, and a new restroom/concession building in the middle of the complex. **Figure 2** is the conceptual plan for this project. The complex will include a fully functional and efficient irrigation system for all the landscape areas. All storm water from the site will be collected in storm drainage swales or basins around the site and is intended to drain within a maximum of 48 hours. Finally, it is anticipated that John Street, Hayes Street and Robertson Road will be improved to full width including sidewalks, streetlights and street trees along the frontage of the project. There is no public announcement system or sports field lighting included in this project. As a result, games, tournaments, and practice will be limited to daylight hours.

Either the City of Modesto or Stanislaus Youth Soccer League (SYSL) will manage booking of games, practices, and tournaments, with some time set aside for events by the City of Modesto. Tournaments are expected to occur on approximately six (6) weekends annually, most likely between April and November.

Modesto and Stanislaus County are parties to the Tuolumne River Regional Park Joint Powers Agreement, which allows Modesto to administer the portion of the proposed soccer complex that lies outside of Modesto. Stanislaus County will retain ownership of and jurisdiction over

the two westernmost parcels (037.024.040 and 037.025.049), while Modesto will retain ownership of and jurisdiction over the easternmost parcel (037.023.002).

The proposed Soccer Complex will likely be constructed in three phases, though adjustments to this phasing may be necessary due to funding availability.

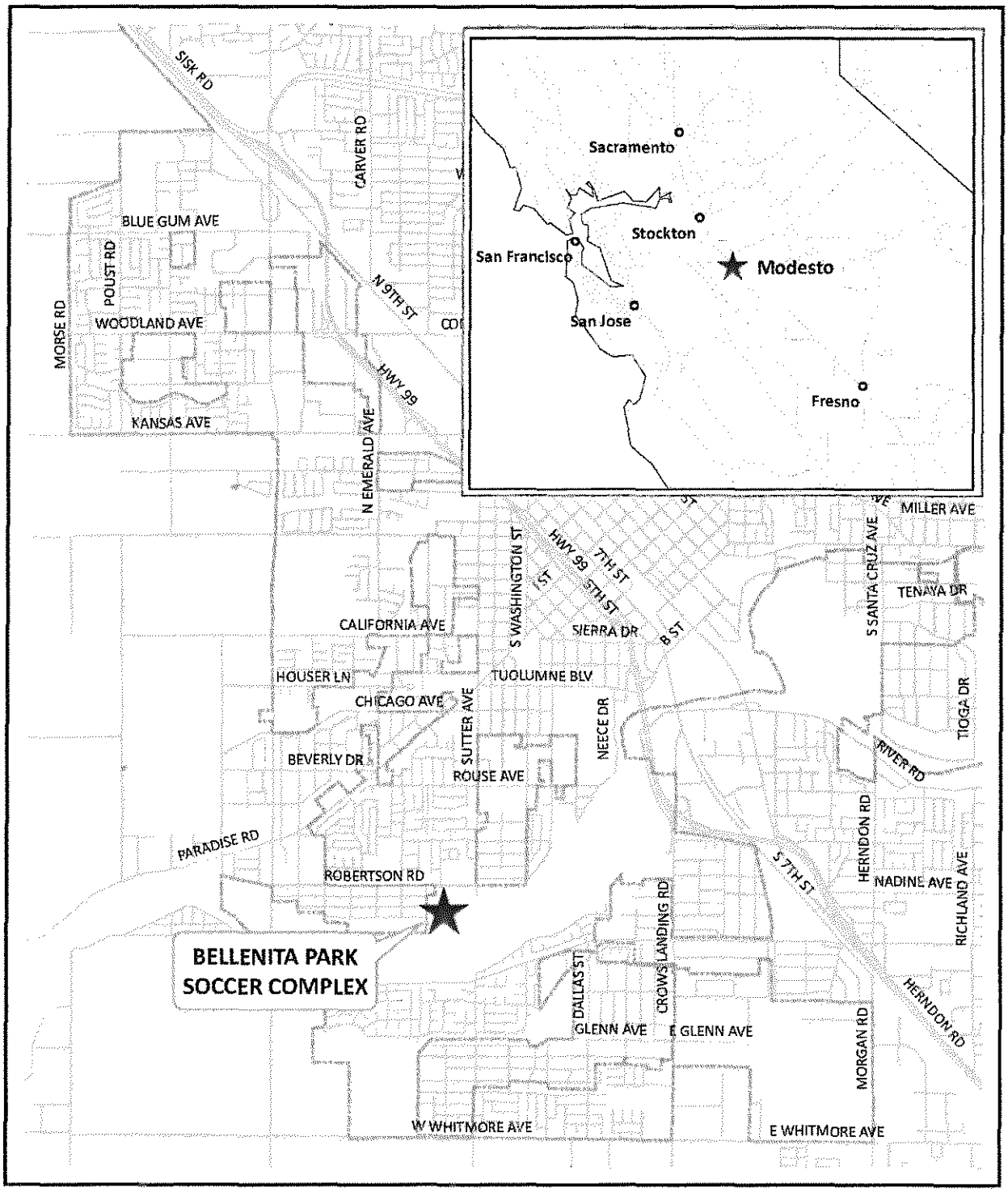
Phase I - Renovation of the existing Bellenita Park soccer field and construction of up to two additional soccer fields adjacent to Bellenita Park. This phase will likely include temporary parking with aggregate base parking lots. The storm drainage swales adjacent to the new fields will be constructed. No lighting or other amenities are anticipated in this phase.

Phase II - Construction of up to three more soccer fields and a portion of the parking lot along John Street will be fully developed including lighting (parking area only) and pavement. This phase may include full width development of John Street including improvements to the street section and sidewalks. There will likely be some site amenities, fencing and parking lot landscaping that will be installed with this phase, in addition to the necessary storm drainage swales or basins required for the area developed. This phase may include replacement of the restroom and playground at Bellenita Park.

Phase III - Construction of the remaining six soccer fields, the remaining parking areas, the concession and restroom building, additional fencing, additional storm drainage improvements, and full width development of Hayes Street and Robertson Road, including sidewalks, along the frontage of the project. The restroom is not intended to serve the number of people who would likely be present for a tournament. Similar to Grogan Park, portable toilets will be necessary for larger events.

I. Other Public Agencies Whose Approval is Required:
- Regional Water Quality Control Board
- San Joaquin Air Pollution Control District

Figure 1, Vicinity Map

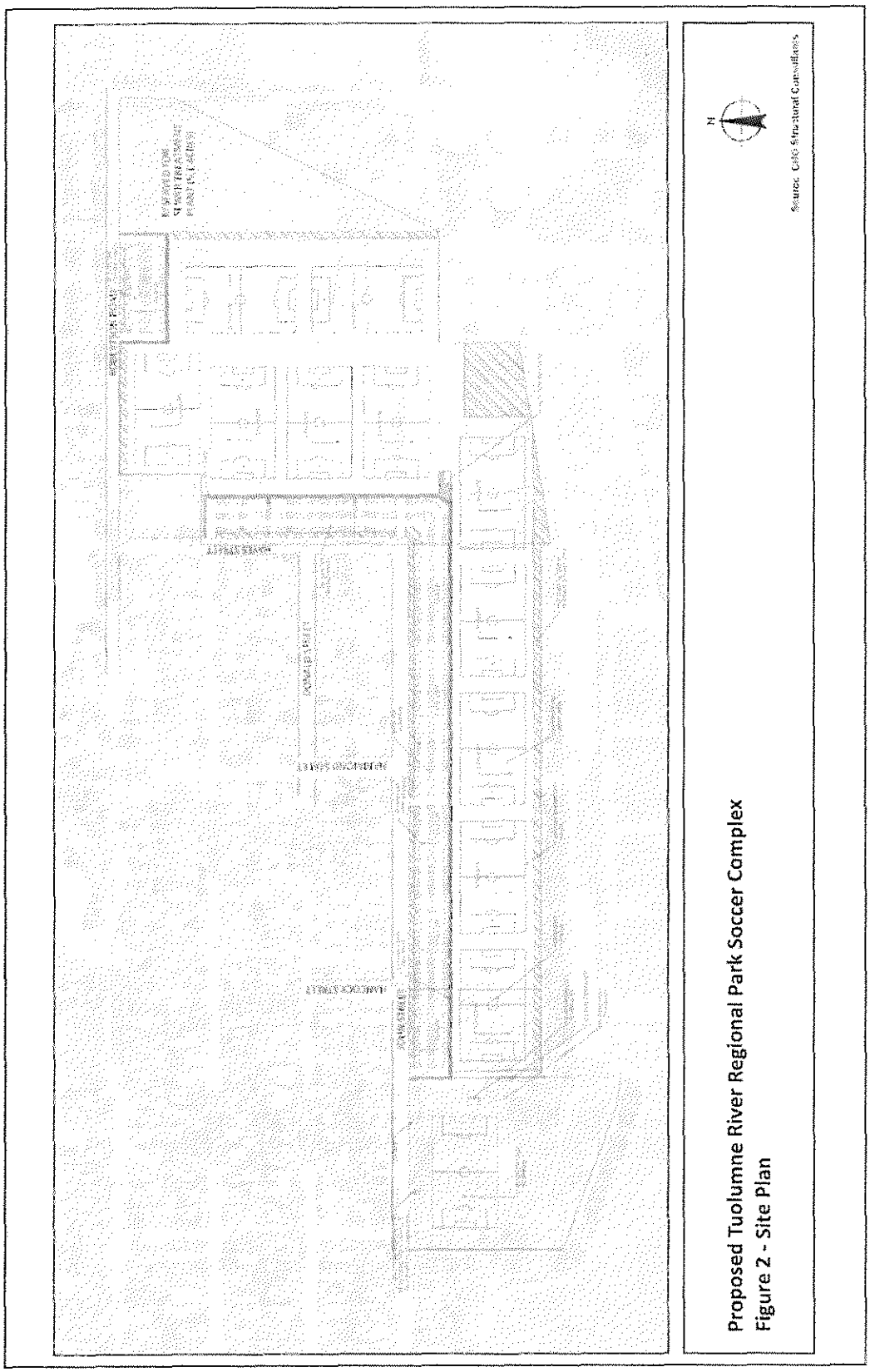


Proposed Tuolumne River Regional Park Soccer Complex
Figure 1 - Vicinity Map

0 0.25 0.5 1 Miles

Legend
City Limit

Figure 2, Site Plan



III. FINDINGS/DETERMINATION (SELECT ONE ON THE BASIS OF THE ANALYSIS IN SECTION IV)

1. _x_ Within the Scope - The project is within the scope of the Master EIR and no new environmental document or Public Resources Code Section 21081 findings are required. All of the following statements are found to be true:

A. The subsequent project will have no additional significant effect on the environment, as defined in subdivision (d) of Section 21158 of the Public Resources Code, that was not identified in the Master EIR.

B. No new or additional mitigation measures or alternatives are required.

C. The subsequent project is within the scope of the project covered by the Master EIR.

D. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

E. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

2. ____ Mitigated Negative Declaration Required - On the basis of the above determinations, the project is not within the scope of the Master EIR. A mitigated negative declaration will be prepared for the project. The following statements are all found to be true:

A. The subsequent project is within the scope of the project covered by the Master EIR.

B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

C. The project will have one or more potential new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures are being required of the project that will reduce the effects to a less-than-significant level.

D. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

3.____ Focused EIR Required- On the basis of the above determinations, the project is not within the scope of the Master EIR. A Focused EIR will be prepared for the project. All of the following statements are found to be true:

A. The subsequent project is within the scope of the project covered by the Master EIR.

B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

C. The project will have one or more new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures or alternatives are required as a result.

D. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

_____	_____	_____
Project Manager	Title	Date

4. Within the Scope Analysis of this Document:

The Master EIR allows projects to be found within the scope of the MEIR if certain criteria are met. If the following statements are found to be true for all 21 impact categories included in this Initial Study, then the proposed project is addressed by the MEIR analysis and is within the scope of the MEIR. Any "No" response must be discussed.

		YES	NO
(1)	The lead agency for subsequent projects shall be the City of Modesto or a responsible agency identified in the Master EIR.	X	☐
(2)	City policies which reduce, avoid, or mitigate environmental effects will continue to be in effect and, therefore, would be applied to subsequent projects where appropriate. The policies are described in the list of policies in place and mitigation measures attached to the Initial Study template. Project impacts would be mitigated to a less-than-significant level using MEIR mitigations only.	X	☐
(3)	Federal, State, regional, and Stanislaus County regulations do not change in a manner that is less restrictive on development than current law (i.e., would not offer the same level of protection assumed under the Master EIR).	X	☐
(4)	No specific information concerning the known or potential presence of significant resources is identified in future reports, or through formal or informal input received from responsible or trustee agencies or other qualified sources.	X	☐
(5)	The development will occur within the boundaries of the City's planning area as established in this Urban Area General Plan.	X	☐
(6)	Development within the project will comply with all appropriate mitigation measures contained and enumerated in the 2008 General Plan Master EIR.	X	☐

Discussion:

(1) The Lead Agency for this project is the City of Modesto. For the portion of the proposed soccer complex that lies outside of Modesto in an unincorporated area of Stanislaus County and within Modesto's Sphere of Influence, Modesto will administer the project.

(2) All relevant General Plan policies and Tuolumne River Regional Park Master Plan policies have been applied to the Carpenter Road Planning Area Soccer Complex project.

(3) The proposed Soccer Complex does not include changes to federal, state, or local regulations.

(4) The City of Modesto has received no information from either responsible or trustee agencies regarding the presence of resources that were not identified by the General Plan Master EIR or the Tuolumne River Regional Park Master Plan Master EIR.

(5) A portion of the project site lies outside the City of Modesto, but within the City's Sphere of Influence.

(6) All relevant mitigation measures from the General Plan Master EIR and Tuolumne River Regional Park Master Plan Master EIR have been applied to the Carpenter Road Planning Area Soccer Complex project.

5. Currency of the Master EIR Document

The MEIR should be reviewed on a regular basis to determine its currency, and whether additional analysis/mitigation should be incorporated into the MEIR via a Supplemental or Subsequent EIR (CEQA Section 21157.6). Staff has reviewed Sections 1 through 21 of this document in light of the criteria listed below to determine whether the MEIR is current. The analysis contained within the Master EIR is current as long as the following circumstances have not changed. Any "no" response must be explained.

		YES	NO
(1)	Certification of the General Plan Master EIR occurred less than five years prior to the filing of the application for this subsequent project.	☐	☒
(2)	This project is described in the Master EIR and its approval will not affect the adequacy of the Master EIR for any subsequent project because the City can make the following findings:	☒	☐
(a)	No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified.	☒	☐
(b)	No new information, which was not known and could not have been known at the time the Master EIR was certified as complete, has become available.	☒	☐
(c)	Policies remain in effect which require site-specific mitigation, and avoidance or other mitigation of impacts as a prerequisite to future development.	☒	☐

Discussion:

(1) The General Plan Master EIR was certified on October 14, 2008, so more than five years has passed since the MEIR was certified. However, the analysis contained in the MEIR is still adequate for subsequent projects, as documented in the discussion below.

(2) The project is consistent with the analysis contained in the MEIR. This is documented in the discussion of the individual issue areas of this initial study.

(2)(a) There have been no substantive changes to the General Plan since the MEIR was certified that would create additional significant environmental effects that were not analyzed by the MEIR.

(2)(b) There has been no new information come to light that would affect the adequacy of the analysis contained in the MEIR.

(2)(c) All policies contained in the MEIR that require site-specific mitigation or avoidance of impacts remain in effect and will be applied to the project as appropriate.

IV. ENVIRONMENTAL ANALYSIS

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, discloses whether the proposed project may cause any project-specific significant effect on the environment that was not examined in the Final Master EIR (Master EIR or MEIR) for the General Plan and Tuolumne River Regional Park Master Plan Master EIR (TRRP Master EIR or TRRP MEIR) and whether new or additional mitigation measures or alternatives may be required as a result. The Initial Study thereby documents whether or not the project is "within the scope" of both Master EIRs.

Pursuant to Public Resources Code Section 21157.1, no new environmental document or findings are necessary for projects that are determined to be within the scope of the MEIR. Adoption of the findings specified in Section III.1, above after completion of the Initial Study fulfills the City's obligation in that situation.

All environmental effects cited reflect 2025 conditions resulting from the Urban Area General Plan, as identified in the Master EIR.

The environmental impact analysis in the Master EIR for the Urban Area General Plan is organized in twenty-one subject areas. The following analysis is based on the impact analyses contained in Chapter V of the Master EIR. For ease of reference, the sections are numbered in the same order as the analyses in Chapter V.

1. TRAFFIC AND CIRCULATION

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable traffic and circulation impacts expected after application of mitigations/policies:

Direct Impacts

Effect: Increased automobile traffic will result in roadway segments (see MEIR on Table 1-7, pages V-1-32 to V-1-34) operating at LOS D, Modesto's significance threshold for automobile traffic, or lower (LOS E or F).

Effect: The substantial increase in traffic relative to the existing load and capacity of the street system will cause, either individually or cumulatively, the violation of automobile service standards established by StanCOG's Congestion Management Plan for designated roads and highways.

Effect: A substantial increase in automobile vehicle miles traveled and automobile vehicle hours of travel and a decrease in average automobile vehicle speed (see MEIR Table 1-6, page V-1-31).

Cumulative Impacts

Effect: Potential for growth inducement or acceleration of development resulting from highway and local road projects.

Effect: Substantial increase in traffic in relation to the existing traffic load and capacity of the street system, including a violation, either individually or cumulatively, of an automobile LOS standard established by the Congestion Management Plan for designated roads and highways.

Effect: Increased demand for capacity-enhancing alterations to existing roads or automobile traffic reduction.

Other impact categories affected by Traffic and Circulation are addressed throughout this Initial Study (see also Section 2, Degradation of Air Quality; Section 3, Generation of Noise; Section 7 Loss of Sensitive Wildlife and Plant Habitat; Section 8, Disturbance of Archaeological/Historic Sites; Section 14 Increased Demand for Fire Services; Section 18, Energy; Section 19, Visual Resources; Section 20, Land Use and Planning, and Section 21, Climate Change).

b. Master EIR and/or New Mitigation Measures Applied to the Project

Traffic and Circulation mitigation measures pertinent to this project are found on General Plan MEIR pages V-1-9 through V-1-28 and on TRRP Master Plan MEIR pages IV-A-1 through IV-A-26. All mitigation measures appropriate to the project, including any new measures, will be incorporated into or made conditions of approval of this project and are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation from either the General Plan or TRRP Master Plan Master EIRs will be applied to the project, as no impact is expected to occur greater than the impacts disclosed in the General Plan Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-1.B of the General Plan Master EIR provides analysis of Traffic and Circulation impacts of development of the General Plan and Section IV-A of the Tuolumne River Regional Park Master Plan Master EIR. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in either the General Plan Master EIR or the TRRP Master EIR.

Significance Criteria: A subsequent development project will have a new significant effect on the environment if it would exceed the following criteria:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1. TRAFFIC AND CIRCULATION				
1) The proposed project exceeds traffic generation assumptions in the Master EIR for the site by 100 trips or more and City Engineering and Transportation staff has determined that the project would have additional potentially significant project-specific effects that are not avoided or reduced by the Master EIR's mitigation measures.	☐	☐	☐	☒
2) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☒
3) The proposed project would cause additional roadway segments in the General Plan area to exceed LOS D and/or cause additional violations of standards in the Congestion Management Plan, and/or cause an increase in automobile vehicle miles or vehicle hours of travel or a decrease in automobile travel speed, as compared to the impacts disclosed in the Master EIR.	☐	☐	☐	☒
4) The proposed project would cause emergency response times to exceed acceptable standards established by the Fire Department, as compared to impacts disclosed in the Master EIR (see Section 14, Increased Demand for Fire Services).	☐	☐	☐	☒
5) The proposed project would result in less parking than required by the Municipal Code or as determined by staff.	☐	☐	☐	☒
6) The proposed project would conflict with adopted policies, plans, or programs that support alternative transportation, including, but not limited to the Regional Transportation Plan, the Sustainable Communities Strategy, the Bicycle Action Plan, and so on.	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
7) The proposed project would result in an increase in automobile vehicle miles traveled on a per capita basis, in excess of that considered in the Urban Area General Plan MEIR.	☐	☐	☐	☒

Discussion:

(1-3) The project site is designated OS (Open Space) and MU (Mixed Use) in the General Plan. The General Plan requires a Traffic Impact Analysis be prepared if a project will generate 100 more PM peak hour vehicle trips than the General Plan traffic model assumed. The General Plan model assumed 286 peak hour vehicle trips from the project site in the future. The proposed Soccer Complex is estimated to result in a maximum of 195 PM peak hour vehicle trips when the project is completed. Because the threshold has not been exceeded, no Traffic Impact Analysis will be required and no impact on peak hour vehicle trips or on Level of Service is expected greater than that evaluated in the General Plan and Tuolumne River Regional Park Master Plan. No mitigation will be applied.

(4) The heaviest traffic period for the proposed Soccer Complex is expected to occur during daylight hours on weekends, when games and possibly tournaments will be scheduled. Game times would be staggered throughout the day, dispersing traffic to and from the site throughout the day, as well. As the level of traffic associated with the proposed project is similar to that expected to occur with General Plan development, no impact on emergency response times in excess of those evaluated in the General Plan Master EIR would be expected to occur. No mitigation will be applied.

(5) When complete, the Carpenter Road Planning Area Soccer Complex would include approximately 800 parking spaces. Modesto's zoning code specifies that 10 parking spaces must be provided for every usable acre of outdoor recreation space. The project site, including existing Bellenita Park, comprises 42 acres, requiring at least 420 parking spaces. Because the proposed Soccer Complex is expected to have tournaments, a greater need for parking is expected, so approximately 800 spaces will be provided, almost twice the requirement. No impact is expected, as compared to zoning code standards and no mitigation is necessary.

(6) No element of this project conflicts with alternative transportation policies in the General Plan. To facilitate pedestrian traffic to and from the proposed Soccer Complex, Phases II and III include sidewalk and roadway improvements along the frontage of the Soccer Complex. No impact is expected and no mitigation will be applied.

(7) The proposed Soccer Complex is not expected to result in new automobile trips, but to take pressure off of existing facilities. At this time, the Stanislaus Youth Soccer League (SYSL) plays the majority of its games in Ceres, but due to the heavy use of those fields, plays its games at less popular times of the week and during less popular months of the year. Furthermore, most of SYSO's members live closer to the proposed Soccer Complex than they do to the soccer fields in Ceres, which will result in a reduction in automobile vehicle miles traveled and may also increase the number of people who walk or ride a bicycle to games. No impact is expected to occur and no mitigation will be applied.

2. DEGRADATION OF AIR QUALITY

a. Significant Effects Identified in the Master EIR

The General Plan Master EIR discloses the following residual significant and unavoidable air quality impacts expected after application of mitigations/policies:

Direct Impacts

Effect: Expected automobile traffic will result in increased operational emissions of reactive organic gases (ROG) and oxides of nitrogen (NO_X) (see MEIR Table 2-8, page V-2-27).

Effect: Expected automobile traffic will result in increased emissions of particulate matter 10 microns or less (PM_{10}) and 2.5 microns or less in diameter ($PM_{2.5}$) (see MEIR Table 2-8, page V-2-27).

Effect: Expected automobile traffic will result in increased carbon monoxide (CO) levels in the project area (see MEIR Table 2-7, page V-2-26, and Table 2-8, page V-2-27).

Cumulative Impacts

The General Plan Master EIR indicates the same impacts identified as direct impacts above will contribute to regional impacts on air quality for the criteria pollutants ROG, NO_x, PM_{10}, and $PM_{2.5}$.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Air quality mitigation measure(s) pertinent to the proposed project are found on pages V-2-13 through V-2-24 of the General Plan Master EIR and pages IV-B-1 through IV-B-15 in the Tuolumne River Regional Park Master Plan Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

General Plan Master EIR mitigation AQ-18 and TRRP Master Plan Master EIR mitigation Air-1 will be applied to the project. These will reduce construction impacts to levels addressed in those Master EIRs.

c. Project-Specific Effects

Section V-2.B of the General Plan Master EIR and Section IV-B of the TRRP Master Plan Master EIR include analysis of air quality impacts. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not analyzed in the Master EIRs.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
2. DEGRADATION OF AIR QUALITY				
1) The proposed project exceeds the project-level emissions thresholds established for CO, ROG, NO_x, PM_{10}, and $PM_{2.5}$ by the San Joaquin Valley Air Pollution Control District (SJVUAPCD) and is not consistent with the development assumptions for the project site, as established in the Urban Area General Plan and Master EIR.	☐	☐	☐	☒
2) The proposed project does not incorporate the best management practices established by the SJVAPCD for CO, ROG, NO_x, PM_{10}, and $PM_{2.5}$.	☐	☐	☐	☒
3) The proposed project does not comply with the air quality policies in the Modesto Urban Area General Plan.	☐	☐	☐	☒
4) The proposed project would expose sensitive receptors to pollutant concentrations in excess of those expected to occur as a result of implementation of the Urban Area General Plan.	☐	☐	☐	☒
5) The proposed project would create objectionable odors affecting a substantial number of people.	☐	☐	☒	☐

Discussion:

(1-3) The proposed project is less intense than assumptions in the General Plan made for this site. Recreation is expected in the Open Space designation, but the Mixed Use designation allows housing and businesses. Development associated with the Mixed Use designation would result in an overall higher level of tailpipe pollutant emissions than would the proposed Soccer Complex. Construction emissions of PM_{10}, $PM_{2.5}$, ROG, NO_x, and CO may temporarily exceed pollutant emissions thresholds, as disclosed in the General Plan Master EIR. General Plan Master EIR mitigation measure AQ-18 and TRRP Master EIR measure Air-1 will be applied to reduce construction emissions to the extent feasible. Additionally, consultation with the San Joaquin Valley Air Pollution Control District is under way and additional dust control measures may be applied. All requirements will be complied with to minimize construction impacts. No impact greater than that disclosed in the General Plan Master EIR would be expected.

(4) When they are held, weekend soccer tournaments are likely to result in the greatest number of cars traveling to and from the proposed Soccer Complex. The project site can be accessed by at least three different pathways (Carpenter-Robertson, Sutter-Robertson, and Roselawn-Garden), which will disperse traffic except at the parking entrances. Furthermore, game times will be staggered throughout the day, dispersing pollutant emissions throughout the day, as well. Considering all of these mitigating factors and comparing impacts to Grogan Park, a similar-sized soccer facility, indicates that tailpipe emissions will be similar to those expected to occur under the General Plan Master EIR development program. No additional impact is expected.

(5) While the soccer complex would not itself create objectionable odors, it will be located adjacent to the Sutter Wastewater Treatment Facility, which occasionally would expose people using the soccer complex to odors. Modesto plans to move some of the functions of the Sutter Wastewater Treatment Facility to the Jennings Road Wastewater Treatment Facility in approximately 10 years, but some potentially odor-producing functions would remain at the Sutter facility. Modesto continues to work implement means to reduce odors, which also extends the life of the wastewater treatment infrastructure.

3. GENERATION OF NOISE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable noise impacts expected after application of mitigations/policies:

Direct Impacts

Effect: Future automobile traffic noise levels and roadway construction and maintenance activities resulting from development of the Urban Area General Plan will exceed the City's noise thresholds at various locations, but particularly in areas adjacent to heavily traveled roadways (see MEIR Table 3-3, page V-3-10, and Figure VII-2 and Table 3-6, pages V-3-18 and V-3-19).

Effect: Expected noise from airport operations and airport construction projects may expose up to 468 dwellings and three churches to noise levels of 65 dB CNEL and up to eight dwellings to noise levels of 70 dB CNEL.

Effect: Expose noise-sensitive land uses to noise from the construction of bicycle and transit projects.

Effect: Expose noise-sensitive land uses to noise from freight and passenger rail operations.

Cumulative Impacts

Effect: Traffic from development in the City of Modesto would, when combined with traffic from new development in the County and other cities, contribute to a cumulative increase in roadside noise levels on major roads and highways throughout Stanislaus County.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Noise policies and mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-3-11 through V-3-15 of the General Plan Master EIR, and in the Tuolumne River Regional Park Master Plan Master EIR on pages IV-C-1 through IV-C-19. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project and any new measures are listed in Section V, Mitigation Applied to Project.

Discussion:

Mitigation measures N-1, N-2, and N-3 from the General Plan Master EIR and mitigation measure Noise-1 will be applied from the TRRP Master Plan Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-3.B of the General Plan MEIR and Section IV-C of the Tuolumne River Regional Park Master Plan MEIR disclose noise impacts resulting from development. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not analyzed in the Master EIRs.

Significance Criteria: Determination of the proposed project's effects are based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
3. GENERATION OF NOISE				
1) The proposed project will exceed the standards for noise level and hours of operation established by the Modesto noise ordinance.	☐	☐	☐	☒
2) The proposed project will not comply with the noise policies of, or otherwise be inconsistent with, the Modesto Urban Area General Plan.	☐	☐	☐	☒
3) The proposed project will result in an increase in ambient noise levels in the project vicinity above those disclosed in the Master EIR.	☐	☐	☒	☐
4) The proposed project will result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels disclosed in the Master EIR implementation of the Urban Area General Plan.	☐	☐	☒	☐

Discussion:

(1) The proposed Carpenter Road Planning Area Soccer Complex is proposed to exclude lighting and a public address system, which will limit the amount of noise created by games and tournaments and the hours during which noise is created. There will also be no bleachers, so that spectators will be dispersed along the sidelines instead of concentrated. Stanislaus Youth Soccer League, which will be the primary organization using the soccer complex, limits its games to between April and November, when daylight hours allow games to be played into the evening. Games are not expected to continue beyond 9:00 p.m. during June. In June, sunset occurs shortly after 8:30 p.m., as there will be no lighting on the fields. On weekdays, all games and practices will occur in the afternoon and evening before sunset. On weekends, games can be expected from 9:00 a.m. onward throughout daylight hours.

(2) The proposed Carpenter Road Planning Area Soccer Complex will comply with all noise policies contained in the General Plan. No impact greater than that analyzed in the General Plan is expected to occur.

(3) The existing noise level at residences along John Street, Hays Street, and Robertson Road are estimated to be 53.2 dB Leq on Robertson Road west of Roselawn Avenue and 47.5 dB Leq south of the intersection of John and Hays Streets (Table C-1, TRRP Master Plan MEIR). Predicted noise levels at the houses on John Street nearest the proposed Soccer Complex are 69 dBA (page IV-C-12, TRRP Master Plan MEIR). While this noise level would exceed Modesto's "normally acceptable" level of 60 dBA for residential development, this level of noise would occur during daylight hours and would be limited to weekends and thus would not be a constant increase in noise. Project features such as limiting play to daylight hours and not installing a public address system will limit noise impacts. The predicted noise increase would be audible (greater than 3 dB), but would not be considered significant. Mitigation measures N-1 from the General Plan Master EIR and Noise-1 from the TRRP Master Plan Master EIR will reduce noise impacts to a less-than-significant level.

(4) Construction noise would be temporary. Construction activities that create noise include grading and paving, primarily from the use of construction equipment. A detailed list of equipment that would be used was not available at the time this report was prepared, so the noise from typical equipment was used to estimate construction noise for this study.

Table 1: Construction Equipment Noise Emission Levels	
Equipment	Typical Noise Level dBA at 50 Feet
Air compressor	81
Backhoe	80
Concrete Mixer	85
Concrete Pump	82
Concrete Vibrator	76
Bulldozer	85
Excavator / shovel	82
Generator	81
Grader	85
Loader	85
Paver	89
Scraper	89
Truck	88
Source: Mary E. Grogan Park Mitigated Negative Declaration, Table 3-12, 2004, and Federal Transit Administration, 1995.	

Table 2: Estimated Construction Noise in Site Vicinity	
Distance to Receptor in Feet	Noise Level at Receptor, dBA
50	92
100	85
200	77
400	69
600	64
800	61
1,000	58
1,500	54
This estimate does not consider the effects, if any, of shielding, which may further reduce noise levels. Source: Mary E. Grogan Park Mitigated Negative Declaration, Table 3-13, 2004, and Federal Transit Administration, 1995.	

The combined information in these tables indicates that noise from construction activity may exceed existing noise levels in the immediate vicinity of the proposed Soccer Complex by more than 30 dB in a worst-case scenario, which is a significant impact. Construction noise may exceed ambient noise levels by 10 dB up to 600 feet from the site. This impact is temporary in nature and is not expected to occur at all times throughout construction activities, but rather on occasion. In Modesto, construction activities are limited to the hours of 7:00 a.m. to 9:00 p.m. Monday through Friday and 9:00 a.m. to 9:00 p.m. Saturday and Sunday.

Construction noise is an expected impact in both the General Plan Master EIR and in the TRRP Master Plan Master EIR. Construction noise associated with this project is expected to be consistent with typical construction activities evaluated in those Master EIRs. Mitigation measures to be applied to this project are N-2 and N-3 from the General Plan Master EIR. These measures will reduce impacts to a less-than significant level.

4. EFFECTS ON AGRICULTURAL LANDS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on agricultural lands expected after application of mitigations/policies:

Direct Impacts

Effect: Between 1995 and 2025, development of the Urban Area General Plan may convert up to approximately 26,000 acres of farmland in various categories in the Planned Urbanizing Area to urban uses.

Effect: Approximately 1,200 acres of urban development along a 28.5-mile boundary 350 feet wide between urban and agricultural uses could be affected by continued agricultural operations, including noise, dust, and chemical overspray or drift.

Cumulative Impacts

Effect: Growth within Modesto's planning area would contribute considerably to the loss of agricultural land within Stanislaus County, accounting for the conversion of as much as approximately 26,000 acres of farmland in various categories in the Planned Urbanizing Area from 1995 to 2025.

b. Master EIR and/or New Mitigation Measures Pertinent to the Project

Agricultural land mitigation measures pertinent to the proposed project are found on pages V-4-6 to and V-4-8 of the General Plan Master EIR. The Tuolumne River Regional Park Master Plan Master EIR did not evaluate impacts on water use because no significant impact was anticipated. All mitigation measures appropriate to the project and any new mitigation to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation from either the General Plan or TRRP Master Plan Master EIRs will be applied to the project, as no impact is expected to occur. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-4.B of the General Plan Master EIR discloses the impacts resulting from the implementation of the Urban Area General Plan on agricultural lands. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
4. EFFECTS ON AGRICULTURAL LANDS				
1) The proposed project is inconsistent with the Urban Area General Plan's policies relating to agricultural land.	☐	☐	☐	☒
2) The proposed project will either directly or indirectly result in the development of land outside the 2008 Urban Area General Plan's planning area boundary.	☐	☐	☐	☒
3) The proposed project will conflict with existing zoning for agricultural use, or there is an existing Williamson Act contract on the project site.	☐	☐	☐	☒
4) The proposed project will involve other changes in the existing environment not anticipated in the Master EIR which, due to their location or nature, could result in conversion of farmland to non-agricultural use.	☐	☐	☐	☒

Discussion:

(1-4) All of the three properties proposed for development are owned by either the City of Modesto or the County of Stanislaus and none of the three is used for agriculture. Agricultural policies in the General Plan Master EIR do not apply to this project. Developing the subject parcels into a soccer complex is an infill project that places playing fields near where many players live. Because it is in a well-established neighborhood and adds to existing Bellenita Park, it is unlikely to stimulate new development outside the General Plan planning boundary. The proposed Carpenter Road Planning Area Soccer Complex is consistent with both Modesto's and Stanislaus County's general plans and zoning. No conflict will occur and no significant impacts are expected.

5. INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on long-term water supplies expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts have been disclosed in the Master EIR.

Cumulative Impacts

Effect: Operational yields of the Modesto and Turlock subbasins, both of which underlie the City of Modesto, are unknown, although the City is participating in a study with the United States Geological Survey in order to quantify the operational yields of both subbasins. Groundwater withdrawals from both basins by the City, when combined with other users' withdrawals, may result in overdrafting both subbasins.

Effect: Despite available options, during drought years, significant water shortages are forecast for the San Joaquin River basin, which includes both the Modesto and Turlock subbasins, by 2020. Modesto would make a cumulatively considerable contribution to the cumulative impact on water supply under drought conditions.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Water supply mitigation measures pertinent to the proposed project are found on pages V-5-6 through V-5-12 of the General Plan Master EIR. The Tuolumne River Regional Park Master Plan Master EIR did not evaluate impacts on water use because no significant impact was anticipated. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures will be applied to this project, as no impacts are expected to occur. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-5.B of the General Plan Master EIR discloses impacts on long-term water supplies resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
5. INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES				
1) The proposed project is inconsistent with water supply policies in the Urban Area General Plan.	☐	☐	☐	☒
2) Water demand for the proposed project will exceed estimates for similar projects or for development on the project site anticipated in the Urban Area General Plan or sufficient water supplies are not otherwise available to serve the project from existing entitlements and resources.	☐	☐	☐	☒
3) The proposed project would deplete groundwater supplies to a greater degree than anticipated in the Urban Area General Plan or would interfere with groundwater recharge.	☐	☐	☐	☒

Discussion:

(1-3) Water use for the proposed Carpenter Road Planning Area Soccer Complex was addressed in the Notice of Preparation for the Tuolumne River Regional Park Master Plan Master EIR. This impact was dismissed as having no significant demand on long-term water supplies. Minor water line extensions to the future soccer complex to irrigate the playing fields were anticipated as part of the larger Tuolumne River Regional Park project. The new soccer fields will be planted with drought tolerant grass to reduce water needs and any landscaping with utilize native and drought tolerant plants. No impact is expected to occur that is greater than that analyzed in the General Plan Master EIR.

6. INCREASED DEMAND FOR SANITARY SEWER SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on sanitary sewer services after application of mitigations/policies:

Direct Impacts

Effect: Development resulting from implementation of the Urban Area General Plan will require substantial new sewage treatment and disposal capacity, treatment plant improvements, sewer mains and collection lines, and pump stations. The Wastewater Master Plan anticipates the need for these facilities and its EIR evaluates the impact of developing those facilities. Potential impacts described in the Wastewater Master Plan EIR include degradation of water quality through erosion and chemical releases; localized flooding; construction noise; exposure of construction workers and the public to hazardous materials; and on the habitat of the elderberry longhorn beetle, burrowing owl, and Swainson's hawk, as well as certain other regulated habitats. All of these impacts are mitigated to a less-than-significant level.

Additional impacts described in the Wastewater Master Plan EIR that are not mitigated to a less-than-significant level include loss of farmland cause by construction of the Phase IA tertiary treatment facility at the Jennings Road Secondary Treatment Facility, an increase in pollutant loads from increased wastewater flows to the San Joaquin River, and an increase in noise and criteria air pollutants due to construction activities, including traffic.

Cumulative Impacts

Effect: No additional cumulative impacts were identified in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Sewer service mitigation measures pertinent to the proposed project are found on pages V-6-3 through V-6-8 of the Master EIR. The Tuolumne River Regional Park Master Plan Master EIR did not evaluate impacts on water use because no significant impact was anticipated. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation will be applied to this project as no impact is anticipated. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-6.B of the Master EIR discloses impacts on the Increased Demand for Sanitary Sewer Service resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
6. INCREASED DEMAND FOR SANITARY SEWER SERVICES				
1) The proposed project is inconsistent with wastewater policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project will generate sewage flows greater than those anticipated in the Urban Area General Plan for the project site.	☐	☐	☐	☒
3) The proposed project will result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments.	☐	☐	☐	☒

Discussion:

(1-3) The proposed soccer complex will use the existing restroom at Bellenita Park and will construct one additional small restroom building. The sewer demand for the project will be less than what is anticipated in the Urban Area General Plan. The proposed soccer complex will use portable toilets for large events, which are not connected to the sewer system. The use of portable toilets essentially eliminates impacts on the sewer system. Waste removed from portable toilets and dumped at appropriate locations in the system would not be expected to exceed the capacity of the local sewage conveyance pipes.

7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on sensitive wildlife and plant habitat expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant impacts on sensitive wildlife and plan habitat are expected to occur with the application of the policies contained in the Urban Area General Plan.

Cumulative Impacts

Effect: Implementation of the Urban Area General Plan will contribute to the cumulative impact of habitat loss in the San Joaquin Valley. Requiring density development than has occurred in the past or that is expected in the future would minimize the City's contribution to the cumulative loss of habitat. Nonetheless, this is a significant and unavoidable impact.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Wildlife and plant habitat mitigation measures pertinent to the proposed project are found on pages V-7-17 through V-7-24 of the Master EIR and pages IV-D-1 through IV-D-34 of the Tuolumne River Regional Park Master Plan Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

The appropriate mitigation to be applied to this project includes mitigation measures SWPH-17 (items i, j, and k) from the General Plan Master EIR and Bio-4 and Bio-5 from the Tuolumne River Regional Plan Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-7.B of the General Plan Master EIR and Section IV-D of the TRRP Master EIR disclose impacts on the Loss of Sensitive Wildlife and Plant Habitat resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT				
1) The project is inconsistent with the policies pertaining to the loss of sensitive wildlife and plant habitat contained in the Urban Area General Plan.	☐	☐	☐	☒
2) Consultation with the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service determines that the project would have a significant effect on a candidate, sensitive, or special status species in excess of the impact disclosed in the Master EIR.	☐	☐	☐	☒
3) The proposed project would have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption, or other means, in excess of the impact disclosed in the Master EIR.	☐	☐	☐	☒
4) The proposed project would substantially interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.	☐	☐	☒	☐
5) Conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	☐	☐	☐	☒
6) The proposed project would conflict with provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.	☐	☐	☐	☒

Discussion:

(1) The proposed Carpenter Road Planning Area Soccer Complex will be implemented consistent with the biological resource policies contained in the General Plan and Tuolumne River Regional Park Master Plan. No impact is expected.

(2) No consultation has been deemed necessary. Both the General Plan and Tuolumne River Regional Park Master Plan have been reviewed by the California Department of Fish and Wildlife and appropriate mitigation measures for species that may be affected by development in Modesto have been included. Mitigation measures are drawn from these documents and applied to projects as needed.

(3) There are no wetlands on the project site, which is relatively flat and is regularly disked to reduce fire potential. Furthermore, the entire site lies outside of the banks of the Tuolumne River and its floodway, although it is partially within the 100-year floodplain. No impact is expected.

(4) There are no known nursery sites on the subject parcels. The movements of migratory fish in Tuolumne River will not be impeded by the development of these parcels, which will occur outside of the river and floodway. Grading activities will be limited to and balanced on the subject parcels and so will have no impact on the Tuolumne River or its floodway. However, given the site location and characteristics, it is possible the site may be used as foraging area for Swainson's hawks and may be utilized by burrowing owls. Mitigation measure SWPH-17 (items i, j, and k) from the General Plan Master EIR and measures Bio-4 and Bio-5 from the Tuolumne River Regional Park Master Plan Master EIR will be applied to the project. Implementation of these mitigation measures will reduce project impacts to a less-than-significant level.

(5-6) Modesto has no special ordinances or policies to protect biological resources and there is no habitat conservation plan or other conservation plan within the confines of Modesto or Stanislaus County.

8. DISTURBANCE OF ARCHAEOLOGICAL/HISTORICAL SITES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on archaeological/historical sites expected after application of mitigations/policies:

Direct Impacts

Effect: Modification resulting in a substantial adverse change in the significance of a historic resource or the demolition of a listed or eligible historic resource.

Effect: The modification or demolition of a structure more than 50 years in age may be significant.

Effect: Discovery of archaeological resources in areas outside of the riparian corridors, as a result of construction activities.

Effect: Construction in an area of high archaeological sensitivity.

Cumulative Impacts

Effect: No additional cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Archaeological or historic mitigation measures pertinent to the project being analyzed in this Initial Study are found on page V-8-16 through V-8-20 of the General Plan Master EIR and pages IV-E-1 through IV-E-15 of the Tuolumne River Regional Park Master Plan Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project:

Discussion:

The appropriate mitigation to be applied to this project includes: General Plan MEIR measure AH-16, TRRP MEIR measures CR-1 and CR-2. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-8.B of the General Plan MEIR and Section IV-E of the TRRP Master Plan MEIR disclose impacts on archaeological/historical resources resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not disclosed in the General Plan or Tuolumne River Regional Park Master Plan Master EIRs.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
8. DISTURBANCE OF ARCHAEOLOGICAL/ HISTORICAL SITES				
1) The proposed project is inconsistent with the archaeological/historical resource policies in the Urban Area General Plan.	☐	☐	☒	☐
2) The proposed project would demolish a building eligible for listing as a historic resource or remove a landmark from the Modesto inventory.	☐	☐	☐	☒
3) The proposed project would modify or demolish a structure more than 50 years in age.	☐	☐	☐	☒
4) The project would adversely affect a cultural resource that is either listed or eligible for listing in the California Register of Historical Resources.	☐	☐	☐	☒
5) The project site is in a riparian zone (see Figure V-7-1 in the MEIR), where archaeological resources are most likely to be discovered, or is otherwise located in an area of high archaeological sensitivity.	☐	☐	☒	☐

Discussion:

(1, 5) Due to the project site's location near the Tuolumne River, previously unknown cultural resources or human remains may be discovered. Should that occur, mitigation measures AH-16 from the General Plan Master EIR and CR-1 and CR-2 from the Tuolumne River Regional Park Master Plan Master EIR will be implemented. Implementation of these mitigation measures will reduce project impacts to a less-than-significant level.

(2-4) No significant buildings or structures will be demolished as part of this project. The easternmost two parcels are vacant and Bellenita Park has a soccer field, play equipment, and a restroom. The soccer field will be upgraded as part of Phase I. The play equipment and restroom may be upgraded as part of Phase II. These facilities are not considered historic.

9. INCREASED DEMAND FOR STORM DRAINAGE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on storm drainage expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: The population of Stanislaus County is projected to increase in a fashion similar to that of Modesto, resulting in additional urban development and associated increases in impervious surface area and associated increases in storm water runoff. Cumulative hydrologic impacts of storm water flows from Modesto urban areas and other areas of the County could occur due to the fixed capacity of MID and TID irrigation canals to convey drainage west to the San Joaquin River. If drainage channels in some areas prove insufficient to handle the increased drainage discharges, existing storm water runoff from urban and agricultural areas during large storm events would have to be interrupted until water levels receded to a point allowing the resumption of discharges to the channel. Ceasing discharges to drainage channels could cause inundation in and around the drainage conveyance pipeline systems, surface drainage channels, detention basins, and other urban areas. This cumulative impact is considered significant and unavoidable.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Storm Drainage mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-9-4 through V-9-9. This topic was excluded from the Tuolumne River Regional Park Master Plan Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project:

Discussion:

No mitigation will be applied to this project as no impact is anticipated. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-9.B of the MEIR discloses impacts on the demand for storm drainage resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
9. INCREASED DEMAND FOR STORM DRAINAGE				
1) The proposed project is inconsistent with the storm drainage policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or offsite, as compared to impacts anticipated to result from the Urban Area General Plan or create substantial unanticipated sources of polluted runoff.	☐	☐	☐	☒
3) The proposed project does not utilize Low Impact Development strategies to reduce runoff from the site and increase infiltration, resulting in no net increase in runoff before and after development.	☐	☐	☐	☒

Discussion:

(1) The proposed Carpenter Road Planning Area Soccer Complex would comply with all General Plan policies relating to storm water drainage.

(2) Parking for Phase I would be provided on a new aggregate base lot, which will allow infiltration of water into the soil. Additionally, Phase I will include the construction of storm drainage swales. Phases II and III will include parking on new asphalt lots and additional storm drainage swales to ensure that surface water is completely contained on site and allowed to infiltrate the soil directly, rather than running off and potentially resulting in downstream flooding. No increase in storm water runoff is expected to occur and no impact is expected.

(3) On-site storm water retention facilities will be designed to be consistent with Low Impact Development guidelines. No increase in storm water runoff is expected to occur and no impact is expected.

10. FLOODING AND WATER QUALITY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on flooding and water quality expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Flooding and Water Quality mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-10-6 through V-10-9 of the Master EIR and on pages IV-F-1 through IV-F-17 in the Tuolumne River Regional Park Master Plan Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project:

Discussion:

The appropriate mitigation to be applied to this project includes: Hydro-1 and Hydro-2 from the Tuolumne River Regional Park Master Plan Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-10.B of the General Plan Master EIR and Section IV-F of the TRRP Master EIR provides analysis of Flooding and Water Quality impacts of development of the General Plan and TRRP Master Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the Master EIRs.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
10. FLOODING AND WATER QUALITY				
1) The proposed project is inconsistent with the flooding and water quality policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project does not comply with the regulatory requirements of the federal Clean Water Act or the State Porter-Cologne Act.	☐	☐	☐	☒
3) The proposed project would place more housing within a 100-year flood hazard zone than assumed in the Urban Area General Plan.	☐	☐	☐	☒
4) The proposed project would place structure within a 100-year flood hazard area so that they would impede or redirect floodwater or would substantially alter the existing on-site drainage pattern or a watercourse, in such a way as to cause flooding on- or offsite.	☐	☐	☒	☐
5) The proposed project does not comply with Modesto's Guidance Manual for New Development Storm Water Quality Control Measures.	☐	☐	☒	☐
6) The proposed project would violate water quality standards or waste discharge requirements.	☐	☐	☐	☒
7) The proposed project would substantially alter the existing drainage pattern of the site or area or a watercourse in a manner that would result in substantial erosion or siltation on- or offsite in excess of the assumptions of the Urban Area General Plan.	☐	☐	☒	☐
8) The proposed project would create or contribute runoff, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff, not expected as part of Urban Area General Plan implementation.	☐	☐	☐	☒

Discussion:

(1-2) The proposed Soccer Complex will comply will all General Plan and Tuolumne River Regional Park Master Plan policies affecting flooding and water quality, as well as with the requirements of the Porter-Cologne Act and the Clean Water Act.

(3-4) Although the majority of the site lies within FEMA's 100-year floodplain, the proposed Soccer Complex is considered by the Federal Emergency Management Agency to be an appropriate use in the floodplain. Phase II may include the replacement of the existing restroom facility at Bellenita Park, which would be approximately the same size as the current building. Phase III

may include construction of a small building that will accommodate additional restroom facilities and possibly a concession stand to serve the eastern portion of the Soccer Complex. The new building would be less than 1,000 square feet, and while it would be placed within the 100-year floodplain, the building cross section that would be below water is so small relative to the flood cross section that that it would not have a substantial effect on upstream or downstream flooding. No impacts are expected beyond those disclosed in the General Plan or Tuolumne River Regional Park Master Plan Master EIRs.

(5) Both the Soccer Complex and its storm water drainage facilities would specifically be designed to comply with Modesto's guidance on storm water control features. Storm drainage features are planned at each phase of development to ensure that storm water is adequately retained and infiltrated. No impact is expected to occur. Mitigation Measure Hydro-1 from the TRRP Master EIR will be applied. This mitigation measure will reduce project impacts to a less-than-significant level.

(6-7) All grading for the Soccer Complex will be balanced on site. No graded material will be allowed to slump into the river or floodway and thus will not violate discharge requirements. Detailed drainage plans will be prepared as part of the construction documents. Following grading, grass will be planted on the site. While there will be bare soil on site until the planting is established, the risk of erosion from high river levels is low. Construction will include seeding new grass, which should be adequately established to reduce erosion. Mitigation Measure Hydro-2 from the TRRP Master EIR will be applied, which will reduce impacts to a less-than-significant level.

(8) As discussed above in Section 9, Storm Water Drainage, storm drainage facilities for the proposed Soccer Complex would be designed capture and infiltrate all storm water on site, consistent with best practices.

11. INCREASED DEMAND FOR PARKS AND OPEN SPACE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on parks and open space expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Parks and open space mitigation measures pertinent to the proposed project are found on pages V-11-3 through V-11-9 of the General Plan Master EIR. This topic was eliminated from consideration in the Tuolumne River Regional Park Master Plan Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project:

Discussion:

No mitigation from either the General Plan or TRRP Master Plan Master EIRs will be applied to the project, as no impact is expected to occur. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-11.B of the MEIR discloses impacts of the Urban Area General Plan on parks and open space. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
11. INCREASED DEMAND FOR PARKS AND OPEN SPACE				
1) The proposed project is inconsistent with the parks and open space policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would eliminate parks or open space.	☐	☐	☐	☒
3) The proposed project would cause an increase in the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility in question would occur or be accelerated or the proposed project would include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.	☐	☐	☐	☒

Discussion:

(1-3) The proposed Carpenter Road Planning Area Soccer Complex will increase active recreation space in Modesto. Implementation of the proposed Soccer Complex is consistent with both the General Plan and the Tuolumne River Regional Park Master Plan. Furthermore, the project includes rehabilitation of existing facilities at existing Bellenita Park.

12. INCREASED DEMAND FOR SCHOOLS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on school facilities expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR. By statute, the impact of new students is considered to be mitigated below a level of significance by payment of school impact fees and the exercise of any or all of the financing options set out in Government Code Section 65997.

Cumulative Impacts

Effect: Similar to direct impacts of implementation of the Urban Area General Plan, no residual significant direct impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Mitigation relies upon the implementation of the policies in place under the Modesto Urban Area General Plan. As long these policies are applied to all subsequent projects, no new mitigation is necessary. Further, payment of school impact fees and compliance with SB 50 is statutorily deemed to be full mitigation of school impacts (Government Code Section 65995).

The following schools mitigation measures on pages V-12-5 through V-12-7 of the Master EIR are pertinent to the proposed project. This topic was eliminated from consideration in the Tuolumne River Regional Park Master Plan Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures are listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation from either the General Plan or TRRP Master Plan Master EIRs will be applied to the project, as no impact is expected to occur. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-12.B of the Master EIR discloses impacts resulting from implementation of the Urban Area General Plan associated with increased demand for schools. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
12. INCREASED DEMAND FOR SCHOOLS				
1) The proposed project is inconsistent with the policies relating to schools in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project does not comply with SB 50/Proposition 1A funding provisions, or succeeding measures which state that compliance results in less-than-significant impacts on schools.	☐	☐	☐	☒

Discussion:

(1-2) Development of soccer fields will have no impact on the demand for new schools. Development projects such as Tuolumne River Regional Park are not required to contribute mitigation funding to schools, as no mitigation is necessary.

13. INCREASED DEMAND FOR POLICE SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on police services expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Police services mitigation measures pertinent to the proposed project are found on pages V-13-2 through V-13-5 of the General Plan Master EIR. This topic was eliminated from consideration in the Tuolumne River Regional Park Master Plan Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation from either the General Plan or TRRP Master Plan Master EIRs will be applied to the project, as no impact is expected to occur. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-13.B of the General Plan Master EIR discloses impacts on police services resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the General Plan Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
13. INCREASED DEMAND FOR POLICE SERVICES				
1) The proposed project is inconsistent with policies relating to police services in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would result in the need for new or significantly altered facilities not considered as part of the Urban Area General Plan or Master EIR which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives.	☐	☐	☐	☒

Discussion:

(1-2) The development of Tuolumne River Regional Park is anticipated by the General Plan. The proposed Soccer Complex is consistent with police service-policies contained in the General Plan. As are all other parks, police will be called for service at the Soccer Complex from time to time, but this is normal and is not expected to constitute an unusual level of demand. No significant impact is anticipated and no mitigation will be applied.

14. INCREASED DEMAND FOR FIRE SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on fire services expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Fire Services mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-14-4 through V-14-7 of the Master EIR. This topic was eliminated from consideration in the Tuolumne River Regional Park Master Plan Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation from either the General Plan or TRRP Master Plan Master EIRs will be applied to the project, as no impact is expected to occur. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-14.B of the General Plan Master EIR discloses impacts on fire services resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the General Plan Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
14. INCREASED DEMAND FOR FIRE SERVICES				
1) The proposed project is inconsistent with the fire service policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would result in the need for new or significantly altered facilities not considered as part of the Urban Area General Plan or Master EIR which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives.	☐	☐	☐	☒
3) The proposed project, based upon substantial evidence, would cause the erosion or elimination of fire protection services in adjoining fire protection districts.	☐	☐	☐	☒

Discussion:

(1-3) Development of the Carpenter Road Planning Area Soccer Complex is anticipated by the General Plan and is consistent with the fire protection policies contained in it. The City of Modesto has disked the easternmost parcel for many years in order to limit the fire potential on the site. As the Soccer Complex develops, the open field and the need to disk it for fire prevention will diminish and disappear. The future soccer fields will be irrigated, which will further reduce fire potential. No impact is anticipated to occur.

15. GENERATION OF SOLID WASTE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on solid waste expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Solid waste mitigation measures pertinent to the proposed project are found on pages V-15-4 through V-15-7 of the Master EIR. This topic was eliminated from consideration in the Tuolumne River Regional Park Master Plan Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.
Discussion:

No mitigation from either the General Plan or TRRP Master Plan Master EIRs will be applied to the project, as no impact is expected to occur. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-15.B of the General Plan Master EIR discloses solid waste impacts resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the General Plan Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
15. GENERATION OF SOLID WASTE				
1) The project is inconsistent with the solid waste policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The County is unable to expand its solid waste disposal capacity, as expected, causing all new development to result in cumulative impacts on the County's disposal capacity.	☐	☐	☐	☒

Discussion:

(1-2) The proposed Soccer Complex would be consistent with the General Plan solid waste policies. Most of the solid waste generated in Modesto is disposed of at the Jenner Treatment Plant if it's compostable waste or processed at the transfer station and transported to the Fink Road Waste-to-Energy facility if it is recyclable or other waste. Refuse that will be left at the Soccer Complex by players and spectators comprises a small amount of the waste currently processed and disposed of by the City of Modesto and would not be considered an impact on the City's or County's ability to dispose of solid waste.

16. GENERATION OF HAZARDOUS MATERIALS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts regarding hazardous materials expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Hazardous materials mitigation measures pertinent to the proposed project are found on pages V-16-8 through V-16-13 of the General Plan Master EIR and pages IV-G-1 through IV-G-12 of the Tuolumne River Regional Park Master Plan Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

The appropriate mitigation to be applied to this project includes HazMat-4 from the Tuolumne River Regional Park Master Plan Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-16.B of the Master EIR discloses impacts on hazardous materials resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
16. GENERATION OF HAZARDOUS MATERIALS				
1) The project is inconsistent with the hazardous materials policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.	☐	☐	☐	☒
3) The proposed project would be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would create a significant hazard to the public or the environment.	☐	☐	☐	☒
4) The proposed project would be constructed on a contaminated site not known to the State of California as of March 2008.	☐	☐	☒	☐

Discussion:

(1) All development in the Tuolumne River Regional Park will comply with General Plan and TRRP Master Plan policies relating to hazardous materials. No impact is expected to occur.

(2) Robertson Road Elementary School and Kirschen Elementary School lie within one-quarter mile of Bellenita Park and the proposed Soccer Complex. These schools are also adjacent to Robertson Road Park. Similar to parks throughout Modesto, fertilizers and pesticides may be applied to the proposed soccer fields from time to time to keep them healthy. Staff responsible for applying chemicals must be certified through the State of California's Department of Pesticide Regulation, demonstrating they are knowledgeable in the proper use of such chemicals. When used correctly, such chemicals are safe. The parks maintenance program has been practiced successfully throughout Modesto and impacts at the Soccer Complex would be expected to be similar to the impacts at parks throughout Modesto. No new impact is expected to occur.

(3-4) The State of California's Department of Toxic Substances Control has not identified the project site on its list of hazardous materials sites. There is no known potential for an impact. The three parcels that comprise the project site have been vacant or used for farming prior to acquisition by the City of Modesto and County of Stanislaus. Due to earlier activities on these parcels, the Tuolumne River Regional Park Master Plan Master EIR calls for the preparation of Phase I assessments on these two parcels prior to the approval of development to evaluate the risk of exposure to chemical residue from unknown sources. Implementation of mitigation HazMat-4 from the TRRP Master Plan Master EIR would reduce any possible impacts to a less-than-significant level.

17. GEOLOGY, SOILS, AND MINERAL RESOURCES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts related to geology, soils, and mineral resources expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Geology, soils, and mineral resource mitigation measures pertinent to the proposed project are found on pages V-17-9 and V-17-10 of the General Plan Master EIR. This topic was eliminated from consideration in the Tuolumne River Regional Park Master Plan Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of the proposed project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation from either the General Plan or TRRP Master Plan Master EIRs will be applied to the project, as no impact is expected to occur. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-17.B of the General Plan Master EIR discloses geology, soils, and mineral resource impacts resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the General Plan Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
17. GEOLOGY, SOILS, AND MINERAL RESOURCES				
1) The project is inconsistent with policies relating to geology, soils, and mineral resources contained in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would expose people or structures to potential substantial adverse effects including the risk off loss, injury, or death involving fault rupture, strong seismic activity; location on an expansive soil; result in the loss of topsoil; location on soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater; result in the loss of known mineral resources that would be of value to the region and the state; or result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.	☐	☐	☐	☒

Discussion:

(1-2) The proposed project will be developed consistent with General Plan policies relating to geology, soils, and mineral resources. This project is anticipated in the General Plan and will not affect any such resources. The Carpenter Road Planning Area Soccer Complex will be developed with a minimum of subsurface disturbance other than that necessary to lay sewer and water lines. Furthermore, as a recreational site, rather than a commercial or residential building, seismic activity that might occasionally affect the site poses little danger to people on the site. Soils in the area are known to be capable of supporting buildings and underground infrastructure. No impact is expected.

18. ENERGY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to energy expected after application of mitigations/policies:

Direct Impacts

Effect: Continued development in the Planned Urbanizing Area would have an impact on available energy supplies. Energy consumption likely would increase substantially by 2025 as a result of implementation of the Urban Area General Plan.

Cumulative Impacts

Effect: Implementation of the Urban Area General Plan will have a cumulatively considerable impact on energy consumption.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following energy mitigation measures pertinent to the proposed project are found on pages V-18-2 through V-18-8 in the General Plan Master EIR. This topic was eliminated from consideration in the Tuolumne River Regional Park Master Plan Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation from either the General Plan or TRRP Master Plan Master EIRs will be applied to the project, as no impact is expected to occur. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on energy resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the General Plan Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
18. ENERGY				
1) The proposed project is inconsistent with policies relating to energy in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would result in energy consumption during construction, operation, maintenance, or removal that is more wasteful, inefficient, and unnecessary than assumed in the Urban Area General Plan.	☐	☐	☐	☒

Discussion:

(1-2) The proposed Soccer Complex will comply with all General Plan policies relating to energy and energy use. The development of Tuolumne River Regional Park is anticipated in the General Plan, including the Carpenter Road Planning Area Soccer Complex. No circumstances have arisen that would result in energy consumption during construction, operation, or maintenance of this project that would be more energy intensive than assumed in the General Plan or in the Tuolumne River Regional Park Master Plan or in the respective Master EIRs for those planning documents. No impact is anticipated.

19. EFFECTS ON VISUAL RESOURCES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on visual resources expected after application of mitigations/policies:

Direct Impacts

Effect: New development in the Planned Urbanizing Area will occur in areas that are in agricultural production or are otherwise lightly developed, which could lead to the introduction of light and glare in areas that have little nighttime illumination.

Cumulative Impacts

Effect: No additional cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following visual resources mitigation measures pertinent to the proposed project are found on pages V-19-3 and V-19-4 in the General Plan Master EIR. This topic was eliminated from consideration in the Tuolumne River Regional Park Master Plan Master EIR. All mitigation measures appropriate to the proposed project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation from either the General Plan or TRRP Master Plan Master EIRs will be applied to the project, as no impact is expected to occur. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the General Plan Master EIR discloses impacts of implementing the Urban Area General Plan on energy resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the General Plan Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
19. EFFECTS ON VISUAL RESOURCES				
1) The proposed project is inconsistent with policies relating to visual resources in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would degrade views from riverside areas and parks to a greater degree than assumed in the Urban Area General Plan.	☐	☐	☐	☒
3) The proposed project would degrade views of riverside areas from public roadways and nearby properties to a greater degree than assumed in the Urban Area General Plan.	☐	☐	☐	☒

Discussion:

(1-3) The proposed Soccer Complex would eventually develop the easterly parcels with grass, parking areas, and minor structures. The Tuolumne River Regional Park Master Plan Master EIR does not address this subject area. However, the Notice of Preparation notes that "The natural environment in other reaches of the park has been degraded, resulting in an overall lower visual quality. These more degraded portions of the park are highly visible (i.e., the Gateway Parcel, Carpenter Road) from the Seventh Street Ninth Street and Highway 99 bridges. Extensive planting of the project area would improve its appearance." This refers, in part, to the subject site, which is adjacent to the Sutter Wastewater Treatment Facility. Development of the Tuolumne River Regional Park, including the proposed Soccer Complex, is considered to be aesthetically beneficial and would therefore result in no impact. No mitigation measures have been applied to this project.

20. LAND USE AND PLANNING

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to land use and planning expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following land use and planning mitigation measures pertinent to the proposed project are found on pages V-20-6 through V-20-17 in the General Plan Master EIR. This topic was eliminated from consideration in the Tuolumne River Regional Park Master Plan Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation from either the General Plan or TRRP Master Plan Master EIRs will be applied to the project, as no impact is expected to occur. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-20.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on land use and planning. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
20. LAND USE AND PLANNING				
1) The proposed project is inconsistent with land use and planning policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project contains elements that would physically divide an established community in a way not assumed in the Urban Area General Plan.	☐	☐	☐	☒
3) The proposed project conflicts with a land use plan, policy or regulation established for the purpose of avoiding or mitigating an environmental impact by an agency that has jurisdiction over the proposed project.	☐	☐	☐	☒
4) The proposed project conflicts with an applicable habitat conservation plan or natural community conservation plan.	☐	☐	☐	☒

Discussion:

(1-4) The General Plan land use designations on the subject site are OS (Open Space) and MU (Mixed Use). The proposed Soccer Complex is consistent with both of those designations and with General Plan policies affecting those land use designations. The location of the proposed Soccer Complex, at the edge of a developed community, will prevent its development from dividing the community. Fencing that will be constructed around the new soccer fields will not prevent people from reaching another part of the neighborhood, nor will it add distance to such a walking trip or create safety hazards that would prevent such a trip. Traffic along Robertson Road, Sutter Avenue, and Roselawn Avenue is expected to increase on game days, but is not expected to create an impediment for pedestrians. There is a paved sidewalk available along at least one side of Robertson Road and Sutter Avenue, as well as along most of Roselawn Avenue. To further improve pedestrian safety, Phase III includes full-width development of Robertson Road and Hayes Street, including sidewalks, along the project frontage. Pedestrian activity is not expected to be impacted by this project, which may encourage an increase in pedestrian traffic to and from the site, as many Stanislaus Youth Soccer League members live near the proposed Soccer Complex. There is no habitat conservation or natural community conservation plan in the area. No impact is expected.

21. CLIMATE CHANGE

a. Significant Effects Identified in the Master EIR

The General Plan Master EIR discloses the following residual significant and unavoidable impacts pertaining to climate change expected after application of mitigations/policies:

Direct Impacts

Effect: Impacts resulting from implementation of the Urban Area General Plan are not substantial enough to result in a significant direct impact on climate change, as disclosed in the Master EIR.

Cumulative Impacts

Effect: Implementation of the Urban Area General Plan will have a cumulatively considerable impact on climate change.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following climate change mitigation measures pertinent to the proposed project are found on pages V-21-7 through V-21-10 in the Master EIR. The Tuolumne River Regional Park Master Plan Master EIR predates the requirement for environmental documents to address climate change. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:

No significant impacts are anticipated, therefore no mitigation will be applied. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the General Plan Master EIR discloses impacts of implementing the Urban Area General Plan on climate change. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
21. CLIMATE CHANGE				
1) The proposed project is inconsistent with policies relating to climate change in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would result in average automobile trip lengths or CO_2 emissions higher than those assumed in the Master EIR.	☐	☐	☐	☒
3) The proposed project would conflict with the Sustainable Communities Strategy or Alternative Planning Strategy that the Air Resources Board has agreed will achieve the goals of AB 32.	☐	☐	☐	☒

Discussion:

(1) The Carpenter Road Planning Area Soccer Complex will be developed in accordance with all relevant General Plan policies relating to climate change. No impact is expected.

(2) Currently, the Stanislaus Youth Soccer League (SYSL) holds most of its games on the east side of Ceres, beyond an easy walking or bicycling range of most of its members. Locating the proposed Soccer Complex on the west side of Modesto places it nearer a larger number of SYSL members, which will reduce the length of a typical automobile trip and increase the likelihood that some people will walk or bicycle to games. Automobile vehicle miles traveled is expected to decrease and no adverse impacts are expected to occur. No mitigation will be applied.

(3) The Stanislaus Council of Governments' Sustainable Communities Strategy is based upon member agencies' general plans. The proposed Carpenter Road Planning Area Soccer Complex is included in the Tuolumne River Regional Park Master Plan and is consistent with the General Plan. No impacts are expected to occur and no mitigation will be applied.

V. MITIGATION MEASURES APPLIED TO THE PROPOSED PROJECT

If the Initial Study results in the determination that a Finding of Conformance can be adopted for the proposed project Section A below applies. If the Initial Study results in the determination that a Finding of Conformance cannot be adopted and a Mitigated Negative Declaration/EIR must be prepared for the project then Section B, below applies.

A. Master EIR Mitigation Measures Applied to the Project

Pursuant to Public Resources Code Section 21157.1(c), in order for a Finding of Conformance to be made, all appropriate mitigation measures from the Master EIR shall be incorporated into the proposed project. Urban Area General Plan Policies/Master EIR mitigation measures shall be made part of the proposed project prior to approval by means of conditions of project approval or incorporation into the appropriate document or plan.

All applicable and appropriate mitigation measures have been applied to the project (see mitigation measures listed below).

B. New or Additional Mitigation Measures or Alternatives Required

Where the project's effects would exceed the significance criteria for each environmental impact category, a mitigated negative declaration or Focused EIR must be prepared. Staff has reviewed the project against the significance criteria thresholds established in the Master EIR for all impact categories in this Initial Study.

A Mitigated Negative Declaration or Focused EIR shall be prepared for the project. The following additional project-specific mitigation measures listed below are necessary to reduce the identified new significant effect:

Traffic and Circulation:

N/A

Degradation of Air Quality:

General Plan Master EIR
Mitigation Measure AQ-18:

1. The following mitigation measures shall be implemented by the City of Modesto, and incorporated into development plans and public facility plans as appropriate:
   a. The City of Modesto shall work with the SJVAPCD to reduce particulate matter emissions from construction, grading, excavation, and demolition to the maximum extent feasible.
   b. If required by Regulation VIII (Fugitive Dust Rules) of the San Joaquin Valley Unified Air Pollution Control District, the City of Modesto shall require all access roads, driveways, and parking areas serving new commercial and industrial development to be constructed with materials that minimize particulate emissions and are appropriate to the scale and intensity of use.
2. The following measures should be strongly encouraged, and incorporated into development plans and public facility plans, when it is shown to be appropriate and feasible.

a. The City of Modesto should reduce PM_{10} emissions from City-maintained roads to the maximum extent feasible.
b. The City of Modesto should adopt a standard set of construction-related mitigation measures that can be adapted to all new, non-emergency construction projects in the City.

Tuolumne River Regional Park Master Plan Master EIR

Mitigation Measure Air-1: The following mitigation measures shall be implemented to reduce short-term, construction-generated emissions:

a) All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, or vegetative ground cover.
b) All on-site unpaved roads and off-site, unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.
c) All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.
d) When materials are transported off-site, all material shall be covered, effectively wetted to limit visible dust emissions, or at least six inches of freeboard space from the top of the container shall be maintained.
e) All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at least once every 24 hours when operations are occurring. (The use of dry rotary brushes is prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Blower devices shall not be used.)
f) Following the addition of materials to, or the removal of materials from, the surfaces of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.
g) On-site vehicle speeds on unpaved roads shall be limited to 15 mph.
h) Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from adjacent project areas with a slope greater than one percent.
i) Wheel washers shall be installed for all exiting trucks and equipment, or wheels shall be washed to remove accumulated dirt prior to leaving the site.
j) Excavation and grading activities shall be suspended when winds exceed 20 mph.
k) Areas subject to excavation and grading at any one time shall be limited to the fullest extent possible.
l) On-site equipment shall be maintained and properly tuned in accordance with manufacturers' specifications.
m) When not in use, on-site equipment shall not be left idling.

Generation of Noise:

General Plan Master EIR

N-1: The City has also established a noise ordinance to control noise within the City. The City's noise ordinance (Modesto Municipal Code Section 4-9.101) prohibits the "loud and raucous discharge into the open air of the steam of any steam equipment or exhaust from any stationary internal-combustion engine."

N-2: Additionally, the noise ordinance prohibits the loud and raucous operation or use of any of the following before 7:00 a.m. or after 9:00 p.m. daily (except Saturday and Sunday and state or federal holidays, when the prohibited time shall be before 9:00 a.m. and after 9:00 p.m.):

A hammer, or any other device or implement used to pound or strike an object.

1. An impact wrench, or other tool or equipment powered by compressed air.
2. A hand-powered saw.
3. Any tool or piece of equipment powered by an internal-combustion engine such as, but not limited to, chain saw, backpack blower, and lawn mower.
4. Any electrically powered (whether by alternating current electricity or by direct current electricity) tool or piece of equipment used for cutting, drilling, or shaping wood, plastic, metal, or other materials or objects, such as, but not limited to, a saw, drill, lathe, or router.
5. Any of the following: heavy equipment (such as but not limited to bulldozer, steam shovel, road grader, back hoe), ground drilling and boring equipment (such as but not limited to derrick or dredge), hydraulic crane and boom equipment, portable power generator or pump, pavement equipment (such

as but not limited to pneumatic hammer, pavement breaker, tamper, compacting equipment), pile-driving equipment, vibrating roller, sand blaster, gunite machine, trencher, concrete truck, and hot kettle pump.

6. Any construction, demolition, excavation, erection, alteration, or repair activity. In the case of urgent necessity and in the interest of public health and safety, the Chief Building Official may issue a permit for exemption from these. Such period shall not exceed three (3) working days in length while the emergency continues but may be renewed for successive periods of three (3) days or less while the emergency continues. The Chief Building Official may limit such permit as to time of use and/or permitted action, depending upon the nature of the emergency and the type of action requested.

N-3: The City of Modesto shall require construction activities to comply with the City's noise ordinance (Title 4, Chapter 9), and noise-reducing construction practices to be implemented as conditions of approval for development projects where substantial construction-related noise impacts would be likely to occur (e.g., where construction would include extended periods of pile driving, where construction would occur over an unusually long period, or where noise-sensitive uses like homes and schools would be in the immediate vicinity, etc.). The city should consider potential mitigation measures, including, but not limited to, the following:

Construction equipment and vehicles should be equipped with properly operating mufflers according to the manufacturers' recommendations. Air compressors and pneumatic equipment should be equipped with mufflers, and impact tools should be equipped with shrouds or shields.

Equipment that is quieter than standard equipment should be utilized.

Haul routes that affect the fewest number of people should be selected. (UAGP VII-G.3[a])

Tuolumne River Regional Park Master Plan Master EIR

Noise-1: Pursuant to Public Resources Code Section 21157(b)(3), implementation of the Regional Sports Complex is identified as a "subsequent project" in this MEIR. When a detailed implementation plan is developed for this project, additional environmental review will be required. As part of this assessment, a detailed noise analysis shall be conducted. The following shall be required as part of the final noise mitigation developed for the project:

a) Activities at the proposed sports complex shall be limited to between the hours of 7:00 a.m. and 9:00 p.m. on weekdays, and between the hours of 9:00 a.m. and 9:00 p.m. on weekends.
b) An acoustical engineer with experience in the prediction and mitigation of outdoor sound levels shall be consulted prior to design and construction of the proposed sports complex. The acoustical design documentation shall demonstrate that the proposed sports complex would not result in a noticeable increase (i.e., 3 dBA, or greater) in ambient noise levels at nearby residences.
c) If the acoustical analysis determines that regular activities at the sports complex would result in a 3 dBA or greater increase in ambient noise levels, noise control measures shall be required, such as noise barriers, requiring sound systems to be directed away from residences and other sensitive receptors, or disallowing amplified announcing. It shall be demonstrated that implementation of feasible noise control measures would reduce increases in noise levels at surrounding residences to less than 3 dBA.

Effects on Agricultural Lands:

N/A

Increased Demand for Long-Term Water Supplies:

N/A

Increased Demand for Sanitary Sewer Services:

N/A

Loss of Sensitive Wildlife and Plant Habitat:

General Plan Master EIR
Mitigation SWPH-13: Table V-7-1 presents additional environmental protections.

Table V-7-1. Policies For Sensitive Biological Habitats [Items i, j, and k are relevant to this project]

i.	The study site may contain elderberry shrubs. All projects within the study area should evaluate the project site conditions for the potential for elderberry shrubs removal. If elderberry shrubs are present, appropriate mitigation should be discussed and prior to any subsequent project approvals, early consultation with USFWS is recommended. The removal and trimming of elderberry shrubs is regulated by the U.S. Fish and Wildlife Service (USFWS).
j.	Burrowing owls are known to occur within the study area. Impacts to burrowing owls and their nest burrows must be avoided in order to comply with the Federal Migratory Bird Treaty Act (MBTA) and Department of Fish and Game (DFG) Code Sections 3503, 3503.5, and 3513. If any ground-disturbing activities occur during the burrowing owl nesting season (approximately February 1 through August 31), implementation of avoidance measures is required. DFG recommends that a preconstruction site survey be conducted no more than 30 days before the onset of any ground-disturbing activities. Further, if preconstruction surveys determine that during the nonbreeding season burrowing owls occupy the site, a passive relocation effort shall be installed. DFG's Staff Report on Burrowing Owl Mitigation (California Department of Fish and Game 1995) recommends that impacts to occupied burrows be avoided by implementation of a no-construction buffer zone of a minimum of 250 feet, unless a qualified biologist approved by DFG verifies through noninvasive methods that either: 1) the burrowing owls have not begun egg laying and incubation; or 2) that juveniles from the occupied nest are foraging independently and are capable of independent survival. Failure to implement this buffer zone could cause adult burrowing owls to abandon nests, cause eggs or young to be directly impacted (crushed), and/or result in reproductive failure. The DFG Staff report on Burrowing Owl Mitigation also recommends that a minimum of 6.4 acres of foraging habitat per pair or unpaired resident burrowing owl should be acquired and permanently protected to offset the loss of foraging and burrowing habitat.
k.	The State-threatened Swainson's hawk is known to nest within the study area. Due to loss of suitable foraging habitat and existing nesting habitat that may occur during area development, mitigation measures compensating for these potential losses of habitat should be included. DFG's Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (California Department of Fish and Game 1994) recommends that for projects that occur within 1 mile of an active nest tree, 1.5 acres of habitat be protected in perpetuity for every acre of Swainson's hawk foraging habitat affected; for projects that occur within 5 miles of a active nest tree, 0.75 acre of habitat should be protected in perpetuity for every acre of foraging habitat impacted; and for projects within 10 miles of an active nest tree, 0.5 acre of habitat should be protected in perpetuity for every acre of foraging habitat impacted. The project sponsor should provide funding of a sufficient long-term endowment for the management of the protected properties. The project area contains mature trees that could be used as nesting habitat. DFG considers the removal of known raptor nest trees, even outside of the nesting season, to be a significant impact under CEQA and, in the case of Swainson's hawk, could also result in "take" under the CESA. This is especially true in species such as Swainson's hawk, which exhibit high site fidelity to their nest and nest trees year after year (California Department of Fish and Game 1994). To avoid such impacts, surveys for nesting raptors should be conducted following the survey methodology developed by the Swainson's Hawk Technical Advisory Committee (2000) prior to any disturbance within 5 miles of a potential nest tree). Impacts to known nest trees should be avoided at all times of year. If avoidance of a known nest tree is not feasible, consultation with DFG is warranted prior to taking any action, and a determination of "take" potential under CESA or under Fish and Game Code Sections 3503.5 and 3513 will be made. Project-related "take" (as defined in Section 86 of the Fish and Game Code) of Swainson's hawk must be completely avoided or a State Incidental Take Permit, pursuant to Section 2081 of the Fish and Game Code, would be warranted.

Tuolumne River Regional Park Master Plan Master EIR
Mitigation Measure Bio-4: The following measures shall be implemented to ensure that impacts to the valley elderberry longhorn beetle are less-than significant:

a) Prior to any construction activity or grading for any Master Plan project, a qualified biologist shall conduct a survey to determine the number and location of elderberry shrubs on the project site.
b) If no elderberry shrubs are found on the project site or if all elderberry shrubs will be avoided by at least 100 feet, impacts to the valley elderberry longhorn beetle will be less-than-significant and no further mitigation is necessary.
c) If elderberry shrubs are found within the project area, the project proponent will consult with USFWS under Section 7 of ESA to determine a future course of action, including whether incidental take

authorization is needed. Through consultation and negotiations with USFWS, appropriate mitigation and avoidance measures will be determined and implemented.

Mitigation Measure Bio-5: Implementation of the following mitigation measures would ensure that impacts to nesting raptors are less-than-significant:

a) If construction is proposed during the raptor nesting season (1 February to August 31), a focused survey for raptor nests shall be conducted by a qualified biologist to identify active nests within 1/4 mile of the project area. The survey shall be conducted no less than 14 days and no more than 30 days prior to the beginning of construction and shall be within the nesting season.
b) If nesting raptors are found during the focused survey, no construction shall occur within 500 feet of an active nest until the young have fledged (as determined by a qualified biologist), without prior approval by CDFG. Construction within 500 feet may be permitted if a nest monitor is present to ensure that disturbance to the nesting raptors is minimizes to the maximum extent practicable.

Disturbance of Archaeological/Historic Sites:

General Plan Master EIR

AH-16: Any project that involves earth-disturbing activities within previously undisturbed soils in an area determined to be archaeologically or culturally sensitive by the City of Modesto through consultation with the Project Applicant and a qualified archaeologist and the Native Americans will be required to have the following mitigation measures, at a minimum:

1. If prehistoric archaeological remains are discovered during the project construction (inadvertent discoveries), all work in the area of the find shall cease, and a qualified archaeologist shall be retained by the project sponsor to investigate the find, and make recommendations as to treatment and mitigation. In the event of the discovery of a burial, human bone or suspected human bone, all excavation or grading in the vicinity of the find shall halt immediately and the area of the find shall be protected and the project applicant immediately shall notify the County Coroner of the find and comply with the provisions of Cal. Health and Safety Code Section 7050.5, including Cal. Public Resources Code Section 5097.98, if applicable. If human remains are identified, the project sponsor will also retain a Native American monitor.

2. A qualified archaeological monitor will be present and will have the authority to stop and redirect grading activities, in consultation with the Native Americans and their designated monitors, to evaluate the significance of any Native American archaeological resources discovered on the property.

3. Native American monitors from the appropriate Native American Tribes, as determined by the Native American Heritage Commission (NAHC) shall be allowed to monitor all groundbreaking activities, including all archaeological testing and data recovery excavations that are likely to affect Native American resources, as determined by a qualified archaeologist. The project proponent will be responsible for compensating Native American monitors. If human remains are discovered, the NAHC will assign a Most Likely Descendent (MLD).

4. The landowner agrees to relinquish ownership of all Native American human remains and associated burial artifacts that are found within the project area, to the appropriate Native American MLD, as assigned by the NAHC, for proper treatment and disposition. The MLD will decide whether standard archaeological analysis will be allowed on human remains and associated artifacts from burials. (UAGP Policy VII.F.2[m])

Tuolumne River Regional Park Master Plan MEIR

Mitigation Measure CR-1: Construction personnel shall be instructed about the potential for discovery of unknown cultural resources, and the need for proper and timely reporting of such findings. If previously undiscovered historic or unique archaeological resources (including but not limited to charcoal, obsidian or chert flakes, grinding bowls, shell fragments, bone, pockets of dark, friable soils, glass, metal, ceramics, wood or similar debris) are discovered, the following measures shall be implemented to ensure that impacts to these resources are less-than-significant.

a) Work shall halt within 100 feet of the discovery until a professional archaeologist certified by the Registry of Professional Archaeologists (RPA) has had an opportunity to evaluate the significance of the find and suggest appropriate mitigation(s), as determined necessary.
b) If the discovery is Native American, federally-recognized tribes in the county shall be consulted about the find to incorporate their suggestions for mitigation or protection.
c) If the discovery is historic, archival research may be necessary by a qualified historian.
d) If the project may alter the archaeological integrity and data values of the discovery, it will be evaluated for the California Register. If the resource is eligible for the California Register of Historical Resources, data recovery measures shall be implemented by a professional meeting the Secretary of Interior's Professional Qualifications Standards.

Mitigation Measure CR-2: Construction personnel shall be instructed about the potential for discovery of human remains, and the need for proper and timely reporting of such finds. In the event that such remains are encountered, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains, in accordance with State law. The Stanislaus County coroner would be contacted and appropriate measures implemented. These actions would be consistent with the State Health and Safety Code Section 7050.5, which prohibits disinterring, disturbing, or removing human remains from any location other than a dedicated cemetery.

Increased Demand for Storm Drainage:

N/A

Flooding and Water Quality:

Tuolumne River Regional Park Master Plan Master EIR
Mitigation Measure Hydro-1: The ultimate design of the Regional Sports Complex and the Nature Interpretive Center shall be developed in accordance with local ordinances governing construction within the floodplain. Special attention shall be given to flood proofing proposed structures to withstand flooding and to minimize flood damages. Final design should include a detailed drainage plan to alleviate flooding and drain standing water once floodwaters have receded. The final design plans shall be developed in accordance with standard hydrologic and hydraulic engineering practices to ensure that the proposed development does not result in any increase in flood damages within the community during the occurrence of the base flood. Implementation of this mitigation measure would reduce this impact to a less-than-significant level.

Mitigation Measure Hydro-2: Detailed grading plans shall be developed in accordance with standard hydrologic and hydraulic engineering practices to ensure that the proposed grading does not result in any increase in base flood water surface elevation. The grading design shall not significantly increase river flow velocities. Implementation of this mitigation measure would reduce this impact to a less-than-significant level.

Increased Demand for Parks and Open Space:

N/A

Increased Demand for Schools:

N/A

Increased Demand for Police Services:

N/A

Increased Demand for Fire Services:

N/A

Generation of Solid Waste:

N/A

Generation of Hazardous Materials:

Tuolumne River Regional Park Master EIR
Mitigation Measure HazMat-4: A Phase I Environmental Site Assessment (ESA) shall be conducted in accordance with American Society for Testing and Materials (ASTM) guidelines prior to the approval of development for any parcel within the TRRP Master Plan area. The Phase I ESA will include the findings of a site reconnaissance and investigation of prior uses of the property that could have resulted in contamination. If a significant likelihood of contamination is revealed by the Phase I ESA, a Phase II and/or III assessment may be required, which would involve soil and/or water quality sampling and could result in remediation requirements in accordance with State and federal regulations. Implementation of this measure will ensure that this impact is reduced to a less-than-significant level.

Geology, Soils, and Mineral Resources:

N/A

Energy:

N/A

Effects on Visual Resources:

N/A

Land Use and Planning:

N/A

Climate Change:

N/A

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-411

RESOLUTION AUTHORIZING THE SUBMITTAL OF AN APPLICATION FOR GRANT FUNDS FROM THE YOUTH SOCCER AND RECREATION DEVELOPMENT PROGRAM IN AN AMOUNT OF $1,000,000 TO FUND DEVELOPMENT AND CONSTRUCTION OF A PORTION OF THE CARPENTER ROAD PLANNING AREA SOCCER COMPLEX AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL DOCUMENTS RELATING TO THE GRANT

WHEREAS, the State Department of Parks and Recreation has been delegated the responsibility by the Legislature of the State of California for the administration of the Youth Soccer and Recreation Development Program, setting up necessary procedures governing the application for various grants, and

WHEREAS, said procedures established by the State Department of Parks and Recreation require the Applicant to certify by resolution the approval of application before submission of said application to the State, and

WHEREAS, successful Applicants will enter into a contract with the State of California to complete the Grant Scope project.

NOW, THEREFORE, BE IT RESOLVED that the City of Modesto hereby authorizes the filing of an application for the Carpenter Road Planning Area Soccer Complex.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute all necessary documents related to the grant.

RESCINDED

FEB 28 2017

THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2017-82

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of October, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

Ayes:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
Noes:	Councilmembers:	None
Absent:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-412

RESOLUTION ACCEPTING AN EQUIPMENT LEASE TO PURCHASE AGREEMENT WITH ENVIROGEN TECHNOLOGIES, INC., FOR WELL #274 AND WELL #295 WITHIN THE GRAYSON COMMUNITY WATER SYSTEM, IN AN AMOUNT NOT TO EXCEED A TOTAL OF $180,000 FOR THREE (3) YEARS, WITH OPTION TO PURCHASE AT THE SOLE DISCRETION OF THE CITY; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto provides water services utilizing Well #274 and Well #295 within the Grayson Community Water System and the wells have high nitrate levels, and

WHEREAS, per Modesto Municipal Code, Section 8-3.204(c) an exception to the formal bidding requirements for the equipment as the City has been operating this treatment equipment for over 12 years, and

WHEREAS, Basin Water, Inc., was awarded a contract to reduce nitrate levels by using an ion exchange treatment process, and

WHEREAS, Basin Water, Inc. was purchased by Envirogen Technologies, Inc. (Envirogen) and the City has been on a month-to-month lease with them for the last twelve (12) years, and

WHEREAS, staff requests authorization for an Equipment Lease to Purchase Agreement effective November 1, 2016 through October 31, 2019, and

WHEREAS the City of Modesto will pay Envirogen $5,000 per month for the rental of the equipment, for a total amount not to exceed $180,000 over the three (3) year term of the agreement, and

WHEREAS, at the end of the term, Envirogen agrees to sell the equipment to Modesto for $180,000, less all lease payments under this Agreement, at which time the

title to the equipment will be transferred immediately from Envirogen to the City of Modesto and Envirogen will no longer have any ownership interest in the equipment.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that it hereby accepts an Equipment Lease to Purchase Agreement with Envirogen Technologies, Inc., for Well #274 and Well #295 within the Grayson Community Water System, in a total amount not to exceed $180,000 for three (3) years, with option to purchase at the sole discretion of the City.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of October, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-413

RESOLUTION APPROVING A PURCHASE AND SALE AGREEMENT WITH EL CAFETAL, LLC, FOR ACQUISITION OF A 23,226 SQUARE FEET (0.53 ACRES) FOR A PERMANENT WATER LINE EASEMENT AND 92,902 SQUARE FEET (2.13 ACRES) PORTION FOR A TEMPORARY CONSTRUCTION EASEMENT, LOCATED AT 2601 LEMON AVENUE IN PATTERSON, (APN 047-011-012 & 047-012-003), IN THE AMOUNT OF $4,400 FOR THE NORTH VALLEY REGIONAL RECYCLED WATER PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ALL RELATED DOCUMENTS REQUIRED TO CLOSE ESCROW

WHEREAS, the City of Modesto is a participant in the North Valley Regional Recycled Water Project, and

WHEREAS the project improvements require acquisition of easements from property owners, and

WHEREAS, the easements in this acquisition will provide a permanent easement and a temporary construction easement for the project in order to install a buried pipeline, and

WHEREAS, City staff is recommending acquisition of easement interests, and

WHEREAS, an agreement is needed for the acquisition of the easements and City staff recommends approving the Purchase and Sale Agreement for acquisition of the property.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Purchase and Sale Agreement with El Cafetal, LLC, for the acquisition of a permanent water line easement, consisting of a 23,226 square foot area (0.53 acres), and a temporary construction easement, consisting of a 92,902 square foot area (2.13 acres) located at 2601 Lemon Avenue in Patterson (APN 047-011-012 & 047-

012-003), in the amount of $4,400 for the North Valley Regional Recycled Water Project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement, and all related documents required to close escrow.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of October, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-414

RESOLUTION APPROVING THE GRANT DEED FROM EL CAFETAL, LLC AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE CERTIFICATE OF ACCEPTANCE FOR THE GRANT DEED FOR THE PERMANENT WATER LINE EASEMENT, CONSISTING OF 23,226 SQUARE FEET (0.53 ACRES) AND TEMPORARY CONSTRUCTION EASEMENT, CONSISTING OF 92,902 SQUARE FEET (2.13 ACRES), LOCATED AT 2601 LEMON AVENUE, IN PATTERSON, (APN 047-011-012 & 047-012-003), FOR THE NORTH VALLEY REGIONAL RECYCLED WATER PROJECT

WHEREAS, the City of Modesto is a participant in the North Valley Regional Recycled Water Project, and

WHEREAS, the project improvements require acquisition of permanent easements from property owners in order to install buried pipelines,

WHEREAS, a grant deed for an easement is required from property owners to allow the City of Modesto to install and maintain the pipelines, and

WHEREAS, the Grant Deed requires signatures of the property owner and of the City of Modesto, and

WHEREAS, City staff is recommending the City execute and accept the Grant Deed, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Grant Deed with El Cafetal, LLC for the acquisition of a 23,226 square foot area (0.53 acres) for a permanent water line easement, located at 2601 Lemon Avenue (APN 047-011-012 & 047-012-003), for the North Valley Regional Recycled Water Project.

BE IT FURTHER RESOLVED that the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to sign the Certificate of Acceptance for the Grant Deed for the acquisition of a Permanent Water Line Easement located at

2601 Lemon Avenue, in Patterson, (APN 047-011-012 & 047-012-003) to be conveyed to the City of Modesto.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute and accept the Grant Deed, and all related documents required to close escrow.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of October, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-415

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE MARK RANDY & TORRID/DIABLO LIFT STATION IMPROVEMENTS PROJECT, ACCEPTING THE BID, AND APPROVING A CONTRACT WITH MOUNTAIN CASCADE INC., OF LIVERMORE, CA IN THE AMOUNT OF $1,944,030, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, specifications have been prepared for the Mark Randy & Torrid/Diablo Lift Station Improvements Project, and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Mark Randy & Torrid/Diablo Lift Station Improvements Project were opened at 11:00 a.m. on September 13, 2016 for the consideration of the Council, and

WHEREAS, the Director of Utilities has recommended that the bid of $1,507,000 received from Mountain Cascade Inc., be accepted as the lowest responsible and responsive bid and the contract be awarded to Mountain Cascade Inc.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the specifications for Mark Randy & Torrid/Diablo Lift Station Improvements Project, accepts the bid of $1,588,225 and awards Con-Quest Ebert, San Francisco, CA, the contract for the Mark Randy & Torrid/Diablo Lift Station Improvements Project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of October, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-416

RESOLUTION AUTHORIZING AN INCREASE IN THE DIRECTOR'S AUTHORITY TO ISSUE CHANGE ORDERS FOR THE MARK RANDY & TORRID/DIABLO LIFT STATION IMPROVEMENTS PROJECTS FROM 10% ($150,700) TO 15% ($226,050) OF THE CONSTRUCTION CONTRACT PRICE OF $1,944,030 WITH MOUNTAIN CASCADE, INC., OF LIVERMORE, CA

WHEREAS, on October 11, 2016, the City Council is concurrently awarding a $1,944,030 contract to Mountain Cascade Inc., of Livermore, CA for the construction of the Mark Randy and Torrid/Diablo Lift Station Improvements Projects, and

WHEREAS, the wet well of the existing Mark Randy lift station is located in driving lane on Mark Randy street and the access to it presents safety issues for City Utilities Maintenance staff, and

WHEREAS, the Mark Randy Lift Station will be relocated down on Mark Randy Street to the east of McHenry Avenue under the sidewalk, and

WHEREAS, the Torrid Diablo Lift Station is located at the intersection of Torrid Avenue and Diablo Avenue, and

WHEREAS, lift station construction is difficult due to the multiple components involved in the project: mechanical, electrical, and instrumentation, and

WHEREAS, in addition, the installation, testing and fine tuning of these components are challenging, and

WHEREAS, the additional costs could exceed the Director's authority for the project as established by the Council's Change Order Approval Policy adopted by Resolution No. 94-443, and

WHEREAS, the Director of Utilities currently has authority to approve change orders up to a cumulative amount of $150,700,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Director of Utilities to issue change orders for the Mark Randy and Torrid/Diablo Lift Station Improvements Projects from 10 percent ($150,700) to 15 percent ($226,050) of the construction contract price of $1,944,030 with Mountain Cascade, Inc., of Livermore, CA.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of October, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-417

RESOLUTION AMENDING THE FISCAL YEAR 2016-2017 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $314,000 FOR PROJECT ACCOUNT 100843, AND $135,000 FOR PROJECT ACCOUNT 100848 TO BE TRANSFERRED INTO THE PROJECTS FROM WASTEWATER FUND RESERVES TO FULLY FUND THE CONSTRUCTION, CONTINGENCY, CONSTRUCTION ADMINISTRATION, AND DESIGN SUPPORT DURING CONSTRUCTION FOR MARK RANDY & TORRID/DIABLO LIFT STATION IMPROVEMENTS PROJECTS

WHEREAS, certain budgetary transactions are necessary in the amount of $314,000 for Project Account 100843, and $135,000 for Project Account 100848, in order to fund construction, contingency, construction administration, and design support during construction, including engineering, design, administration support by City staff, for the Mark Randy & Torrid/Diablo Lift Stations Improvements Projects, and

WHEREAS, the Fiscal Year 2016-2017 Capital Improvement Program Budget must be amended as shown in **Exhibit A**, which is incorporated by reference herein,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2016-2017 Capital Improvement Program Budget as shown in **Exhibit A**.

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of October, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Exhibit A

Due to construction costs being higher than initially budgeted for the projects, line item increases/decreases are necessary in the amount of $314,000 for Project Account 100843 "Mark Randy Lift Station", and $135,000 for Project Account 100848 "Torrid/Diablo Lift Station", and the project's costs need to be increased by a combined total of $449,000.

This would be done by adjusting Construction by $236,542, Construction Administration by $41,524, Contingency-CIP by $67,854, and Engineering/Design/Administration by <$31,920> in CIP Account 100843.

This would also be done by adjusting Construction by $103,420, Construction Administration by $22,992, Contingency-CIP by $41,492, and Engineering/Design/Administration by <$32,904> in CIP Account 100848.

To fund the above accounts, $449,000 will be transferred from Wastewater Fund Reserves in the amount of $314,000 for Project Account 100843 "Mark Randy Lift Station", and $135,000 for Project Account 100848 "Torrid/Diablo Lift Station".

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-418

RESOLUTION ADOPTING THE 2015-2018 STRATEGIC PLAN

WHEREAS, the City's 2015-2018 Strategic Plan was adopted on March 24, 2015, and

WHEREAS, the 2015-2018 Strategic Plan is the foundation for how the City allocates its resources, how it prioritizes its initiatives to best serve the citizens of Modesto, and how it responds to future challenges, and

WHEREAS, on March 22, 2016, Resolution No. 2016-127 was approved forming the Mayor's 100 Days Committee, and

WHEREAS, the Committee was made up of the Mayor, two Council Members and 10 citizens, including men and women with experience in business, finance and advocacy for taxpayers, and

WHEREAS, on July 5, 2016, recommendations from the 100 Days Committee were presented to Council and staff was directed to prepare a plan to implement the recommendations within 90 days, and

WHEREAS, action plans were prepared for each recommendation. The Effective Government Committee and the Great Safe Neighborhoods Committee reviewed applicable action plans. In addition, all action plans were reviewed and discussed at a Council workshop on October 4, 2016, and

WHEREAS, staff has prepared an updated 2015-2018 Strategic Plan for Council consideration incorporating the100 Day Committee action plans, and

WHEREAS, staff will use the updated Strategic Plan to revise performance measures and metrics to track the City's progress on each Strategic Initiative.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby adopts the 2015-2018 Updated Strategic Plan.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of October, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-419

RESOLUTION ACCEPTING THE RESIGNATION OF SUE RICHARDSON FROM THE CITY OF MODESTO CULTURE COMMISSION

WHEREAS, Sue Richardson was appointed to serve as a member of the Culture Commission on December 15, 2015, and

WHEREAS, Sue Richardson has tendered her resignations from the Culture Commission, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto accepts, with regret, the resignation of Sue Richardson from the City of Modesto Culture Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of October, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-420

RESOLUTION APPOINTING KARLHA DAVIES, ROSIE ARCE, AND VICKIE HIGGINBOTHAM TO THE CULTURE COMMISSION

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions, and

WHEREAS, the Culture Commission has vacancies for members who reside within Modesto and are registered voters of Stanislaus County, and

WHEREAS, the Appointments Committee met on October 13, 2016, and recommended the appointment of Karlha Davies, Rosie Arce, and Vickie Higginbotham to represent Modesto City residents on the Culture Commission, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1: Karlha Davies is hereby appointed to the Culture Commission to fulfill the remainder of Bob Barzan's term commencing immediately and expiring December 31, 2017.

SECTION 2: Rosie Arce is hereby appointed to the Culture Commission to fulfill the remainder of David Burkett's term commencing immediately and expiring on December 31, 2017.

SECTION 3: Vickie Higginbotham is hereby appointed to the Culture Commission to fulfill the remainder of Sue Richardson's term commencing immediately and expiring on December 31, 2019.

SECTION 4: The City Clerk is hereby directed to transmit a copy of this Resolution to the appointed member of the Culture Commission, and the Secretary, thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of October, 2016, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-421

RESOLUTION APPROVING THE 2017 CITY CALENDAR OF REGULARLY SCHEDULED CITY COUNCIL AND COUNCIL STANDING COMMITEE MEETINGS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the 2017 City Council Meeting Calendar, **attached** hereto as **Exhibit "A,"** and the 2017 Council Standing Committee Meeting Calendar **Exhibit "B,"** are hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of October, 2016, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

DRAFT
City Council Calendar
2017

January 2017

3rd	CANCELLED*
10th	Council Meeting (regular)
17th	NO MEETING
24th	Council Meeting (regular)
31st	NO MEETING – 5th Tuesday

February 2017

7th	Council Meeting (regular)
14th	Council Meeting (regular)
21st	NO MEETING
28th	Council Meeting (regular)

March 2017

7th	Council Meeting (regular)
14th	Council Meeting (regular)
21st	NO MEETING
28th	Council Meeting (regular)

April 2017

4th	Council Meeting (regular)
11th	Council Meeting (regular)
18th	NO MEETING
25th	Council Meeting (regular)

May 2017

2nd	Council Meeting (regular)
9th	Council Meeting (regular)
16th	NO MEETING
23rd	Council Meeting (regular)
30th	NO MEETING - 5th Tuesday

June 2017

6th	Council Meeting (regular)
13th	Council Meeting (regular)
20th	NO MEETING
27th	Council Meeting (regular)

July 2017

4th	CANCELLED (Holiday)
11th	Council Meeting (regular)
18th	NO MEETING
25th	NO MEETING

August 2017

2nd	Council Meeting (special)**
8th	Council Meeting (regular)
15th	NO MEETING
22nd	NO MEETING
29th	NO MEETING - 5th Tuesday

September 2017

5th	Council Meeting (regular)
12th	Council Meeting (regular)
19th	NO MEETING
26th	Council Meeting (regular)

October 2017

3rd	Council Meeting (regular)
10th	Council Meeting (regular)
17th	NO MEETING
24th	Council Meeting (regular)
31st	NO MEETING – 5th Tuesday

November 2017

8th	Council Meeting (special***)
14th	Council Meeting (regular)
21st	NO MEETING
28th	Council Meeting (regular)

December 2017

5th	Council Meeting (regular)
12th	Council Meeting (regular)
19th	CANCELLED per MMC 2-1.01
26th	CANCELLED per MMC 2-1.01

*January 3rd due to Winter Break
**August 2nd Wednesday Meeting due to National Night Out on August 1st
*** November 8th Wednesday Meeting due to Election Day on November 7th

ATTACHMENT A

City of Modesto Council and Standing Committees Calendar
2017 DRAFT

JANUARY

S	M	T	W	T	F	S
1	H	3	4	5	6	7
8	9	10		12	13	14
15	H	17	18	19	20	21
22		24	25	26	27	28
29	30	31				

FEBRUARY

S	M	T	W	T	F	S
			1	2	3	4
5	6	7		9	10	11
12	13	14	15	16	17	18
19	H	21	22	23	24	25
26		28				

MARCH

S	M	T	W	T	F	S
			1	2	3	4
5	6	7		9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26		28	29	30	31	

APRIL

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11		13	14	15
16	17	18	19	20	21	22
23		25	26	27	28	29
30						

MAY

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9		11	12	13
14	15	16	17	18	19	20
21		23	24	25	26	27
28	H	30	31			

JUNE

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13		15	16	17
18	19	20	21	22	23	24
25		27	28	29	30	

JULY

S	M	T	W	T	F	S
						1
2	3	H	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

AUGUST

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8		10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27		29	30	31		

SEPTEMBER

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12		14	15	16
17	18	19	20	21	22	23
24		26	27	28	29	30

OCTOBER

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10		12	13	14
15	16	17	18	19	20	21
22		24	25	26	27	28
29	30	31				

NOVEMBER

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	H	11
12	13	14	15	16	17	18
19	20	21	22	H	H	25
26		28	29	30		

DECEMBER

S	M	T	W	T	F	S
					1	2
3	4	5		7	8	9
10	11	12		14	15	16
17	18	19	20	21	22	23
24	H	26	27	28	29	30
31						

Council
Healthy Economy Committee
Great Safe Neighborhoods Committee
Effective Government Committee
Appointments & Audit Committees - **As needed**

**Meeting dates are subject to change at the request of Council*

Calendar maintained by the City Clerk's Office 09/14/2016

ATTACHMENT B

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-422

RESOLUTION OF INTENTION TO ANNEX TERRITORY TO CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2004-1 (VILLAGE ONE #2) AND TO AUTHORIZE THE LEVY OF A SPECIAL TAX WITHIN THE TERRITORY PROPOSED TO BE ANNEXED (ANNEXATION #15)

WHEREAS, pursuant to Chapter 2.5 Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act"), proceedings for the annexation of territory to an existing community facilities district may, pursuant to Article 3.5 of the Act, be instituted by the adoption by the legislative body of a resolution of intention to annex such territory, and

WHEREAS, pursuant to the Act, this Council did, by its Resolution No. 2004-199, adopted on April 6, 2004 (the "Resolution of Formation"), establish the City's Community Facilities District No. 2004-1 (Village One #2) (the "District"), and

WHEREAS, pursuant to the Act, this Council did, by its Resolution No. 2004-681, adopted on December 14, 2004, clarify the Rate and Method of Apportionment with respect to the Maximum Special Taxes to be generated by a parcel that has been rezoned, and

WHEREAS, pursuant to the Act, this Council did, by its Resolution No. 2004-683, adopted on December 14, 2004 ("Resolution of Creation of Tax Zone #2), create Tax Zone #2 within the District, and

WHEREAS, the One-Time Facilities Special Tax component of the special taxes is higher in Tax Zone #2 than in Tax Zone #1, and

WHEREAS, pursuant to California Streets and Highways Code Section 3113.5, this Council did, by its Resolution No. 2005-566, adopted on November 9, 2005, direct that all prior modifications, amendments and annexations to the District be consolidated into a single map of the District, specifically all prior boundary maps and amendments thereto related to formation of the District and Annexation Nos. 1 through 10 to the District, and

WHEREAS, on November 23, 2005, said boundary maps were consolidated into a single map entitled "Consolidation of Boundary Maps of Community Facilities District No. 2004-1 (Village One #2)" and recorded with the County Recorder of the County of Stanislaus at Book 4 of Maps of Assessments and Communities Facilities Districts, at Page 33 (the "Consolidated Boundary Map"), and

WHEREAS, subsequent to the recordation of the Consolidated Boundary Map, additional territory was annexed to the District through Annexations Nos. 11, 12, 13, and 14, and

WHEREAS, this Council hereby determines that the public convenience and necessity require the annexation of additional certain territory to the District, and

WHEREAS, the territory to be annexed is within the City limits, and

WHEREAS, it is intended that the territory be annexed to Tax Zone #2,

NOW, THEREFORE, BE IT RESOLVED, ORDERED AND FOUND by the City Council of the City of Modesto, California, that:

SECTION 1. The above recitals are true and correct.

SECTION 2. The current boundaries of the District are shown on the Consolidated Boundary Map as supplemented by the map entitled "Annexation Map No.

11 of Community Facilities District No. 2004-1 (Village One #2)" on file with the County Recorder at Book 4 of Maps of Assessment and Community Facilities Districts, at Page 36, the map entitled "Annexation Map No. 12 of Community Facilities District No. 2004-1 (Village One #2) on file with the County Recorder at Book 4 of Maps of Assessment and Community Facilities Districts, at Page 42, the map entitled "Annexation Map No. 13 of Community Facilities District No. 2004-1 (Village One #2) on file with the County Recorder at Book 4 of Maps of Assessment and Community Facilities Districts at Page 57 and the map entitled "Annexation Map No. 14 of Community Facilities District No. 2004-1 (Village One #2) on file with the County Recorder at Book 4 of Maps of Assessment and Community Facilities Districts at Page 98.

SECTION 3. The territory proposed to be annexed to the District (the "Territory") is described in **Exhibit A**.

SECTION 4. The boundaries of the Territory are also shown on the map thereof, entitled "Proposed Boundaries of Annexation No. 15 to the City of Modesto Community Facilities District No. 2004-1 (Village One #2), City of Modesto, County of Stanislaus, State of California," on file in the office of the City Clerk, which map is hereby approved and adopted. Pursuant to Sections 3110.5 and 3113 of the California Streets and Highways Code, the City Clerk shall endorse her certificate on the original and one copy of the map evidencing the date and adoption of this Resolution, file the original in her office and, not later than fifteen (15) days after the adoption of this Resolution, file a copy of the map with the County Recorder of the County of Stanislaus. The map shall contain the legends provided in Sections 3110 and 3110.5 of the California Streets and

Highways Code; including a reference to the title, book, page and recording date of the original boundary map of the District.

SECTION 5. The public facilities and services to be provided for the District are set forth in the Resolution of Formation. It is intended that these same facilities and services be provided to the Territory.

SECTION 6. The special taxes to be levied in the District are set forth in the Resolution of Formation. It is intended that the same special taxes be levied in the Territory, except that the increase of the One-Time Facilities Special Tax component of the special taxes, as authorized by the Resolution of Creation of Tax Zone #2, shall be levied in the Territory.

SECTION 7. A public hearing on this Resolution will be held at 5:30 p.m., or as soon thereafter as practicable, on Tuesday, December 6, 2016, at the regular meeting place of the City Council, City Council Chambers, Basement Level, 1010 Tenth Street, Modesto, California 95353, such time being not less than 30 or more than 60 days following the adoption hereof.

SECTION 8. At the hearing, any interested persons for or against the annexation of the Territory to the District, and the levy of the special taxes therein, may appear and will be heard and considered. Any protest may be made orally or in writing. However, any protests pertaining to the regularity or sufficiency of the proceedings shall be in writing and clearly set forth the irregularities and defects to which the objection is made. All written protests shall be filed with the City Clerk on or before the time fixed for the public hearing. Written protests may be withdrawn in writing at any time before the conclusion of the hearing.

SECTION 9. The City Clerk is directed to publish, not later than seven days prior thereto, a notice of the hearing, in the form required by the Act, in a newspaper of general circulation published in the area of the District, being the Modesto Bee, and otherwise in accordance with Section 6061 of the California Government Code, stating (a) the text or a summary of this Resolution, (b) the time and place of the hearing, and (c) that all interested persons for or against the proposed annexation or the levying of the special tax therein will be heard.

SECTION 10. If a majority (but at least six) of the registered voters residing within the District or a majority (but at least six) of the registered voters residing within the Territory, or the owners of one-half or more of the area of the land in the District and not exempt from the special tax, or the owners of one-half or more of the Territory, file written protests against the proposed annexation, and the protests are not withdrawn so as to reduce the value of the protests to less than a majority, no further proceedings to annex the Territory to the District, or to levy in the Territory the special taxes to be levied in the District, shall be taken for a period of one year from the date of the decision of the Council on the issues discussed at the hearing.

SECTION 11. At the conclusion of the hearing, if the Council determines to annex the Territory to the District, it will submit the levy of the special taxes to the qualified electors of the Territory in a special election.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of October, 2016, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT A

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 2004-1
(VILLAGE ONE #2)

UPDATED RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAXES
ADDING TAX ZONE #2

Special Taxes applicable to each Assessor's Parcel in Community Facilities District No. 2004-1 (Village One #2) [herein "CFD No. 2004-1" or "the CFD"] shall be levied and collected according to the tax liability determined by the City Council of the City of Modesto, through the application of the appropriate amount or rate for Taxable Property, as described below. All of the property in CFD No. 2004-1, unless exempted by law or by the provisions of Section G below, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to CFD No. 2004-1 unless a separate Rate and Method of Apportionment is adopted for the annexation area.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Acre" or "Acreage" means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable Final Map or other Development Plan.

"Act" means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, (commencing with Section 53311), Division 2 of Title 5 of the California Government Code.

"Administrative Expenses" means any or all of the following: the fees and expenses of any fiscal agent or trustee (including any fees or expenses of its counsel) employed in connection with any Bonds, and the expenses of the City carrying out its duties with respect to CFD No. 2004-1 and the Bonds, including, but not limited to, levying and collecting the Special Taxes, the fees and expenses of legal counsel, charges levied by the County Auditor's Office, Tax Collector's Office, and/or Treasurer's Office, costs related to annexing property into the CFD, costs related to property owner inquiries regarding the Special Taxes, costs associated with complying with any continuing disclosure requirements for the Bonds and the Special Taxes, and all other costs and expenses of the City in any way related to the establishment or administration of the CFD.

"Administrator" means the person or firm designated by the City to administer the Special Taxes according to this Rate and Method of Apportionment of Special Taxes.

"Annual Facilities Special Tax" means a special tax levied in any Fiscal Year to pay the Annual Facilities Special Tax Requirement, as defined below.

"Annual Facilities Special Tax Requirement" means the amount necessary in any Fiscal Year (i) to pay principal and interest, including scheduled sinking fund payments, on Bonds, (ii) pay administrative expenses of CFD No. 2004-1 that have not been included in the Annual Maintenance Special Tax Requirement for the Fiscal Year, (iii) to create or replenish reserve funds, (iv) to cure any delinquencies in the payment of principal or interest on indebtedness of CFD No. 2004-1 which have occurred in the prior Fiscal Year or (based on delinquencies in the payment of the Annual Facilities Special Taxes which have already taken place) are expected to occur in the Fiscal Year in which the tax will be collected, and (v) to construct or acquire Authorized Facilities. The amounts referred to in clauses (i) and (iii) of the preceding sentence may be reduced in any Fiscal Year by: (i) interest earnings on or surplus balances in funds and accounts for the Bonds to the extent that such earnings or balances are available to apply against debt service pursuant to a Bond indenture, Bond resolution, or other legal document that sets forth these terms; (ii) proceeds received by CFD No. 2004-1 from the collection of penalties associated with delinquent Annual Facilities Special Taxes; and (iii) any other revenues available to pay debt service on the Bonds as determined by the Administrator.

"Annual Maintenance Special Tax" means a special tax levied in any Fiscal Year to pay the Maintenance Special Tax Requirement, as defined below.

"Annual Maintenance Special Tax Requirement" means that amount necessary in any Fiscal Year to (i) pay for Authorized Services, (ii) pay administrative expenses of CFD No. 2004-1 that have not been included in the Annual Facilities Special Tax Requirement for the Fiscal Year, and (iii) cure any delinquencies in the payment of Annual Maintenance Special Taxes levied in prior Fiscal Years or (based on delinquencies in the payment of Annual Maintenance Special Taxes which have already taken place) are expected to occur in the current Fiscal Year.

"Assessor's Parcel" or **"Parcel"** means a lot or parcel shown on an Assessor's Parcel Map with an assigned Assessor's Parcel number.

"Assessor's Parcel Map" means an official map of the County Assessor designating parcels by Assessor's Parcel number.

"Authorized Facilities" means those facilities that are authorized to be funded by CFD No. 2004-1.

"Authorized Services" means those services that are authorized to be funded by CFD No. 2004-1.

"Bonds" means bonds or other debt (as defined in the Act), whether in one or more series, issued, insured or assumed by CFD No. 2004-1 related to Authorized Facilities.

"Capitalized Interest" means funds in any capitalized interest account available to pay debt service on Bonds.

"CFD Formation" means the date on which the Resolution of Formation to form CFD No. 2004-1 was adopted by the City Council.

"City" means the City of Modesto.

"City Council" means the City Council of the City of Modesto, acting as the legislative body of CFD No. 2004-1.

"Commercial Property" means all Parcels in CFD No. 2004-1 for which building permits have been or may be issued for construction of a commercial building based on reference to the Village One Specific Plan and/or the Parcel's zoning designation.

"County" means the County of Stanislaus.

"Developed Property" means, in any Fiscal Year, the following:

For purposes of levying the Annual Maintenance Special Tax, "Developed Property" means:

- for Low Density Residential Property and Village Residential Property, all Parcels for which a Final Map was recorded prior to June 30 of the preceding Fiscal Year but not prior to June 30, 2002,

- for Multi-Family Property, all Parcels for which a building permit for new construction of a residential structure was issued prior to June 30 of the preceding Fiscal Year, and

- for Commercial Property and Industrial Property, all Parcels for which a building permit for construction, reconstruction or expansion of a building structure was issued prior to June 30 of the preceding Fiscal Year. Notwithstanding the foregoing, Parcels of Commercial Property or Industrial Property on which a vacant building is located that cannot be occupied without demolition or reconstruction of the building shall not be categorized as Developed Property until a permit is issued for construction of a new building or reconstruction of the existing building.

For purposes of levying the Annual Facilities Special Tax, "Developed Property" means:

- for Low Density Residential Property and Village Residential Property, all Parcels for which a building permit for construction, or reconstruction of a unit was issued prior to June 30 of the preceding Fiscal Year but not prior to June 30, 2002,

- for Multi-Family Attached Property, all Parcels for which a building permit for new construction of a residential structure was issued prior to June 30 of the preceding Fiscal Year, and

- for Commercial Property and Industrial Property, all Parcels for which a building permit for construction, reconstruction or expansion of a building structure was issued prior to June 30 of the preceding Fiscal Year. Notwithstanding the foregoing, Parcels of Commercial Property or Industrial Property on which a vacant building is located that cannot be occupied without demolition or reconstruction of the building shall not be categorized as Developed Property until a permit is issued for construction of a new building or reconstruction of the existing building.

"Expected Land Uses" means the Net Taxable Acreage of each Land Use Class expected on an Original Parcel in CFD No. 2004-1 based on reference to the Expected Land Use Map. The Expected Land Uses for each Original Parcel in the CFD at the time of CFD Formation, and the corresponding Maximum Special Tax for each Parcel, are reflected in Attachment 2, which will be updated with each annexation of property into CFD No. 2004-1.

"Expected Land Use Map" means the map entitled "Village One Zoning of Unvested Properties" and dated February 21, 2003, which is on file with the CFD Administrator at the City and the City Clerk and which identifies the Expected Land Uses on all Parcels within the Village One Specific Plan that either (i) are in CFD No. 2004-1 at CFD Formation, or (ii) may be annexed into the CFD in future Fiscal Years. The Expected Land Use Map may be updated in future years to add property within the Village One Specific Plan that was vested to develop when the map was prepared and, therefore, was not included in the map but subsequently has its vesting expire or for any other reason becomes subject to a condition of development that requires formation of, or annexation into, a CFD.

"Final Map" means a final map, or portion thereof, approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410 *et seq.*) that creates lots which do not need to be further subdivided prior to issuance of a building permit for a residential or non-residential structure. The term "Final Map" shall not include any Assessor's Parcel Map or subdivision map or portion thereof, that does not create lots that are in their final configuration, including Assessor's Parcels that are designated as remainder parcels.

"Fiscal Year" means the period starting July 1 and ending on the following June 30.

"Improvement Area" means a geographic area that, upon annexation into CFD No. 2004-1, is identified as an improvement area as defined in the Act instead of a Tax Zone, as defined below. Special Taxes collected within an Improvement Area will be the sole security for Bonds issued for that Improvement Area.

"Industrial Property" means all Parcels in CFD No. 2004-1 for which building permits have been or may be issued for construction of an industrial building based on reference to the Village One Specific Plan and/or the Parcel's zoning designation.

"Land Use Class" means one of the five mutually-exclusive land use classes identified in Table 1 in Section C below and defined in this Section A. The City shall, in its sole discretion, determine the appropriate Land Use Class for Parcels on which a structure was built prior to CFD Formation.

"Low Density Residential Property" means all Parcels in CFD No. 2004-1 for which a building permit has been or may be issued for construction of a residential unit on a Parcel with a maximum density of two or less dwelling units per gross acre based on reference to the Village One Specific Plan and/or the Parcel's zoning designation.

"Maximum Annual Facilities Special Tax" means the greatest amount of Annual Facilities Special Tax that can be levied on an Assessor's Parcel in any Fiscal Year determined in accordance with Sections C and D below.

"Maximum Annual Maintenance Special Tax" means the greatest amount of Annual Maintenance Special Tax that can be levied on an Assessor's Parcel in any Fiscal Year determined in accordance with Sections C and D below.

"Maximum One-Time Facilities Special Tax" means the greatest amount of One-Time Facilities Special Tax that can be levied on an Assessor's Parcel in any Fiscal Year determined in accordance with Sections C and D below.

"Maximum Special Taxes" means, collectively, the Maximum One-Time Facilities Special Tax, Maximum Annual Facilities Special Tax, and Maximum Annual Maintenance Special Tax.

"Multi-Family Property" means all Parcels in CFD No. 2004-1 for which building permits have been or may be issued for construction of a residential structure consisting of two or more residential units that share common walls, including but not limited to, townhomes, condominiums, duplexes, triplexes, fourplexes, and apartment units. If a building permit has not yet been issued on the Parcel, the Administrator shall reference the Village One Specific Plan and/or the Parcel's zoning designation to determine whether the Parcel is Multi-Family Property.

"Net Taxable Acreage" or **"Net Taxable Acre"** means the total acreage within a Final Map or Parcel less arterial road right-of-ways and property that is defined in the Final Map for use as a park site, school site, or City-owned or CFD-owned storm drainage basin. If a Subdivision Map is recorded which is not a Final Map for some or all Parcels created by the subdivision, the Administrator shall calculate the Net Taxable Acreage of such unsubdivided Parcels by identifying the Acreage of the Parcel and (i) adding a portion of the acreage of any non-arterial right-of-way that fronts the Parcel determined by drawing lines at right angles to the right-of-way, and (ii) subtracting a portion of the acreage of any arterial right-of-way that fronts the Parcel determined by drawing lines at right angles to the right-of-way. The Net Taxable Acreage of a Parcel or Final Map shall be determined in the sole discretion of the City.

"One-Time Facilities Special Tax" means a Special Tax, levied and collected in full by the City prior to a structural building permit being issued for new construction on Taxable Property.

"Original Parcel" means an Assessor's Parcel in CFD No. 2004-1 at the time of CFD Formation or added to the CFD upon annexation, as identified in Attachment 2 (which shall be updated after each annexation). A Successor Parcel that is being further subdivided shall also be considered an

Original Parcel for purposes of determining the Maximum Special Taxes pursuant to Section C below.

"Per-Acre Special Taxes" means the per-acre Special Taxes identified in Table 1 in Section C below.

"Proportionately" means, for Developed Property, that the ratio of the actual Annual Facilities Special Tax and Annual Maintenance Special Tax levied in any Fiscal Year to the Maximum Annual Facilities Special Tax and Maximum Annual Maintenance Special Tax authorized to be levied in that Fiscal Year is equal for all Assessor's Parcels of Developed Property, respectively. In addition, for Undeveloped Property, "Proportionately" means that the ratio of the actual Annual Facilities Special Tax and actual Annual Maintenance Facilities Special Tax to the Maximum Annual Facilities Special Tax and Maximum Annual Maintenance Special Tax is equal for all Assessor's Parcels of Undeveloped Property, respectively.

"Public Property" means any property within the boundaries of CFD No. 2004-1 that is owned by the federal government, State of California, County, City, or other public agency.

"Single Family Detached Lot" means an individual numbered lot, which is in its final configuration and for which a building permit may be issued for a single family detached unit.

"Special Taxes" means, collectively, the One-Time Facilities Special Tax, the Annual Facilities Special Tax, and the Annual Maintenance Special Tax.

"Special Tax Category" means, individually, the One-Time Facilities Special Tax, the Annual Facilities Special Tax, and the Annual Maintenance Special Tax.

"Subdivision Map" means a Final Map, large lot subdivision map, or other map recorded with the County that results in the subdivision of an Original Parcel into two or more Successor Parcels.

"Successor Parcel" means an Assessor's Parcel of Taxable Property created by the subdivision or reconfiguration of an Original Parcel on which construction of a residential or non-residential structure is permitted.

"Taxable Property" means all of the Assessor's Parcels within the boundaries of CFD No. 2004-1 which are not exempt from the Special Tax pursuant to law or Section G below.

"Taxable Public Property" means, in any Fiscal Year, all Parcels of Public Property within CFD No. 2004-1 that, (i) based on the Village One Specific Plan, were expected to be Taxable Property and, (ii) based on this expectation, Maximum Special Taxes were assigned to the Parcels in a prior Fiscal Year.

"Tax Zone" means a mutually exclusive geographic area within which particular Special Tax rates may be levied pursuant to this Rate and Method of Apportionment of Special Taxes. Attachment 1 identifies the boundaries of Tax Zone #1 and Tax Zone #2 as of the date of adoption of this updated

Rate and Method of Apportionment of Special Tax; additional Tax Zones may be created when property is annexed into the CFD. Alternatively, additional Original Parcels may be added to a Tax Zone with assigned Maximum Special Taxes based on the Expected Land Uses on each Original Parcel.

"Tax Zone #1" means the geographic area that is designated in Attachment 1 of this Rate and Method of Apportionment of Special Tax as Tax Zone #1. Tax Zone #1 may be expanded to include additional Original Parcels that annex to CFD No. 2004-1; Attachments 1 and 2 will be updated each time such an annexation takes place.

"Tax Zone #2" means the geographic area that is designated in Attachment 1 of this Rate and Method of Apportionment of Special Tax as Tax Zone #2. Tax Zone #2 may be expanded to include additional Original Parcels that annex to CFD No. 2004-1; Attachments 1 and 2 will be updated each time such an annexation takes place.

"Undeveloped Property" means, in any Fiscal Year, all Parcels of Taxable Property within CFD No. 2004-1 that are not Developed Property.

"Village One Specific Plan" means the specific plan for development within the Village One project in the City of Modesto adopted by the City Council on April 1, 2003, as amended from time to time.

"Village Residential Property" means, in any Fiscal Year, all Parcels in CFD No. 2004-1 for which a building permit has been or may be issued for construction of a residential unit on a Parcel with a maximum density greater than two dwelling units per gross acre based on reference to the Village One Specific Plan and/or the Parcel's zoning designation.

B. DATA FOR ANNUAL ADMINISTRATION

On or about July 1 of each Fiscal Year, the Administrator shall identify the current Assessor's Parcel numbers for all Parcels of Taxable Property in CFD No. 2004-1. The Administrator shall also determine: (i) the Tax Zone within which each Parcel of Taxable Property is located, (ii) whether each Assessor's Parcel of Taxable Property is Developed Property or Undeveloped Property, (iii) which Parcels are Commercial Property, Industrial Property, Multi-Family Property, Low Density Residential Property, and Village Residential Property (the City shall, in its sole discretion, determine the appropriate Land Use Class for Parcels on which a structure was built prior to CFD Formation), (iv) the Net Taxable Acreage of each Parcel, and (v) the Annual Facilities Special Tax Requirement and the Annual Maintenance Special Tax Requirement.

In any Fiscal Year, if it is determined that (i) a parcel map for a portion of property in CFD No. 2004-1 was recorded after January 1 of the prior Fiscal Year (or any other date after which the Assessor will not incorporate the newly-created Parcels into the then current tax roll), (ii) because of the date the parcel map was recorded, the Assessor does not yet recognize the new Parcels created by the parcel map, and (iii) one or more of the newly-created Parcels meets the definition of

Developed Property, the Administrator shall calculate the Special Tax for the property affected by recordation of the parcel map by determining the Special Tax that applies separately to each newly-created Parcel, then applying the sum of the individual Special Taxes to the Original Parcel or Successor Parcel that was subdivided by recordation of the parcel map.

C. CALCULATING MAXIMUM SPECIAL TAXES

The Administrator shall use the procedures set forth below to calculate the Maximum Special Taxes for each Parcel in CFD No. 2004-1 in each Fiscal Year, including the Maximum One-Time Facilities Special Tax, Maximum Annual Facilities Special Tax, and Maximum Annual Maintenance Special Tax. A separate method of calculating the Maximum Special Taxes may be identified for Tax Zones or Improvement Areas added to CFD No. 2004-1 as a result of future annexations. The Per-Acre Special Taxes set forth in Table 1 below shall be used for purposes of Sections C.1 and C.2 below:

Table 1
Per-Acre Special Taxes
Fiscal Year 2004-05 *

Land Use Class	Per-Acre Special Tax: One-Time Facilities Special Tax TAX ZONE #1	Per-Acre Special Tax: One-Time Facilities Special Tax TAX ZONE #2	Per-Acre Special Tax: Annual Facilities Special Tax	Per-Acre Special Tax: Annual Maintenance Special Tax
Low Density Residential Property	$13,342 per Net Taxable Acre	$19,576 per Net Taxable Acre	$3,517 per Net Taxable Acre	$525 per Net Taxable Acre
Village Residential Property	$30,281 per Net Taxable Acre	$44,429 per Net Taxable Acre	$6,405 per Net Taxable Acre	$1,233 per Net Taxable Acre
Multi-Family Property	$101,437 per Net Taxable Acre	$148,832 per Net Taxable Acre	$7,222 per Net Taxable Acre	$4,020 per Net Taxable Acre
Commercial Property	$52,102 per Net Taxable Acre	$76,446 per Net Taxable Acre	$3,570 per Net Taxable Acre	$920 per Net Taxable Acre
Industrial Property	$13,103 per Net Taxable Acre	$19,225 per Net Taxable Acre	$2,550 per Net Taxable Acre	$920 per Net Taxable Acre

All Per-Acre Special Taxes shown in Table 1 are subject to the annual adjustments described in Section D below.

1. Original Parcels

The Maximum Special Taxes for each Land Use Class in the Original Parcels in CFD No. 2004-1 as of the date of approval of this updated Rate and Method of Apportionment of Special Tax are identified in Attachment 2. Attachment 2 will be updated by the

Administrator as needed to reflect Original Parcels added to the CFD due to additional annexations. Until an Original Parcel is subdivided, the Maximum Special Taxes shown in Attachment 2 (escalated as set forth herein) shall be the Maximum Special Taxes for the Parcel unless the zoning on the Original Parcel changes to a Land Use Class that has higher Per-Acre Special Taxes, as shown in Table 1 above. Upon approval of such change in zoning by the City Council, the Administrator shall multiply the applicable Per-Acre Special Taxes by the Net Taxable Acreage of each Land Use Class that is expected on the Parcel based on the rezone. The Administrator shall then update Attachment 2 to reflect the higher Maximum Special Taxes for the Parcel. If a rezone results in a Land Use Class that has a lower Per-Acre Special Tax than the previous Expected Land Uses, there shall be no corresponding reduction in the Maximum Special Taxes for the Parcel. The potential reduction in Maximum Special Tax revenues must be considered separately for each Special Tax Category. If the rezone would cause a reduction in the Maximum Special Tax revenues in any Special Tax Category, the Maximum Special Tax identified for that Special Tax Category shall remain the same as originally assigned to the Original Parcel.

2. Successor Parcels

a. *All Successor Parcels are Single Family Detached Lots*

If the Parcels created by a recorded Subdivision Map are all Single Family Detached Lots, the Administrator shall apply the following steps to allocate the Maximum Special Taxes for the Original Parcel to each of the Successor Parcels created by the subdivision:

Step 1: Determine the greater of (i) the Maximum Special Taxes assigned to each Expected Land Use for the Original Parcel, or (ii) the Net Taxable Acreage of Low Density Residential Property and/or Village Residential Property within the Subdivision Map multiplied by the Per-Acre Special Taxes for such Land Use Classes from Table 1 above. If the Subdivision Map includes both Low Density Residential Property and Village Residential Property, separately calculate the amount that applies to each Land Use Class.

Step 2: Separately for any Low Density Residential Property and Village Residential Property created by the Subdivision Map, divide the Maximum Special Taxes from Step 1 by the number of Successor Parcels to determine the Maximum Special Taxes for each Single Family Detached Lot.

b. *No Successor Parcels are Single Family Detached Lots*

If none of the Successor Parcels created by recordation of a Subdivision Map are Single Family Detached Lots, the Administrator shall apply the following steps to

allocate the Maximum Special Taxes assigned to the Original Parcel to each of the Successor Parcels:

Step 1: Identify the Expected Land Uses for the Original Parcel.

Step 2: Determine the Net Taxable Acreage within each Land Use Class created by the Subdivision Map.

Step 3: If the Net Taxable Acreage of each Land Use Class from Step 2 is the same as the Expected Land Uses, the Maximum Special Taxes assigned to each of the Expected Land Uses on the Original Parcel shall be allocated to the Successor Parcels based on the Acreage of each Land Use Class that occurs on each Successor Parcel.

Step 4: If the Net Taxable Acreage within each Land Use Class from Step 2 is different than the Expected Land Uses for the Original Parcel, the Administrator shall apply the following steps **separately for each Special Tax Category**:

Step 4a. Multiply the applicable Per-Acre Special Tax by the Net Taxable Acreage of each Land Use Class created by the Subdivision Map.

Step 4b. If the amount calculated in Step 4a is ***greater than*** the Maximum Special Tax assigned to the Original Parcel, multiply the Net Taxable Acreage of each Land Use Class on each Successor Parcel by the applicable Per-Acre Special Tax from Table 1 above to determine the Maximum Special Tax for each Successor Parcel.

Step 4c. If the amount calculated in Step 4a is ***less than*** the Maximum Special Tax assigned to the Original Parcel: (i) identify the Maximum Special Tax that was assigned to each of the Expected Land Uses on the Parcel, (ii) divide the Maximum Special Tax for each Land Use Class by the Net Taxable Acreage of each Land Use Class actually created by the Subdivision Map, and (iii) multiply the per-acre Maximum Special Tax calculated in (ii) by the Net Taxable Acreage of each Land Use Class on each Successor Parcel to determine the Maximum Special Tax for each Parcel.

If the Land Use Classes on a Successor Parcel or Parcels are different than the Expected Land Uses for that Parcel(s) and such difference would result in a reduction in the Maximum Special Tax assigned to the Original Parcel for any Special

Tax Category, the Maximum Special Tax assigned to the Original Parcel shall either be distributed equally on a per-acre basis to the Successor Parcels or, if multiple Land Use Classes are created by the Subdivision Map, the Maximum Special Tax from the Original Parcel shall be distributed to each Land Use Class so that the per-acre tax for each Land Use Class has the same proportional relationship as the Per-Acre Special Taxes in Table 1 above.

If, after subdivision of an Original Parcel, a Successor Parcel is further subdivided, the Successor Parcel shall be treated as an Original Parcel for purposes of allocating Maximum Special Taxes pursuant to Section C.2a, C.2b, or C.2c, as appropriate.

c. ***Some, But Not All, Successor Parcels are Single Family Detached Lots***

If a Subdivision Map divides an Original Parcel into Successor Parcels, of which some are Single Family Detached Lots and some are not, the Administrator shall (i) break out the Net Taxable Acreage of Low Density Residential Property and/or Village Residential Property separately from the Net Taxable Acreage of other Land Use Classes, (ii) for the Low Density Residential Property and/or Village Residential Property created by the Subdivision Map, apply the steps in Section C.2a to determine the Maximum Special Taxes for each Single Family Detached Lot, and (iii) apply the steps in Section C.2b above to determine the Maximum Special Taxes for Land Use Classes other than Low Density Residential Property and Village Residential Property.

If, after subdivision of an Original Parcel, a Successor Parcel is further subdivided, the Successor Parcel shall be treated as an Original Parcel for purposes of allocating Maximum Special Taxes pursuant to Section C.2a, C.2b, or C.2c, as appropriate.

After each reallocation of the Maximum Special Taxes upon subdivision or reconfiguration of Original Parcels, the sum of the Maximum Special Taxes assigned to Successor Parcels shall never be less, but may be more, than the Maximum Special Taxes assigned to the Original Parcels prior to such reallocation.

D. ESCALATION OF MAXIMUM SPECIAL TAXES

1. One-Time Facilities Special Tax

Beginning in January 2005 and each January thereafter, the Maximum One-Time Facilities Special Tax assigned to each Parcel and the Per-Acre Special Tax shown in Table 1 above shall be adjusted annually by the greater of (i) the percentage increase, if any, in the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source

if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%). Each annual adjustment of the One-Time Facilities Special Tax shall become effective on the subsequent July 1.

2. Annual Facilities Special Tax

Beginning in Fiscal Year 2005-06, and each Fiscal Year thereafter, the Maximum Annual Facilities Special Tax assigned to each Parcel and the Per-Acre Special Tax shown in Table 1 above shall be increased by two percent (2%) of the amount in effect in the prior Fiscal Year.

3. Annual Maintenance Special Tax

Beginning in January 2005 and each January thereafter, the Maximum Annual Maintenance Special Tax assigned to each Parcel and the Per-Acre Special Tax shown in Table 1 above shall be adjusted annually by the greater of (i) the percentage increase, if any, in the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%). Each annual adjustment of the Maximum Annual Maintenance Special Tax shall become effective on the subsequent July 1.

E. METHOD OF LEVY OF THE SPECIAL TAX

1. One-Time Facilities Special Tax

The Maximum One-Time Facilities Special Tax determined pursuant to Sections C and D above shall be levied on all Taxable Property in CFD No. 2004-1 and shall be collected as set forth in Section F below.

2. Annual Facilities Special Tax

Commencing with Fiscal Year 2004-05 and for each following Fiscal Year, the Administrator shall determine the Annual Facilities Special Tax Requirement for the Fiscal Year. The Annual Facilities Special Tax shall then be levied on all Parcels of Taxable Property in CFD No. 2004-1 as follows:

Step 1: The Annual Facilities Special Tax shall be levied Proportionately on each Parcel of Developed Property within the CFD up to 100% of the Maximum Annual Facilities Special Tax for each Parcel for such Fiscal Year until the amount levied on Developed Property is equal to the Special Tax Requirement prior to applying any Capitalized Interest that is available in the CFD accounts;

Step 2: If additional revenue is needed after Step 1, and after applying Capitalized Interest to the Annual Facilities Special Tax Requirement, the Annual Facilities Special Tax shall be levied Proportionately on each Assessor's Parcel of Undeveloped Property within the CFD, up to 100% of the Maximum Annual Facilities Special Tax for each Parcel of Undeveloped Property for such Fiscal Year;

Step 3: If additional revenue is needed after applying the first two steps, the Annual Facilities Special Tax shall be levied Proportionately on each Assessor's Parcel of Taxable Public Property, up to 100% of the Maximum Annual Facilities Special Tax assigned to each Parcel of Taxable Public Property.

3. Annual Maintenance Special Tax

Commencing with Fiscal Year 2004-05 and for each following Fiscal Year, the Administrator shall determine the Maintenance Special Tax Requirement for the Fiscal Year. The Annual Maintenance Special Tax shall then be levied on all Parcels of Taxable Property as follows:

Step 1: The Annual Maintenance Special Tax shall be levied Proportionately on each Parcel of Developed Property within the CFD up to 100% of the Maximum Annual Maintenance Special Tax for each Parcel for such Fiscal Year;

Step 2: If additional revenue is needed after Step 1, the Annual Maintenance Special Tax shall be levied Proportionately on each Assessor's Parcel of Undeveloped Property within the CFD, up to 100% of the Maximum Annual Maintenance Special Tax for each Parcel of Undeveloped Property for such Fiscal Year;

Step 3: If additional revenue is needed after applying the first two steps, the Annual Maintenance Special Tax shall be levied Proportionately on each Assessor's Parcel of Taxable Public Property, up to 100% of the Maximum Annual Maintenance Special Tax assigned to each Parcel of Taxable Public Property.

F. COLLECTION OF SPECIAL TAX

The Maximum One-Time Facilities Special Tax shall be collected prior to a building permit being issued for new construction of any residential or non-residential structure on Taxable Property within CFD No. 2004-1, and shall be immediately delinquent if not so paid.

The Annual Facilities Special Tax and Annual Maintenance Special Tax for CFD No. 2004-1 shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, that prepayments are permitted as set forth in Section H below and provided further that the City may directly bill, collect at a different time or in a different manner, and/or

collect delinquent Annual Facilities Special Taxes and Annual Maintenance Special Taxes through foreclosure or other available methods.

The Annual Facilities Special Tax shall be levied and collected until principal and interest on Bonds have been repaid, costs of constructing or acquiring Authorized Facilities from Annual Facilities Special Tax proceeds have been paid, and all Administrative Expenses have been reimbursed. However, in no event shall an Annual Facilities Special Tax be levied after Fiscal Year 2060-61. The Annual Maintenance Special Tax will continue to be levied and collected unless and until the City determines that the Annual Maintenance Special Tax no longer needs to be levied to pay Authorized Services of the CFD and all Administrative Expenses have been reimbursed. Under no circumstances may the Annual Facilities Special Tax on one Parcel in the CFD be increased by more than ten percent (10%) as a consequence of delinquency or default in payment of the Annual Facilities Special Tax levied on another Parcel or Parcels in the CFD.

G. EXEMPTIONS

Notwithstanding any other provision of this Rate and Method of Apportionment of Special Taxes, no Special Taxes shall be levied on Public Property, except Taxable Public Property, as defined herein.

H. PREPAYMENT OF SPECIAL TAX

The following definitions apply to this Section H:

"Outstanding Bonds" means all Previously Issued Bonds which remain outstanding, with the following exception: if an Annual Facilities Special Tax has been levied against, or already paid by, an Assessor's Parcel making a prepayment, and a portion of the Annual Facilities Special Tax will be used to pay a portion of the next principal payment on the Bonds that remain outstanding (as determined by the Administrator), that next principal payment shall be subtracted from the total Bond principal that remains outstanding, and the difference shall be used as the amount of Outstanding Bonds for purposes of this prepayment formula.

"Previously Issued Bonds" means all Bonds that have been issued on behalf of the CFD prior to the date of prepayment.

"Public Facilities Requirements" means either $14,100,000 in 2004 dollars, which shall increase on January 1, 2005, and on each January 1 thereafter by the percentage increase, if any, in the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or such other number as shall be determined by the City as sufficient to fund Authorized Facilities. The Public Facilities Requirements shown above shall be adjusted or a separate Public Facilities

Requirements identified each time property annexes into CFD No. 2004-1; at no time shall the added Public Facilities Requirement for the annexation area exceed the amount of public improvement costs that are expected to be supportable by the Maximum Annual Facilities Special Tax generated within that annexation area.

"Remaining Facilities Costs" means the Public Facilities Requirements (as defined above), minus costs of Authorized Facilities funded by Outstanding Bonds (as defined above), developer equity, and/or any other source of funding.

The Annual Facilities Special Tax obligation applicable to an Assessor's Parcel in the CFD may be prepaid and the obligation of the Assessor's Parcel to pay the Annual Facilities Special Tax permanently satisfied as described herein, provided that a prepayment may be made only if there are no delinquent Annual Facilities Special Taxes with respect to such Assessor's Parcel at the time of prepayment. The Annual Maintenance Special Tax may not be prepaid. An owner of an Assessor's Parcel intending to prepay the Annual Facilities Special Tax obligation shall provide the City with written notice of intent to prepay. Within 30 days of receipt of such written notice, the City or its designee shall notify such owner of the prepayment amount for such Assessor's Parcel. Prepayment must be made not less than 75 days prior to any redemption date for Bonds to be redeemed with the proceeds of such prepaid Annual Facilities Special Taxes. The Prepayment Amount shall be calculated as follows: (capitalized terms as defined below):

Bond Redemption Amount	
plus	Remaining Facilities Amount
plus	Redemption Premium
plus	Defeasance Requirement
plus	Administrative Fees and Expenses
less	Reserve Fund Credit
equals	Prepayment Amount

As of the proposed date of prepayment, the Prepayment Amount shall be determined by application of the following steps:

Step 1. Compute the total Maximum Annual Facilities Special Tax that could be collected from the Assessor's Parcel prepaying the Annual Facilities Special Tax in the Fiscal Year in which prepayment would be received by the City.

Step 2. Divide the Maximum Annual Facilities Special Tax from Step 1 by the total amount that could be collected if the Maximum Annual Facilities Special Tax was levied on all Parcels of Taxable Property in the CFD.

Step 3. Multiply the quotient computed pursuant to Step 2 by the Outstanding Bonds to compute the amount of Outstanding Bonds to be retired and prepaid (*the "**Bond Redemption Amount**"*).

Step 4. Compute the current Remaining Facilities Costs (if any).

Step 5. Multiply the quotient computed pursuant to Step 2 by the amount determined pursuant to Step 4 to compute the amount of Remaining Facilities Costs to be prepaid (*the "**Remaining Facilities Amount**"*).

Step 6. Multiply the Bond Redemption Amount computed pursuant to Step 3 by the applicable redemption premium, if any, on the Outstanding Bonds to be redeemed (*the "**Redemption Premium**"*).

Step 7. Compute the amount needed to pay interest on the Bond Redemption Amount starting with the first Bond interest payment date after which the prepayment has been received until the earliest redemption date for the Outstanding Bonds, which, depending on the Bond offering document, may be as early as the next interest payment date.

Step 8: Compute the amount of interest the City reasonably expects to derive from reinvestment of the Bond Redemption Amount plus the Redemption Premium from the first Bond interest payment date after which the prepayment has been received until the redemption date for the Outstanding Bonds.

Step 9: Take the amount computed pursuant to Step 7 and subtract the amount computed pursuant to Step 8 (the ***"Defeasance Requirement"***).

Step 10. Determine the costs of computing the prepayment amount, the costs of redeeming Bonds, and the costs of recording any notices to evidence the prepayment and the redemption (the ***"Administrative Fees and Expenses"***).

Step 11. If and to the extent so provided in the indenture pursuant to which the Outstanding Bonds to be redeemed were issued, a reserve fund credit shall be calculated as a reduction in the applicable reserve fund for the Outstanding Bonds to be redeemed pursuant to the prepayment (the "***Reserve Fund Credit***").

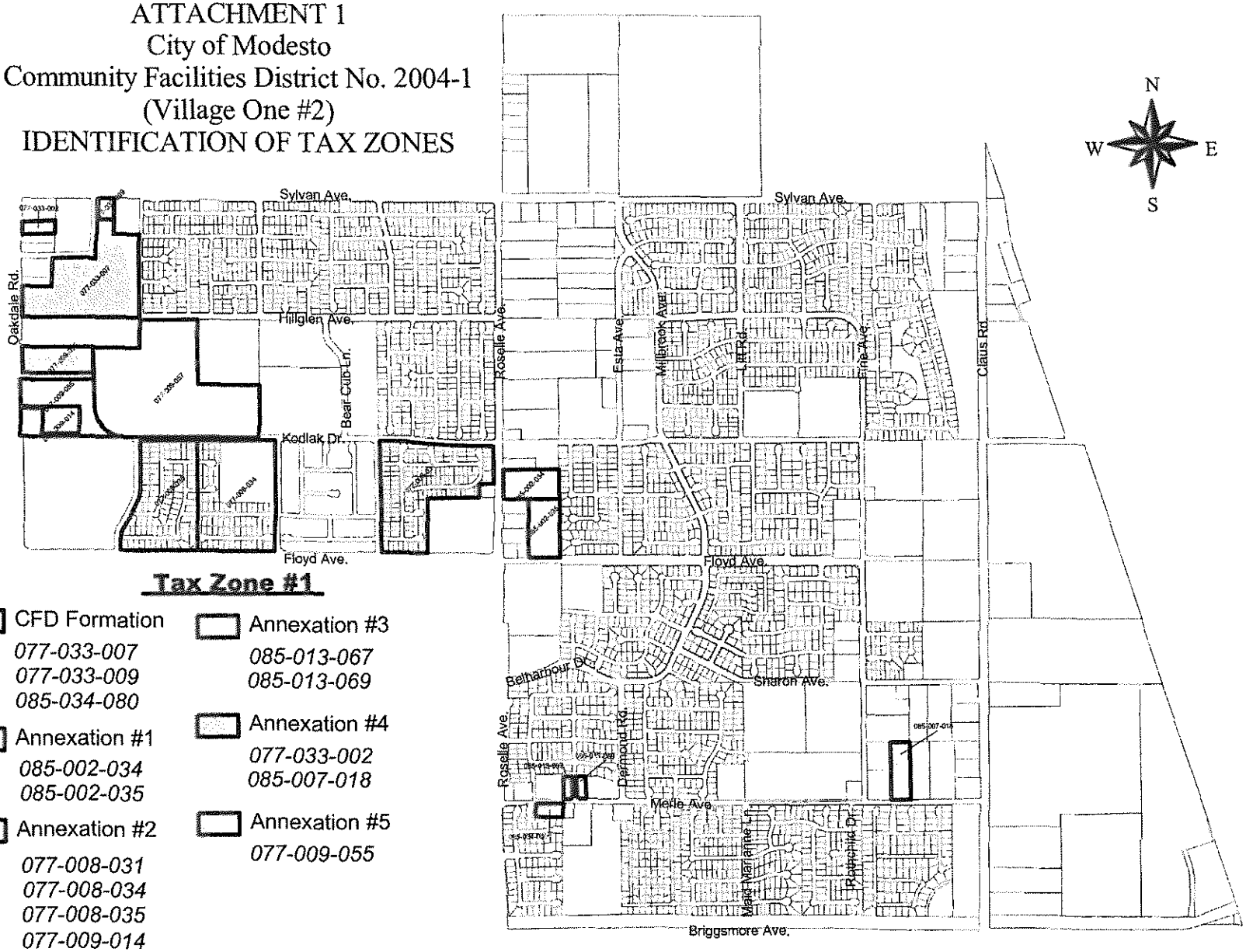
Step 12. The Annual Facilities Special Tax prepayment is equal to the sum of the amounts computed pursuant to Steps 3, 5, 6, 9, and 10, less the amount computed pursuant to Step 11 (the ***"Prepayment Amount"***).

If an owner that has prepaid the Annual Facilities Special Tax obligation assigned to a Parcel subsequently rezones the Parcel to a Land Use Class that has a higher Per-Acre Annual Facilities Special Tax, the City may in its sole discretion and as a condition of approval of the rezoning, collect the additional Annual Facilities Special Tax prepayment that would have applied had the Parcel been rezoned at the time of the original prepayment for the Parcel.

I. INTERPRETATION OF SPECIAL TAX FORMULA

The City reserves the right to make minor administrative and technical changes to this document that does not materially affect the Rate and Method of Apportionment of Special Taxes. In addition, the interpretation and application of any section of this document shall be left to the City's discretion. Interpretations may be made by the City by ordinance or resolution for purposes of clarifying any vagueness or ambiguity in this Rate and Method of Apportionment of Special Taxes.

ATTACHMENT 1
City of Modesto
Community Facilities District No. 2004-1
(Village One #2)
IDENTIFICATION OF TAX ZONES



Tax Zone #1

- CFD Formation
  - *077-033-007*
  - *077-033-009*
  - *085-034-080*
- Annexation #1
  - *085-002-034*
  - *085-002-035*
- Annexation #2
  - *077-008-031*
  - *077-008-034*
  - *077-008-035*
  - *077-009-014*
  - *077-009-056*
  - *077-009-057*
- Annexation #3
  - *085-013-067*
  - *085-013-069*
- Annexation #4
  - *077-033-002*
  - *085-007-018*
- Annexation #5
  - *077-009-055*

Updated by VMD 11/4/04

ATTACHMENT 2

Last Updated: 11/4/04

City of Modesto
Community Facilities District No. 2004-1
(Village One #2)

Maximum Special Taxes Assigned to Expected Land Uses
Within Each Original Parcel in Each Tax Zone

Annexation	Tax Zone	Assessor's Parcel Number	Expected Land Uses	Expected Net Taxable Acreage	Fiscal Year 2004-05 Maximum One-Time Facilities Special Tax/1	Fiscal Year 2004-05 Maximum Annual Facilities Special Tax/2	Fiscal Year 2004-05 Maximum Annual Maintenance Special Tax/3
F	1	077-033-007	Village Residential	16.23	$491,461	$103,953	$20,012
			Commercial	3.24	$168,810	$11,567	$2,981
F	1	077-033-009	Commercial	0.93	$48,455	$3,320	$856
F	1	085-034-080	Village Residential	1.00	$30,281	$6,405	$1,233
1	1	085-002-034	Multi Family	4.62	$468,639	$33,366	$18,573
1	1	085-002-035	Multi Family	4.88	$495,013	$35,244	$19,618
2	1	077-008-031	Village Residential	25.13	$760,962	$160,958	$30,986
2	1	077-008-034	Village Residential	14.82	$448,765	$94,923	$18,274
			Multi Family	10.60	$1,075,233	$76,554	$42,612
2	1	077-008-035	Village Residential	21.03	$636,810	$134,698	$25,930
2	1	077-009-014	Village Residential	2.83	$85,696	$18,127	$3,490
2	1	077-009-056	Village Residential	9.85	$298,268	$63,090	$12,146
2	1	077-009-057	Village Residential	38.97	$1,180,051	$249,603	$48,051
3	1	085-013-067	Multi Family	0.57	$57,819	$4,117	$2,291
3	1	085-013-069	Multi Family	0.57	$57,819	$4,117	$2,291
4	1	077-033-002	Commercial	1.12	$58,354	$3,998	$1,030
4	1	085-007-018	Village Residential	3.06	$92,660	$19,599	$3,773
5	1	077-009-055	Village Residential	5.79	$175,327	$37,085	$7,139

1. Beginning in January 2005 and each January thereafter, the Maximum One-Time Facilities Special Tax shall be adjusted by the greater of (i) the percentage increase, if any, in the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%). Each annual adjustment of the Maximum One-Time Facilities Special Tax shall become effective on the subsequent July 1.

2. Beginning in Fiscal Year 2005-06 and each Fiscal Year thereafter, the Maximum Annual Facilities Special Tax shall escalate by 2.0% of the amount in effect in the prior Fiscal Year.

3. Beginning in January 2005 and each January thereafter, the Maximum Annual Maintenance Special Tax shall be adjusted by the greater of (i) the percentage increase, if any, in the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%). Each annual adjustment of the Maximum Annual Maintenance Special Tax shall become effective on the subsequent July 1.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-423

RESOLUTION APPROVING SUBMITTAL OF A GRANT APPLICATION FOR AN UPDATE TO THE NON-MOTORIZED TRANSPORTATION PLAN TO THE CALIFORNIA DEPARTMENT OF TRANSPORTATION, IN THE AMOUNT OF $500,000, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL NECESSARY GRANT DOCUMENTS

WHEREAS, the City's Non-Motorized Transportation Plan (NMTP) was last updated and adopted in 2006, and

WHEREAS, any NMTP more than ten years old is considered out of date and therefore severely limits potential funding opportunities for improvements based on such a NMTP, and

WHEREAS, the City of Modesto is eligible to receive Federal and/or State funding for certain transportation planning related plans, through the California Department of Transportation (Caltrans), and

WHEREAS, grant funding is needed in order to prepare and update the NMTP, and

WHEREAS, an agreement is needed to be executed with Caltrans before such funds can be claimed through the Transportation Planning Grant Programs, and

WHEREAS, grants for Caltrans local assistance funds would impose certain obligations on the City of Modesto, such as invoicing, quarterly reporting, timely completion, and a local match of 11.47% of the grant award, and

WHEREAS, a public meeting was held on October 25, 2016, at 5:30 p.m., in the Tenth Street Place Chambers located, at 1010 Tenth Street, Modesto, California, at which submittal of the grant application(s) was considered by the Council of the City of Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves submittal of an application on behalf of the City of Modesto to Caltrans for Sustainable Transportation Planning Grant funds for the NMTP Update in the amount of $500,000.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute agreements, amendments and all necessary grant documents with Caltrans as required on behalf of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of October, 2016, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-424

RESOLUTION AMENDING THE BYLAWS FOR THE HOUSING REHABILITATION LOAN COMMITTEE AND RESCINDING CITY COUNCIL RESOLUTION NO. 2015-457

WHEREAS the City Council has established the Housing Rehabilitation Loan Committee to review and approve housing rehabilitation loans, homebuyers' assistance loans and to review policies and procedures for those programs, and

WHEREAS, on December 15, 2015, Resolution No. 2015-457, the City Council amended the Bylaws for the Housing Rehabilitation Loan Committee, and

WHEREAS, on October 6, 2016, the Housing Rehabilitation Loan Committee recommended the Bylaws be amended to remove one of the seats designed for a Service Provider and add one seat for a General Contractor (active or retired),

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amended Bylaws for the Housing Rehabilitation Loan Committee, a copy of which is **attached as Exhibit A**,

BE IT FURTHER RESOLVED by the Council of the City of Modesto that Resolution No. 2015-457 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of October, 2016, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Housing Rehabilitation Loan Committee

BYLAWS

Article I. Definitions

Section 1.01 There is a Committee created to be known and designated as the Housing Rehabilitation Loan Committee.

Section 1.02 As used in these Bylaws, unless a different meaning clearly appears from the context:

(a) "Member" shall mean a member of the Housing Rehabilitation Loan Committee.

(b) "Housing Rehabilitation Loan Committee" and "Committee" shall mean the Housing Rehabilitation Loan Committee.

Article II. Objectives

Section 2.01 The Committee shall be responsible for reviewing and approving the City of Modesto's (City) housing rehabilitation loans, homebuyers' assistance loans, and for reviewing policy and procedures for both programs.

Article III. Membership

Section 3.01 The Housing Rehabilitation Loan Committee shall consist of seven (7) qualified persons and one (1) alternate comprised of the following:

Seat Designation	Term
Councilmember *(appointed by the Mayor)*	
Financial Institution - Representative	4 years
Service Provider - Representative	4 years
General Contractor (active or retired)	4 years
Housing Authority of Stanislaus County – Representative	4 years
Citizen-at-Large	4 years
Citizen-at-Large	4 years
Citizens' Housing and Community Development Committee – Representative *(Alternate)*	4 years

Section 3.02 The Members of the Committee shall reside within the City limits of the City at the time of appointment and must maintain residence within the City at all times during their service on the Committee with the exception of the appointed representative of the Housing Authority of Stanislaus County.

Section 3.03 No Member of the Committee shall be an employee of the City, nor any bargaining unit for employees of the City, nor a person who receives compensation from the City.

Section 3.04 All appointments shall be approved by the City's Appointments Committee.

Section 3.05 No Member of the Committee shall be a relative by blood or marriage within the third degree of the Mayor, Councilmember, Charter Officer, or any department director or deputy department director.

Section 3.06 All Members must complete Statement of Economic Interest (Form 700) by April 1st of each year and when assuming or leaving Committee membership.

Article IV. Terms of Office

Section 4.01 Members may serve no more than two (2) terms. Full terms are four (4) years in duration.

Section 4.02 A partial term of two (2) or more years shall be considered a full term for purposes of Section 4.01.

Section 4.03 Full term appointments begin on January 1 and expire on December 31 four(4) years subsequent.

Section 4.04 Members may be reappointed after their initial term. Members serving two (2) consecutive terms may be reappointed after a break in service of 12 months.

Section 4.05 Members not eligible for reappointment may continue to serve until their successors are appointed. No member shall serve more than eight (8) consecutive years, with the exception of those who are serving until their successors are appointed.

Section 4.06 The Members of the Committee shall receive no compensation for the performance of their official duties.

Section 4.07 Appointments to fill vacancies on the Committee shall be handled in the same manner as original appointments. When a vacancy occurs during a term, the appointment to fill such vacancy shall be for the unexpired portion of the term.

Section 4.08 Members of the Committee may be removed by a majority vote of the City Council after a recommendation by the Committee Chairperson for the following reasons:

(a) Misconduct, inefficiency, or willful neglect in the performance of their duties providing the member is first provided in writing the reasons for such removal and gives the member the opportunity to be heard before the Council in their own defense.

(b) Refusal to resign from the Committee when no longer a resident of the City or when a conflict of interest exists.

Article V. Attendance at Meetings

Section 5.01 It shall be the responsibility of each Member to know the dates and times of all Committee meetings. If a Member knows he or she will not be able to attend a regularly scheduled meeting, it shall be his or her responsibility to notify the Committee Secretary at least forty-eight (48) hours before the meeting, in order for the absence to be recorded as an excused absence.

Section 5.02 The minutes of each meeting will list those Members in attendance, those who are excused and those who are unexcused.

Section 5.03 Attendance at meetings is expected and necessary to carry out the mission of the Committee. Three or more consecutive unexcused absences are grounds for removal from the Committee by the City Council.

Article VI. Officers and Their Duties

Section 6.01 Officers shall consist of Chair and Vice-chair elected by a majority vote of the members of the Committee. Officers shall serve a four-year term.

Section 6.02 All officers shall exercise all privileges of membership, including the making of motions, seconding and debate.

Section 6.03 The Chair shall preside at all meetings, shall appoint all ad-hoc committees, and shall ensure that the bylaws, rules and regulations as adopted by the Committee are properly enforced.

Section 6.04 The Vice-chair shall assist the Chair in his/her duties and in the absence of the Chair shall perform all duties usually performed by the Chair.

Section 6.05 The Committee Secretary shall be a City staff member, appointed by the Community & Economic and Development Department, to serve as secretary. The Committee Secretary shall keep a record of the minutes of all Committee meetings and such other duties as are usually performed by a secretary.

Article VII. Meetings

Section 7.01 Special meetings shall be called by the Chairperson as necessary.

Section 7.02 Notices of all meetings, including agendas, shall be given to all Members of the Committee, to the City Clerk, to the City Manager, and to all others as provided by law. All such notices shall be furnished to the Committee in writing at least seventy-two hours prior to the time of such meeting.

Section 7.03 All meeting agendas will be posted at Tenth Street Place.

Section 7.04 All meetings shall comply with the requirements of the Ralph M. Brown Act.

Section 7.05 A quorum is necessary for the Committee to transact any business. A quorum shall be defined as a simple majority of active Committee members which is one-half of the active members plus one.

Section 7.06 All meetings of the Committee shall be open to the public and shall be held at a public facility, which is accessible in accordance with the regulations of the Americans with Disabilities Act.

Article VIII. Order of Proceedings

Section 8.01 Sturgis' Standard Code of Parliamentary Procedure shall be the guide for parliamentary procedures in the conduct of Committee meetings.

Section 8.02 The order of proceedings of all meetings shall be as follows, subject to majority vote of the members present:

(a) Roll Call

(b) Declaration of Conflict of Interest

(c) Public Comment Period

(d) Consent Items

(e) Old Business

(f) New Business

(g) Committee Comments & Reports

(h) Matters Too Late for the Agenda

(i) Adjournment

Section 8.03 Members of the public shall not speak unless recognized by the Chairperson and shall state their names before making any statement, which shall become a part of the public record. The Chairperson may remove any person who refuses to follow these rules or the decision of the Chairperson.

Article IX. Amendments

Section 9.01 The Bylaws and any future amendments shall be subject to the final approval of the City Council and shall not and are not intended to go beyond any of the powers and duties given to the Committee by the City Council.

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-425

Print

RESOLUTION APPROVING A HOUSING AND URBAN DEVELOPMENT POLICIES & PROCEDURES MANUAL

WHEREAS, staff has been evaluating existing policies and procedures governing the City's Housing and Urban Development (HUD) funding and related programs and has found that while there are various policies and procedures in place related to the HUD-funded activities, there is not one comprehensive manual containing all policies and procedures governing these activities, and

WHEREAS, consolidation of all HUD Policies & Procedures into one location (HUD Policies & Procedures Manual) will allow for easier access to and update of the policies and procedures in the future, and

WHEREAS, except for the Homeowner Rehabilitation Section, the proposed HUD Policies & Procedures Manual contains copies of the policies & procedures that have been adopted and utilized to date, and

WHEREAS, the updated Homeowner Rehabilitation Section is intended to focus on three areas: Emergency (health and safety repairs), Spot Rehabilitation (reasonable repair requests to help ensure improved quality of life and help residents remain living in place for the longest feasible time frame possible) and, in extremely rare situations, Whole-House Rehabilitation (if the cost of rehabilitation will exceed 75 percent of the current estimated value of the property), and

WHEREAS, on October 6, 2016, the City's Housing Rehabilitation Loan Committee reviewed, approved and forwarded the proposed Homeowner Rehabilitation Program Policies & Procedures to the City Council for review and approval,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby adopts the Housing and Urban Development Policies & Procedures Manual as set forth in **Exhibit A.**

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of October, 2016, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

CITY OF
MODESTO
CALIFORNIA

Housing and Urban Development Policy and Procedures Manual

*(Updated **********)*
*(Council Approval *********)*

Housing & Urban Development
Policies & Procedures Manual

Section	Title	Last Updated
1.	Citizen's Participation Plan	
2.	Fair Housing	
3.	Community Development Block Grant (CDBG)	
4.	Home Investment Partnerships Program (HOME)	
5.	Emergency Solutions Grant (ESG)	
6.	Housing Rehabilitation Program	
7.	Homebuyers Assistance Program	
8.	Neighborhood Stabilization Program 1 (NSP 1)	
9.	Neighborhood Stabilization Program 2 (NSP 2)	
10.	NSP2 Homebuyer's Program	
11.	Neighborhood Stabilization Program 3 (NSP 3)	
12.	*[reserved]*	
13.	*[reserved]*	
14.	*[reserved]*	
15.	*[reserved]*	
16.	*[reserved]*	
17.	*[reserved]*	
18.	*[reserved]*	
19.	*[reserved]*	
20.	*Integrated Disbursement and Information System (IDIS)*	*Future*
21.	*Homeless Management Information System (HMIS)*	*Future*
22.	Conflict of Interest	
23.	Section 3 Compliance Guide	
24.		
25.		
26.		
27.		

Section 1 - Citizen's Participation Plan

MODESTO

CALIFORNIA

EQUAL HOUSING
OPPORTUNITY

Introduction

The City of Modesto invites the community to provide input on the way grant funds from the Department of Housing & Urban Development (HUD) are spent. This Citizen's Participation Plan outlines the way the City communicates with residents regarding the use and expenditure of HUD funds.

Contacting City Housing Division Staff

There are a number of ways to contact City of Modesto Housing Division staff.

Telephone: (209) 577-5247
Email: housing@modestogov.com
In person: 1010 Tenth Street, Suite 4400
Modesto, California

Mail: City of Modesto
Parks, Recreation, & Neighborhoods Department – Housing Division
P.O. Box 642
Modesto, California 95353

Community Meetings

Community and neighborhood meetings are organized by City staff to seek community input and identify community needs. These meetings serve several purposes:

- Obtains community input about funds should be spent;
- Solicits information about neighborhood needs;
- Builds a sense of community among neighborhood residents;
- Encourages community empowerment and greater community voice;
- Provides neighborhoods with information about city services.

The City holds a minimum of two neighborhood meetings each year in low-income census tract areas to encourage participation of low- and moderate-income persons in conjunction with development of the Annual Action Plan and/or Consolidated Plan. These are held are different times and locations in an effort to accommodate different households.

The City also conducts a minimum of one community meeting annually with service providers as the primary audience. The service provider meeting is held during the day to accommodate service providers. Additionally, the City will, as needs are identified, make presentations at meetings hosted by civic groups, faith-based groups and other community organizations.

Spanish-speaking translators are available at all meetings. If a request for other language translators is made at least five working days prior to a public

meeting, translators will be provided. All community input meetings will be held at public buildings with disabled access.

The meetings organized by the City and held prior to the Annual Action Plan and/or Consolidated Plan will be publicly noticed in the local paper of general circulation, as well as the local Hispanic paper of general circulation. The public notice will occur at least one week prior to the meetings. A press release will also be submitted to the local newspaper, radio and television stations and announcements sent to neighborhood organizations, the local public housing authority, and agencies providing services to the residents of the community and neighborhoods. Announcements may also be mailed directly to residents and property owners of selected neighborhoods.

Public Hearings and Legal Public Notices

Certain activities require a public hearing before the governing board of the City, which is the City Council. Generally, these occur in conjunction with the development of the Consolidated Plan, the Annual Action Plan, any substantial amendments to the Plans, and the CAPER.

Legal public notices for the public hearings and the public comment period will be published in the local newspaper of general circulation, as well as the Hispanic paper of general circulation at least 30 days prior to the hearing unless HUD has specified a different time period.

Press releases will also be distributed to local newspaper and other media at least two weeks prior to the hearing. Announcements may also be mailed directly to residents and property owners of selected neighborhoods.

Public hearings are held during regularly scheduled City Council meetings in the City Council Chambers. Any resident choosing to speak will be provided an opportunity to do so in accordance with established Council protocol. Any comments received, whether orally or in writing, will be considered in the preparation of the report and will be submitted to HUD with the applicable written report.

The legal public notice for public hearings conducted by the City Council must include the following:

- Summary of proposed plan;
- Estimated amount of funding by funding source;
- Date, time and place of the public hearing;
- How the written report can be obtained;
- Contact information for city staff.

Public Access to Information

As required by law, the City of Modesto will provide the public with reasonable and timely access to information and records relating to the development of the Annual Action Plan, the Consolidated Plan, any substantial amendments of those Plans, and the CAPER.

The written reports submitted to HUD each year will be available to the public free of charge at the following location:

City of Modesto
Parks, Recreation and Neighborhoods Department
Tenth Street Place
1010 Tenth Street Suite 4400
Modesto, California

Additionally, most documents are also available on-line at www.modestogov.com.

Technical Assistance

Each year, the City accepts funding proposals for public service and emergency solutions grants. All potential applicants for funding are encouraged to contact City staff for technical assistance before completing a proposal. In addition, City staff will hold two technical assistance workshops each year. These workshops will be held prior to the funding cycle for public service grants available during the following fiscal year.

The technical workshops will include the following:

- Activities eligible for funding;
- Required leveraging for award of funds;
- Rating criteria for proposals;
- Documentation required to be submitted with the proposal.

Service providers who have received funding in the prior two fiscal years will be notified of these workshops at least 10 days in advance of the workshop along with any others who have requested to be on the mailing list. In addition, City staff will make every effort to identify potential new service providers and others who may be interested in participation.

Notice will at a minimum be by correspondence sent directly to the known list of service providers. In addition, notice may also include press releases, email, and other forms of notification as appropriate.

Complaints
Citizens with complaints concerning the Consolidated Plan, the Annual Action Plan, any substantial amendments to those Plans, or the CAPER, should contact the City at 1010 Tenth Street, Suite 4300, Modesto, California in writing at:

City of Modesto
Parks, Recreation and Neighborhoods Department
P O Box 642
Modesto, CA 95353
Telephone (209) 577-5247

Complaints will be responded to in writing within 15 days. A record will be maintained of all complaints received including the nature of the complaint, referrals made, and the final disposition.

Citizens' Housing & Community Development Committee
The Citizens' Housing & Community Development Committee (CH&CDC) provides overall review of the City's HUD funds. The committee makes funding recommendations to the Modesto City Council regarding the HUD Community Development Block Grant, Emergency Solutions Grant (formerly Emergency Shelter Grant), and HOME Investment Partnership Grant programs as well as other one-time HUD funded programs such as the Neighborhood Stabilization Programs.

There are 13 members of the committee:
- Five (5) citizens at-large representing a cross-section of the community;
- Two (2) representatives from the Citizens Redevelopment Advisory
- Commission;
- One (1) representative from each of the following: Housing Rehabilitation Loan
- Committee, Human Relations Commission, Modesto Planning Commission, and the Stanislaus County Board of Supervisors;
- Two (2) members of the Modesto City Council.

To avoid a perceived conflict of interest, no person who is a member of the board of directors of, or is employed by, an agency that applies for or receives CDBG, ESG, HOME, or other HUD funding will be eligible to vote on funding decisions involving the said agency regarding that funding source.

The Committee meets approximately once a month. These are public meetings, and. the public is welcome and comments are encouraged. There is at least one meeting scheduled during the public comment period for the Annual Action Plan, the Consolidated Plan, any substantial amendments to the Plans, and the

CAPER. These meetings are publicly noticed and are generally held at Tenth Street Place.

Residential Anti-Displacement and Relocation Policy

The City of Modesto will comply with all federal regulations governing residential anti-displacement and relocation assistance as they pertain to the CDBG and HOME programs.

To assure compliance, the City of Modesto:

1. Identifies reasonable steps to minimize the displacement of persons from their homes as a result of an assisted project;

2. Replaces all occupied and vacant occupiable "low/moderate-income dwellings" that are converted to a use other than "low/moderate-income dwellings" or are demolished for a project;

3. Provides relocation assistance to low/moderate-income households (including families and individuals) displaced as a direct result of the conversion of a low/moderate-income dwelling or the demolition of any housing for a project;

4. Provides reimbursement for actual reasonable out-of-pocket costs incurred in connection with temporary relocation, including moving expenses and increased housing costs, if the person must relocate temporarily because continued occupancy of the unit constitutes a substantial danger to the health or safety of the person or public.

Amendments to the Citizens' Participation Plan

The Citizens' Participation Plan can be changed only after the public has been notified of the intent to modify it, and only after the public has had a reasonable opportunity (30 days) to review and comments on the proposed substantial changes to it. At a minimum, the Citizens Participation Plan is to be reviewed with each update of the City's Consolidated Plan.

Definitions

Annual Action Plan: This document updates the Consolidated Plan on an annual basis and allocates one year's funding (entitlement and program income) to specific projects and activities for the HUD funded programs.

Consolidated Annual Performance Evaluation Report (CAPER): This document reports on the progress made in carrying out the Consolidated Plan and Annual Action Plan. The City of Modesto prepares the report annually in accordance with 24 CFR Part 91.

Consolidated Plan: This document is submitted to HUD and serves as the planning document of the jurisdiction and an application for funding for the HUD funded programs. The document is developed in accordance with 24 CFR Part 91 and establishes the priorities and strategies of the various programs over a five-year period. Legal Public Notice: Legal public posting by the City Clerk's Office in the local paper of general circulation with the purpose of announcing a legal action or intent.

Public Notice: Announcement which may take the form of advertising, press releases, or other communication tools and utilized to get information out regarding programs or upcoming events.

Substantial Amendment: An amendment to the Consolidated Plan or Annual Action Plan which involves implementing an activity not previously described, a change in the purpose, scope, location or beneficiary of an activity, or an increased appropriation to an existing activity in excess of $50,000 is considered a substantial amendment. An increase or decrease in the amount of HOME funds appropriated to an approved HOME activity shall not be considered a substantial amendment if it does not change the scope, location or objectives of the approved activities or beneficiaries. These changes may however require reporting to the City's governing body based on established City procedures.

Section 2 - Fair Housing

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- Sponsoring workshops, seminars, and symposiums on an annual basis to help educate targeted audiences;
- Hosting and operating a website providing fair housing information, a list of services, and resources for those with access to the internet who are seeking out information on their housing rights. Project Sentinel's site is located at www.housing.org;
- Placing transit posters in trains and on bus shelters informing people to call if the person feels he or she has experienced housing discrimination.

Maintaining contact and relationships with other social services agencies that serve residents in their jurisdictions is an important factor for Project Sentinel in reaching those who need fair housing services. The agency receives a large number of complaints as referrals from these other agencies.

Landlord Tenant Mediation Services

In July 2004, Project Sentinel began providing and landlord/tenant mediation services for residents and landlords that need additional assistance beyond information and referral. Project Sentinel maintains a position of neutrality such that "delivery of services [are] open and available to all whom make a reasonable request for assistance." Project Sentinel provides mediation services for several types of landlord-tenant conflicts, including the following:

- The nature of leases and month-to-month rental agreements.
- The duty of landlord to repair the premises and the duty of the tenant to maintain the premises
- The landlords' right to enter the rental unit and the tenants' right to privacy
- Rental increases and other changes in terms
- Termination of the rental relationship
- Handling security deposits, including requirements for inspections at the time the tenant vacates and the process for refunding the deposit

Between 2010 and 2014 Project Sentinel provided 515 households with landlord/tenant mediation services of counseling and dispute resolution. Project Sentinel believes that many low income tenants and landlords do not have sufficient information to make good decisions. Many of these callers are of protected status and as such are at a disadvantage when negotiating a landlord tenant relationship. If assistance is not rendered to these households it could be a form of discrimination. The lack of sufficient knowledge of tenant landlord rules places these individuals and households at a disadvantage. The provision of these services helps to level the playing field. Project Sentinel maintains a position of neutrality such that "delivery of services [are] open and available to all whom make a reasonable request for assistance." Project Sentinel provides mediation services for several types of landlord-tenant conflicts, including the following:

- The nature of leases and month-to-month rental agreements.
- The duty of landlord to repair the premises and the duty of the tenant to maintain the premises

- The landlords' right to enter the rental unit and the tenants' right to privacy
- Rental increases and other changes in terms
- Termination of the rental relationship
- Handling security deposits, including requirements for inspections at the time the tenant vacates and the process for refunding the deposit

In the last fiscal year, Project Sentinel has managed 49 Modesto landlord/tenant cases pertaining to a range of issues. The most common problems reported are landlord/tenant, neighbor-to-neighbor, and breach of contract. The cases were resolved through conciliation, mediation, or counseling.

CF-10 Fair Housing Discrimination Complaints

Intake

When a potential complainant has been referred to Project Sentinel and contact is made, an experienced counselor discusses the caller's situation, and determines if the problem is within the geographic service boundaries and scope of fair housing law. If the complaint isn't related to the agency's services, the housing counselor will refer the caller to the appropriate agency. As this information and referral is being made, the housing counselor will explain what Project Sentinel's role is and why the caller is being referred. In some situations the housing counselor will offer to be a bridge for the caller and contact the other organization on behalf of the caller.

Once a complaint of housing discrimination has been determined, and is verified to be within the agency's geographic service boundaries, the counselor does a complaint intake and proceeds with investigation. Complaint in-take is usually performed by phone, without cumbersome requirements of appointments or paperwork. Intake is performed quickly but with sensitivity to the complainant's possible emotional state of mind. The counselor will collect information on the complainant's demographic makeup, financial information, housing situation, and desired course of action, as well as taking down a narrative of the incident which prompted the complainant's initial call. Based on this information,

Investigation

There are various methods for investigating complaints of housing discrimination: testing, surveys, interviewing, and document review. Each complaint is evaluated to determine the best method or methods of investigation.

As testing is such a crucial part of fair housing investigation, a fair housing agency's tester pool is one of its most important assets. Each agency conducts regular tester-training workshops to develop and maintain a diverse pool of testers. At these trainings, potential testers are trained in basic fair housing

law and put through practice testing exercises to give them a feel for what is being looked for when a fair housing agency 0conducts an investigation.

Surveying is also one of the major means of collecting evidence. Agencies will compose a survey of questions based on the complainant's situation, and send a representative to the site to conduct interviews of in-place tenants. Surveying will often be used to find others of the same protected class as the complainant to provide corroborating evidence of the alleged discrimination.

Interviews of witnesses to the discriminatory actions, or of other victims of the alleged discrimination, are also used to collect corroborating evidence. Sometimes witnesses statements are the only way to gather evidence, especially in cases where testing and surveying are impossible. Potential interviewees can include friends or family of the complainant or current and former site tenants of the complainant's protected class.

Referral

Once the investigation is completed and if evidence is found, the fair housing agency will contact the complainant to counsel them on the next available options. At this time the complainant can choose from the following options:

Conciliation

If possible, the complainant may want to come to a mediated agreement on the problem with his or her landlord. This might involve the granting of a reasonable accommodation to site rules in the case of a person with a disability, or the renting of a unit previously denied to a complainant on the basis of familial status.

Education

The complainant may want to require that the landlord be educated as to the violation in fair housing law. Project Sentinel will send a letter of education to the landlord explaining fair housing law; further education, such as attending a fair housing training may also be required to conciliate the case.

Referral to Private Attorney, HUD or DFEH

If the complaint is egregious, the complainant may want to pursue this case in court or through a government agency such as the U.S. Department of Housing and Urban Development (HUD) or the California Department of Fair Employment and Housing (DFEH). Cases referred to a government agency or to a private attorney often settle out of court, with monetary damages being awarded to the complainant.

Decline to Pursue

If the complainant does not wish to pursue the case, he or she can choose to decline pursuing it. In cases where insufficient or no corroborating evidence is found, or where the site is impossible to investigate, Project Sentinel will counsel the complainant on the lack of evidence or difficulty of finding evidence. If the complainant feels that his or her experience was egregious enough, he or she may choose to file a complaint with HUD or DFEH alone. Otherwise, the complaint will be closed as counseled.

Pending

Cases are cases that are still being investigated, or required a second investigative effort at the time of this report.

REFERRAL

Options	No. Of Cases
Conciliated	51
Counseled	97
Declined To Pursue	5
Referral	4
Educated	14
HUD Referral	23
Pending Investigation	7

DISPOSITION

YEAR	NO. OF COMPLAINTS
2010	36
2011	48
2012	47
2013	40
2014 (data only for Jan-June 2015)	30

PROTECTED CLASS

	2010	2011	2012	2013	2014
Race		2	3	1	3
Nat Origin	1		2		2
Disability	32	35	30	29	15
Familial Status	1	6	1	6	7
Gender				1	

Religion					
Age	1	1			
Marital Status			1		
Gender					2
Sexual Orientation			1		
Source of Income		2	8	3	1
Arbitrary	1	2	1		

Testing and Auditing

Project Sentinel may conduct testing in order to verify a case of fair housing discrimination. Fair housing testing is a controlled method to determine differential treatment in the services given to home seekers by real estate agents, property managers, and owners. A test is a simulation of a housing transaction used to compare the treatment of one home seeker to another, to determine where there has been a violation of fair housing laws. The technique entails the pairing of individuals, similar in relevant respects except for the particular variable being tested (e.g. race, familial status, disability). The experience of the two of more testers is compared to determine the validity of an alleged discrimination.

California State Department of Fair Employment and Housing (DFEH)

Project Sentinel works in partnership with HUD and DFEH. Once a person calls in a complaint to Project Sentinel, an interview takes place and the complaint is documented. Project Sentinel first offers mediation/conciliation as a viable alternative to regulatory enforcement or litigation. If the mediation/conciliation is unsuccessful, Project Sentinel refers the case to DFEH or HUD. During the investigation of the case, testing may be performed, if deemed necessary. After the completed investigation, Project Sentinel advises the complainant of the alternatives available in proceeding with the complaint, which includes mediation/conciliation, administrative filing with HUD or DFEH, referral for consideration to the Department of Justice, Civil Rights Division, Housing and Civil Enforcement Section, or referral to a private attorney for possible litigation.

Hate Crimes

To a certain degree, hate crimes are an indicator of the environmental context for discrimination. Hate crimes are crimes that are committed because of a bias against race, religion, disability, ethnicity, or sexual orientation. These crimes should be reported to the police or sheriff's department. On the other hand, a hate incident is an action or behavior that is motivated by hate, but is protected by the First Amendment right to freedom of expression. Examples of hate incidents can include name-calling, epithets, distribution of hate material in public places. The freedom guaranteed by the U.S. Constitution,

such as freedom of speech, allows hateful rhetoric as long as it does not interfere with the civil rights of others. Only when these incidents escalate can they be considered actual crime.

In an attempt to determine the scope and nature of hate crimes, the Federal Bureau of Investigation's (FBI) Uniform Crime Reporting program collects statistics on these incidents. According to the FBI, hate crimes take place in Modesto, although at a low level.

Section 3 - Community Development Block Grant (CDBG)

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City of Modesto
Community Development Block Grant (CDBG) Public Services
Emergency Solutions Grants (ESG)
Policies and Procedures

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PURPOSE OF THIS MANUAL

This manual applies to all CDBG Public Services and ESG subrecipients and provides guidance on many aspects of program management. It is intended as a general guide and does not replace or amend any of the provisions of the subrecipient agreement.

CHAPTER 1.0: THE CDBG PROGRAM

The intent of the Community Development Block Grant (CDBG) program is to develop viable urban communities through the provision of decent housing, suitable living environments, and economic opportunities for persons of low and moderate income.

1.1 CDBG Eligibility

To be eligible for CDBG funding, an activity must:

- Meet one of three national CDBG program objectives (National Objectives);
- Be an eligible CDBG program activity as prescribed by HUD;
- Be consistent with the City of Modesto's Consolidated Plan; and
- Receive National Environmental Protection Act (NEPA) clearance.

1.2 National Objectives

The authorizing statute of the CDBG program requires that each activity funded must meet one of three National Objectives. The three National Objectives are:

- Benefit to low- and moderate-income (LMI) persons;
- Aid in the prevention or elimination of slums or blight; and
- Meet a need having a particular urgency.

City of Modesto must comply with federal regulations that mandate a minimum of 70 percent of the CDBG funds received must, over a three-year period, be used to fund activities that primarily benefit low- and moderate-income persons. Very few projects qualify under the last two categories, as the eligibility requirements are more extensive and difficult to meet.

1.3 CDBG Eligible Activities

In addition to meeting one of the National Objectives, activity must also be eligible under the CDBG program. General types of activities that are eligible fall into four broad categories:

- Code Enforcement and Housing Development and Rehabilitation Activities;
- Construction or Improvement of Public Facilities;
- Economic Development Activities (Job Creation and Retention); and
- **Public Services: Federal regulations restrict public service funding to 15 percent of the total grant. In addition, record-keeping requirements generally include, at a minimum, extensive documentation on beneficiaries' family income, race, ethnicity, and female head of household status.**

Federal regulations for direct services funded under CDBG and ESG programs limit funding to either:

- A new service; or
- A quantifiable increase in the level of an existing service which has been provided by the City of Modesto or another entity on its behalf through state or local government funds in the 12 months preceding the submission of the City of Modesto Consolidated Plan/Annual Action Plan.

Funds must supplement, not supplant, local funds.

This requirement does not prevent continued funding of a CDBG- or ESG-funded activity at the same or lower levels in successive years.

1.4 LMI Categories

City of Modesto's CDBG Public Services Request for Proposals (RFP) solicits projects that primarily benefit LMI persons. The following four categories are used to meet this National Objective, but the City's CDBG Public Services RFP solicits only two:

- **Area benefit activities**;
- **Limited clientele activities**;
- Housing activities; or
- Job creation or retention activities

Area Benefit Activity is one that benefits all residents in a particular area where at least 51 percent of the residents are LMI persons.

Limited Clientele Activity requires that at least 51 percent of beneficiaries be LMI persons. In contrast to the area benefit category, it is not the LMI concentration of the service area of the activity that determines whether the activity will qualify or not, but rather the actual number of LMI persons that benefit from the activity. Activities in this category provide benefits to a specific group of persons rather than everyone in an area. It may benefit particular persons

without regard to their residence, or it may be an activity that provides a benefit to only particular persons within a particular area.

In determining the beneficiaries of activities as LMI and qualifying under the limited clientele category, activities must meet one of the following criteria:

- **Benefit a clientele that is generally presumed to be principally LMI.** This presumption covers: abused children, battered spouses, elderly persons, severely disabled* adults, persons experiencing homelessness, illiterate adults, persons living with HIVAIDS, and migrant farm workers; or
- **Require documentation on family size and income** in order to demonstrate that at least 51 percent of the clientele are LMI; or
- **Be of such a nature and in such a location that it can be concluded that clients are primarily LMI.** An example is a daycare center that is designed to serve residents of a public housing complex

* Persons are considered severely disabled if they:

- Used a wheelchair or had used another special aid for 6 months or longer;
- Are unable to perform one or more functional activities (seeing, hearing, having one's speech understood, lifting and carrying, walking up a flight of stairs, and walking);
- Need assistance with activities of daily living (getting around inside the home, getting in or out of bed or a chair, bathing, dressing, eating, and toileting) or instrumental activities or daily living (going outside the home, keeping track of money or bills, preparing meals, doing light housework, and using the telephone);
- Are prevented from working at a job or doing housework;
- Have a selected condition including autism, cerebral palsy, Alzheimer's disease, senility, or dementia, or mental retardation; or
- Are under 65 years of age and are covered by Medicare or receive Supplemental Security Income (SSI)

1.5 CDBG Ineligible Activities (Not Exhaustive)

The provision of income payments is ineligible, if these payments are provided as a grant. Income payments are payments to an individual or family, which are used to provide basic services such as food, shelter (including payment for rent, mortgage, and/or utilities), or clothing. However, such expenditures are eligible under the following conditions:

- Income payments do not exceed 3 consecutive months; and
- Payments are made directly to the provider of such services on behalf of an individual or family

The following are also ineligible activities:

- Political/lobbying activities;
- Expenses incurred before the period for which funding is awarded;
- Food/meals for staff;
- Fundraising;
- Entertainment;
- Alcoholic beverages;
- Deposits on equipment;
- Incentives to beneficiaries (gift cards, raffle prizes, holiday gifts, prizes for social activities, etc.)
- Late fees, fines, penalties;
- Contributions or donations; and
- Marketing activities of organization

CHAPTER 2.0: THE ESG PROGRAM

The Emergency Solutions Grants (ESG) program is designed to identify sheltered and unsheltered persons experiencing homelessness, as well as those at risk of experiencing homelessness, and provide the assistance necessary to help those persons quickly regain stability in permanent housing after experiencing a housing crisis and/or homelessness. The Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (HEARTH Act) substantially revised the Emergency Shelter Grants program (now Emergency Solutions Grants program) to reflect the change in focus from addressing the needs of persons experiencing homelessness in emergency and transitional shelters to assisting persons experiencing homelessness and those at risk of experiencing homelessness to quickly regain stability.

2.1 ESG Eligible Activities

While flexible in terms of serving all homeless subpopulations and preventing persons from experiencing homelessness, the authorizing statute and implementing regulations do limit the types of activities and amounts of funds that may be used for different activities. The following are 5 major categories of eligible activities and applicable limitations of existing ESG program:

- Street Outreach
    - Essential Services
- Emergency Shelter
    - Shelter Operations
        - Shelter operations no longer have a limit on staff costs, as it did under the Emergency Shelter Grants program, and may now include cost of supplies and, under certain conditions,

costs of hotel or motel stays where no appropriate emergency shelter is available
    - Essential Services
    - Renovation
- Homelessness Prevention
    - Tenant-Based Rental Assistance
    - Housing Relocation and Stabilization Services
- Rapid Re-Housing
    - Tenant-Based Rental Assistance
    - Project-Based Rental Assistance
    - Housing Relocation and Stabilization Services
- Homeless Management Information Systems (HMIS)

No more than 60 percent of the annual ESG allocation from HUD may be used for Street Outreach and Emergency Shelter and no more than 7.5 percent of the annual ESG allocation from HUD may be used for Administration.

2.2 ESG Matching Funds Requirement

Subrecipient must match ESG funds dollar for dollar with its own locally generated funds and/or in-kind contributions. These funds and/or contributions may come from City of Modesto; other federal, state, and local grants; and from in-kind contributions, such as the value of a donated building, supplies and equipment, new staff services, and volunteer time.

Cost principles for valuation of in-kind and other contributions must:

- Be verifiable records;
- Not be included as a contribution for any other federally-assisted program;
- Ensure value of services be consistent with those paid for similar work;
- Ensure value of property be at fair market value;
- Document volunteer services (names, addresses, dates, and hours of work);
- Include basis for determining the value of personal services, material, equipment, land, and other fixed assets

Documentation of matching funds must be furnished to the City within 10 days from the end of each program year.

2.3 ESG Funding Priorities

In addition to funding emergency shelter and transitional housing to the maximum extent possible, the City of Modesto, in consultation with the local Continuum of Care (also known locally as the Stanislaus Housing and Support Services Collaborative – a collaborative group of government, public agencies, advocates, and community- and faith-based

organizations focused on addressing homelessness, creating affordable housing, and providing assistance that promotes self-sufficiency), developed the following priorities, strategies, and outcomes:

- Focusing more on homelessness prevention than rapid re-housing;
- Limiting assistance* to:
  - Families with dependent children;
  - Persons experiencing homelessness who are within six months of obtaining mainstream benefits; and
  - U.S. Department of Housing and Urban Development – U.S. Department of Veterans Affairs Supportive Housing (HUD-VASH) program participants (security deposit assistance only)
- Providing 3-6 months of assistance to program participants and additional assistance only when merited and program participants adhere to individualized stability plan;
- Including as a special risk factor for homelessness severely deteriorated housing; and
- Basing program performance on the elimination of barriers to housing stability

***Assistance includes:**

- Tenant- or project-based, short- and medium-term rental assistance
- Housing relocation and stabilization services, which include:
  - Financial assistance costs:
    - Rental application fees
    - Security deposits
    - Last month's rent
    - Utility deposits
    - Utility payments
    - Moving costs
  - Services costs:
    - Housing search and placement
    - Housing stability case management
    - Mediation
    - Legal services
    - Credit repairs

2.4 Definition of Homeless and At Risk of Homelessness

Homeless

a. An individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:
   i. An individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground;
   ii. An individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state, or local government programs for low-income individuals); or
   iii. An individual who is exiting an institution where he or she resided for 90 days or less and who resided in an emergency shelter or lace not meant for human habitation immediately before entering that institution;
b. An individual or family who will imminently lose their primary nighttime residence, provided that:
   i. The primary nighttime resident will be lost within 14 days of the date of application for homeless assistance;
   ii. No subsequent residence has been identified; and
   iii. The individual or family lacks the resources or support networks, e.g., family, friends, faith-based or other social networks needed to obtain other permanent housing;
c. Unaccompanied youth under 25 years of age, or families with children and youth, who do not otherwise qualify as homeless under this definition, but who:
   i. Are defined as homeless under the Runaway and Homeless Youth, Head Start, Violence Against Women, Public Health Services, Food and Nutrition, or Child Nutrition Acts;
   ii. Have not had a lease, ownership interest, or occupancy agreement in permanent housing at any time during the 60 days immediately preceding the date of application for homeless assistance;
   iii. Have experienced persistent instability as measured by two moves or more during the 60-day period immediately preceding the date of applying for homeless assistance; and
   iv. Can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addition, histories of domestic violence or childhood abuse (including neglect), the presence of a child or youth with a disability, or two or more barriers to employment, which include the lack of a high school degree or General Education Development (GED), illiteracy, low English proficiency, a history of incarceration or detention for criminal activity, and a history of unstable employment; or
d. Any individual or family who:

i. Is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions that relate to violence against the individual or a family member, including a child, that has either taken place within the individual or family's primary nighttime residence or has made the individual or family afraid to return to their nighttime residence;
ii. Has no other residence; and
iii. Lacks the resources or support networks, e.g., family, friends, faith-based or other social networks, to obtain other permanent housing.

At Risk of Homelessness

a. An individual or family who:
   i. Has an annual income below 30 percent of area median family income;
   ii. Does not have sufficient resources or support networks, e.g., family, friends, faith-based or other social networks, immediately available to prevent them from moving to an emergency shelter or another place described in the homeless definition; and
   iii. Meets one of the following conditions:
      1. Has moved because of economic reasons two or more times during the 60 days immediately preceding the application for homelessness prevention assistance;
      2. Is living in the home of another because of economic hardship;
      3. Has been notified in writing that their right to occupy their current housing or living situation will be terminated within 21 days after the date of application for assistance;
      4. Lives in a hotel or motel and the cost of the hotel or motel say is not paid by charitable organizations or by federal, state, or local government programs for low-income individuals;
      5. Lives in a single-room occupancy or efficiency apartment unit in which there reside more than two persons or lives in a larger housing unit in which there reside more than 1.5 people per room, as defined by the U.S. Census Bureau;
      6. Is exiting a publicly funded institution, or system of care, e.g., health-care facility, mental health facility, foster care, or other youth facility, or correction program or institution; or
      7. Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness, as identified in the City of Modesto's approved consolidated plan;

b. A child or youth who does not qualify as homeless under the HEARTH Act but qualifies as homeless under the Runaway and Homeless Youth, Head Start, Violence Against Women, Public Health Services, Food and Nutrition, or Child Nutrition Acts; or
   - A child or youth who does qualify as homeless under the HEARTH Act but qualifies as homeless under the McKinney-Vento Homeless Assistance Act, and the parent(s) or guardian(s) of that child or youth if living with her or him.

ESG activities must maintain adequate documentation to substantiate homelessness or at risk of homelessness status of its beneficiaries.

CHAPTER 3.0: DETERMINING INCOME ELIGIBILITY

3.1 Definition of Income

See Chapter 6.0: Maintenance of Beneficiary Files for more detailed information.

To calculate annual gross income, the CDBG program allows the three definitions of income listed below:

- Section 8 annual gross income: The CDBG program has always used the Section 8 definition of annual income.
- IRS adjusted gross income: The final rule allows CDBG grantees/subrecipients to determine annual income by using the calculation for "adjusted gross income" outlined in the federal income tax IRS Form 1040.
- Census long form annual income: The final rule also allows CDBG grantees/ subrecipients to determine annual income as defined for the Census long form for the most recent decennial Census.

In general, City of Modesto will require all subrecipients use the Section 8 definition.

Subrecipients are to estimate the annual income of a family or household by projecting the prevailing rate of income of each person at the time assistance is provided for the individual, family, or household (as applicable).

3.2 HUD Income Limits - 2012

Area Median Income (AMI)	Income Limits (% of AMI)	1-Person Family	2-Person Family	3-Person Family	**4-Person Family**
$62,000	30%	$13,050	$14,900	$16,750	**$18,600**
	50%	$21,700	$24,800	$27,900	**$31,000**
	80%	$34,750	$39,700	$44,650	**$49,600**

Area Median Income (AMI)	Income Limits (% of AMI)	5-Person Family	6-Person Family	7-Person Family	8-Person Family
	30%	$20,100	$21,600	$23,100	$24,600

$62,000	50%	$33,500	$36,000	$38,450	$40,950
	80%	$53,600	$57,550	$61,550	$65,500

CHAPTER 4.0: NEPA CLEARANCE

All activities proposed for CDBG/ESG funding must receive National Environmental Policy Act (NEPA) clearance. NEPA is federal environmental protection legislation that is similar, yet often more restrictive that the California Environmental Quality Act (CEQA). CDBG/ESG funds may not be used to fund activities that have not received NEPA clearance.

All funded activities must comply with the National Environmental Policy Act of 1969 (NEPA; 42 USC 4321); NEPA-related statutes, regulations, and policies; and the implementing regulations (24 CFR Part 58) prior to the obligation of CDBG/ESG funds.

NEPA regulations may be found at:
http://hud.gov/offices/cpd/affordablehousing/training/web/crosscutting/environmental/reviewstage1.cfm

CHAPTER 5.0: PLANNING AND ALLOCATION PROCESS

5.1 Citizen Participation Plan and Consolidated Plan and Annual Action Plans

The Consolidated Plan outlines a five-year strategic plan with goals to meet the unmet needs for affordable and supportive housing, community development activities, public services, and economic development opportunities for low- and moderate-income residents. Each fiscal year, specific activities are identified in an action plan (Annual Action Plan) to address the needs during the coming year. At the end of each fiscal year, a Consolidated Annual Performance and Evaluation Report (CAPER) is prepared that summarizes the accomplishments toward the five-year goals.

City of Modesto, as a CDBG and ESG grantee, is provided flexibility in allocating program funds according to local priorities consistent with the Consolidated Plan. Pursuant to HUD regulations regarding the Citizen Participation Plan, City of Modesto carries out an annual community planning process and public hearing to determine community needs to inform the allocations contained in the Consolidated Plan and subsequent Annual Action Plans.

5.2 CDBG Public Services and ESG RFP

City of Modesto releases a consolidated Request for Proposals (RFP) for CDBG Public Services and ESG every two years. While CDBG and ESG are separate and distinct HUD programs, the City releases a consolidated RFP soliciting proposals for CDBG Public Services/ESG funds. City of Modesto staff allocates program funds to corresponding program activities to ensure statutory and regulatory compliance. This two-year funding cycle is intended to enhance activity stability and design, and direct resources toward activity delivery instead of grant-writing and application review. Level of funding for the second year will depend on the availability of funds, as well as on project performance during the first year of the award. City of Modesto retains sole discretion to determine any change in the amount of the second-year award or terminate the funding agreement based on the provisions contained therein.

To be eligible for funding, proposed activities must be consistent with the needs and goals identified in the Consolidated Plan. If an activity is proposed to meet a new need not previously identified in the Consolidated Plan, the Consolidated Plan must be amended according to the City of Modesto's Citizen Participation Plan prior to funding consideration.

Applicants may submit only one application; however, proposers may submit more than one application only if additional applications are joint, highly collaborative applications, (i.e., sharing space or substantial resources with at least one other organization). Letters of Understanding (LOUs) will be required at time of submission of proposal.

City of Modesto staff will review all proposals for eligibility (i.e., technical review) and provide notification of any eligibility issues to proposing organization.

Any organization that maintains its proposal has been wrongly determined to be ineligible by not meeting the RFP criteria may submit written feedback to the Deputy Director of Parks, Recreation, and Neighborhoods Department who oversees the HUD Division within three (3) days of notification. The written feedback should include specific details and/or additional documentation that address the ineligibility determination issued. This appeal process does not provide an opportunity to revise proposals, nor does it guarantee that determinations will be overturned.

The evaluation of the proposals will consider the merits of every eligible proposal. A subcommittee of the Modesto City Council-appointed Citizens Housing and Community Development Committee (CH&CDC), with the technical support of City of Modesto staff, will carry out the evaluations and funding recommendations. City staff will present these CH&CDC recommendations to Modesto City Council, which will ultimately determine funding awards.

5.3 ESG Rollover

ESG awards must be expended within 2 years of subrecipient agreement execution and unlike CDBG, may be rolled over from first to second year.

5.4 Eligible Subrecipients

- Nonprofit Organizations
- Governmental Entities
- Religious/Faith-Based Organizations*
- Institutions of Higher Education

* Religious/faith-based organizations may retain its independence from federal, state, and local governments, and may continue to carry out its mission, including the definition, practice, and expression of its religious beliefs, provided that it does not use direct CDBG/ESG funds to support any inherently religious activities, such as worship, religious instruction, or proselytizing. These organizations may use space in its facilities to provide CDBG-funded services without removing religious art, icons, scriptures, or other religious symbols. In addition, a CDBG-/ESG-funded religious/faith-based organization retains its authority over its internal governance, and it may retain religious terms in its organization's name, select its board members on a religious basis, and include religious references in its organization's mission statements and other governing documents. A subrecipient may not, in CDBG-/ESG-funded service delivery, discriminate against beneficiaries or potential beneficiaries on the basis of religion or religious belief.

5.5 Substantial Amendment Process

There are times when the City of Modesto must amend its Consolidated Plan/Annual Action Plan. This substantial amendment process is carried out in accordance with the City's Citizens Participation Plan that requires a 30-day public comment period and Modesto City Council approval. The City must amend its Plan:

- To make a change in its allocation priorities or a change in its method of distributing funds;
- To carry out a new activity; or
- To change the purpose, scope, location, or beneficiary of an activity

CHAPTER 6.0: MAINTENANCE OF BENEFICIARY FILES

Beneficiary files must contain documentation to substantiate program eligibility.

HUD definitions at 24 CFR 570.3 are particularly helpful:

Income. For the purpose of determining whether a family or household is low- and moderate-income, subrecipients may select any of the three definitions listed under Chapter 3.0: Determining Income Eligibility.
Family means all the persons living in the same household who are related by birth, marriage, or adoption.
Household means all the persons who occupy a housing unit. The occupants may be a single family, one person living alone, two or more families living together, or any other group of related or unrelated persons who share living arrangements.
Low- and Moderate-Income Person/Family means a member of a family (not household) or a family having an income equal to or less than the Section 8 low-income limit established by HUD. Unrelated individuals will be considered as one-person families for this purpose.
Low- and Moderate-Income Household means a household (as defined above) having an income equal to or less than the Section 8 low-income limit established by HUD for an equivalent sized family.
Low-Income means income equal to or less than the Section 8 very low-income limit established by HUD.
Moderate-Income means having an income equal to or less than the Section 8 low-income limit and greater than the Section 8 very low-income limit established by HUD.

Files must contain documentation to substantiate the following:

- **Modesto Residency**
  Example documents: utility bill, bank statement, etc.

- **Family Size (Note: non-housing low- and moderate-income (LMI) activities are to meet the LMI National Objective based on family, not household size)**

  Household size is only used to determine eligibility when HUD assistance is provided for housing, since the two underlying assumptions are that 1) all individuals who reside in a housing unit that has been provided or improved with HUD assistance will benefit from that housing unit; and 2) resources of all occupants could be brought to bear with respect to paying for the rental, improvement, or purchase of that unit. Otherwise, all other activities, (e.g., CDBG Public Services) require income eligibility based on Family, not Household Size.

  Examples:
  - Married couple = family of 2
  - Friend and friend = two separate families of 1
  - Friend and Friend with child = two separate families of 1 and 2

- Married couple with child of both = family of 3 (child and parent related by blood or adoption)
- Unmarried couple with child of only one = two separate families of 1 and 2

Tax returns, school records, etc., are useful documents that establish child custody and residence.

- **Income Documentation**

To be eligible for CDBG Public Services assistance, activity must primarily benefit (at least 51 percent) low- and moderate-income (LMI) persons. Documentation of the benefit to LMI persons is required of every funded activity (24 CFR 570.208).

Example documents: tax returns, paycheck stubs, proof of Social Security Supplemental Security Income (SSI)/Social Security Disability Insurance (SSDI)/Supplement Nutritional Assistance Program (SNAP).

Income verification and documentation requirements vary according to applicable category as described in subrecipient agreement. Area benefit and presumed benefit category activities are still required to report on family size, income level, and other demographic information. Unlike other categories, however, income documentation is not necessary for these categories. See Chapter 1.4: LMI Categories.

Subrecipients are to estimate the annual income of a family by projecting the prevailing rate of income of each person at the time assistance is provided for the individual, family, or household (as applicable).

If subrecipient is unable to document income level of beneficiary, subrecipient may document beneficiary as non-low- and moderate-income (non-LMI; above 80 percent of the area median income). Keep in mind that the percentage of non-LMI beneficiaries may not exceed 50 percent and should be kept to a minimum, as the CDBG program is intended to primarily benefit LMI persons.

24 CFR 570.506 describes the records to be maintained. Where information on annual income by family size is required, subrecipient may substitute evidence establishing:

- That the person assisted qualifies under another program having income qualification criteria at least as restrictive as that used in the definitions of low- and moderate-income person, family, or household (as applicable);

- That the person is experiencing homelessness (as defined by HUD; see Chapter 2.4: Definition of Homeless and At Risk of Homelessness);
- Verifiable certification from the assisted person that his or her family income does not exceed the applicable income limit; or
- Notice that the assisted person has been referred from a state, county, or local employment agency or other entity that agrees to refer individuals it determines to be low- and moderate-income persons based on HUD's criteria and agrees to maintain documentation supporting these determinations.

CHAPTER 7.0: SUBRECIPIENT AGREEMENTS

Once funding has been allocated in the Annual Action Plan approved by the Modesto City Council and HUD, a formal agreement is required in order to authorize disbursement of funds. City of Modesto may initiate written modification and/or termination of an agreement in order to comply with guidelines contained in any future federal/state/local statutes/regulations/policies/ordinances.

Once fully executed, the agreement represents a mutually agreed to, legally binding document between the City and subrecipient. The agreement must be followed in its entirety in order to receive CDBG/ESG funds. The agreement describes, at a minimum, the scope of work and establishes completion and other important dates and award amount.

An award of CDBG/ESG funds does not authorize the implementation of activity or expenditure accrual. Only an executed subrecipient agreement authorizes these activities. Any expenditure incurred prior to or after the period of the grant award will be ineligible for reimbursement.

CHAPTER 8.0 ADMINISTRATIVE REQUIREMENTS

Subrecipients must be familiar with the following requirements in order to manage its CDBG/ESG funds. The basic program regulations governing management and financial systems are promulgated by the federal government in 24 CFR Part 570, Subparts J and K and apply to grantees and subrecipients.

- Subpart J (24 CFR 570.500 – 570.513) covers the general responsibilities for grant administration, including uniform administrative requirements, provisions of subrecipient agreements, program income, use of real property, record keeping and reporting, and closeout procedures.
- Subpart K (24 CFR 570.600 – 570.614) covers other requirements, including civil rights; labor standards; environmental standards; flood insurance; relocation; displacement; acquisition; employment and

contracting opportunities; lead-base paint; use of debarred, suspended, or ineligible subrecipients/contractors; uniform administrative requirements and cost principles; conflicts of interest; and the Americans with Disabilities Act (ADA).

In addition to the basic regulations contained in 24 CFR Parts 570 and 576, there are three other categories of requirements that affect the administrative systems and procedures that must be in place in order to receive funding:

- Federal regulations governing administrative and audit requirements for programs for which HUD has oversight responsibilities;
- Administrative circulars from the Office of Management and Budget (OMB) and Department of Treasury governing cost principles, administrative systems, fiscal procedures and audit requirements for public and private grantees and subrecipients;
- Executive Orders from the Office of the President implementing various policies.

CHAPTER 9.0 INSURANCE REQUIREMENTS

Subrecipients must provide at its own expense and maintain at all times the following insurance with insurance companies licensed in California and must provide evidence of such insurance to the City of Modesto. The policies and certificates thereof must provide that 30 days prior to cancellation or material change in policy, City of Modesto Risk Management will be notified. **Subrecipient agreements cannot be executed and therefore incurred costs cannot be reimbursed until insurance is in place.**

Worker's Compensation in compliance with the statutes of the State of California, plus employer's liability with a minimum limit of liability of $1,000,000.

* Worker's Compensation insurer must agree to **waive all rights of subrogation** against the City of Modesto, its agents, officers, employees, and volunteers for losses arising from work performed by subrecipient for the City.

General Liability insurance with a minimum limit of liability per occurrence of $1,000,000 for bodily injury and property damage. Insurance must indicate on the certificate of insurance the following coverage and indicate the policy aggregate limit applying to: premises and operations; broad form contractual; independent contractors and subcontractors; products and completed operations, as applicable.

* Subrecipient must provide the City with **separate endorsement** evidencing proof of the City's additional insured status as to General Liability insurance policy.

Automobile Liability insurance with a minimum limit of liability per occurrence of $1,000,000 for bodily injury and property damage. This insurance must cover any automobile for bodily injury and property damage.

* Subrecipient must provide the City with **separate endorsement** evidencing proof of the City's additional insured status as to Automobile Liability insurance policy.

CHAPTER 10.0 FINANCIAL MANAGEMENT

Subrecipient is responsible for the internal control and monitoring of fiscal and programmatic/operational goals and procedures. Subrecipient must establish such fiscal controls and fund accounting procedures as required by federal guidelines, or as may be deemed necessary by the City of Modesto and/or HUD to assure the proper utilization of CDBG/ESG funds.

Subrecipient must maintain internal controls on financial records, cash disbursements, cash recipes, payroll, and inventory of assets. At a minimum, subrecipients are required to maintain a General Ledger, a system for maintaining information on unpaid bills (Accounts Payable), a Cash Disbursement Journal, and authorized signatures or level of access. When requested, subrecipients are required to provide current information on all accounting transactions in a standardized acceptable format. Transactions must be properly recorded and accounted for.

10.1 Accounting Principles and Auditing Practices

Subrecipient must maintain accounting records that are in accordance with generally accepted accounting principles and auditing practices.

- OMB Circular A-102 "Uniform Requirements for Assistance to State and Local Governments"
- OMB Circular A-122 "Cost Principles for Non-Profit Organizations"
- OMB Circular A-21 "Cost Principles for Educational Institutions"
- American Institute of Certified Public Accountant (AICPA) "Accounting and Financial Reporting for Voluntary Health and Welfare Organizations"

10.2 Record Retention

Subrecipient must maintain all records required by federal guidelines. **Generally, all records (programmatic, financial, etc.) are to be retained for a period of five years from the end of the subrecipient agreement.** Records will be open and available for review by staff assigned by the City and/or HUD.

Subrecipient must maintain beneficiary data substantiating beneficiary eligibility for services provided. Such data must include, but is not limited to, beneficiary

(head of household) name, address, income level, etc.; and description of service provided. Such information must be made available to City/HUD staff or its designees for review upon request. Beneficiary files must be maintained in a manner that is organized, comprehensive ("self-contained"), confidential when necessary, and up-to-date.

10.3 Single Audit (OMB Circular A-133 and Other Financial Audits)

Subrecipients that expend $500,000 or more in federal funds from all sources (including grants, loans, program income, etc.) in its previous fiscal year must submit a copy of an independent audit completed within nine months following the end of the subrecipient's fiscal year.

Subrecipients that have an overall organizational budget of less than $250,000 may be exempted from the audit requirement. City of Modesto reserves the right to conduct a fiscal site visit or require alternate documents demonstrating sound financial controls in the absence of an audit.

10.4 Program Income

Program income (PI) is defined as gross income received by either City of Modesto or its subrecipients directly generated from the use of CDBG funds. In rare cases when CDBG Public Services activities generate PI, PI is retained by the City of Modesto and subrecipients are required to account for this gross income by recording it as part of the financial transactions of the CDBG award and must be treated as additional CDBG funds subject to all applicable requirements governing the use of CDBG funds. PI regulations may be found in 24 CFR 570.504.

CHAPTER 11.0: REIMBURSEMENT

City of Modesto authorizes payment on an expenditure reimbursement basis, except when funded activities require advanced payment (e.g., rental assistance activities that require timely payment to landlords and other third parties), as approved by City of Modesto. Costs must be necessary, reasonable, allocable, and documented. Subrecipient must maintain separate accounts within established bookkeeping systems for the deposit of CDBG/ESG funds as specified in the applicable OMB Circular.

Reimbursement requests may be submitted no less often than once every 3 months for projects incurring expenses. See Quarterly Invoicing/Reporting Schedule.

Subrecipient agreement only permits reimbursement for the expenditures specifically covered by the budget exhibits during the term of the agreement. Otherwise the cost may not be eligible for reimbursement.

City of Modesto reserves the right to hold or return reimbursement requests and disallow incurred expenses based on compliance with agreement. All financial transactions must be supported by complete and verifiable source documents. These records must provide a clear audit trail and must be maintained as specified by federal guidelines.

11.1 Budget Amendments

For budget amendments that do not change the purpose, scope, location, or beneficiaries of the activity, (i.e., budget line item adjustments), subrecipients must submit to the City of Modesto a formal written request to make such changes to the activity budget.

11.2 Reimbursement Request Documentation

- Must be clearly marked to indicate to which program the expenditure relates, as well as the applicable dollar amount as indicated in the supporting documentation. The total reimbursement amount requested should be clearly identified. Expense items must correspond to budget line items.

- Must be summarized if there are extensive receipts and documents.

- Must be detailed.

- Payroll:
    - Timesheets for each pay period and for each employee charging time to the award must be included.
    - The employee and the manager must sign timesheets.
    - Timesheets should reflect the total time worked each day (8 hours, etc.) with the amount of CDBG/ESG time being charged clearly identified.
    - If there are more than 6 timesheets, timesheets must be summarized indicating calculation of time to the reimbursement amount requested.
    - Proof of payment, such as a payroll register or copies of paychecks must also be included.

- Other incurred expenses: An invoice for the charge and documentation that the invoice was paid.

11.3 Reimbursement Request Submission

While the Housing Division of the City's Parks, Recreation, and Neighborhoods Department authorizes payment, the Accounting Division (Accounts Payable Unit) of the City's Finance Department processes payment.

Do not staple submission – City of Modesto staff must load submission in a scanner.

- Invoice must include:
  - Subrecipient name;
  - Address;
  - Contact information (direct telephone number and email address);
  - Unique invoice number (maximum of 12 alphabetic and/or numeric);
  - Specify funding source (i.e., CDBG or ESG) If subrecipient receives funds from both programs, invoices must request reimbursement from only one (and activities must correspond to the program).
- Invoices should be submitted to Accounts Payable and addressed:
  - City of Modesto PR&N
    ATTN: Accounts Payable
    P.O. Box 642
    Modesto, CA 95353-0642
  - Accounts Payable does not accept faxed invoices, but it does accept emailed ones from authorized requestors. If submitting electronically, send according to first letter of subrecipient name:
    - A-L – Tammy Wallace at twallace@modestogov.com
    - M-Z – Jessica Kroontje at jckroontje@modestogov.com
- To inquire on the status of payments, contact Accounts Payable before contacting the Housing Division.

CDBG/ESG funds are released on a reimbursement basis only. All items requested for reimbursement must have an invoice or some document that substantiates the expenditure was incurred and evidence of payment. **Payment by the City is not to be construed as final in the event HUD or City disallows any reimbursement of expenses.**

11.4 Timekeeping and Reimbursement for Salary Costs

Salary and benefits costs in the form of regular compensation paid to employees during periods of authorized absences from the job, such as vacation leave, sick leave, military leave, etc. are allowable, provided such costs are allocated to the award in proportion to the relative amount of time actually devoted to carrying out activity.

Timesheets for each pay period, for each employee charging time to CDBG/ESG must be included. The employee and the manager must sign timesheets. Timesheets must reflect the total time worked each day (8 hours, etc.) with the

amount of CDBG time being charged clearly identified. If there are more than 6 timesheets, the timesheets should be summarized showing the calculation of time to the amount requested on the invoice. Proof of payment, such as a payroll register or copies of paychecks must also be included.

11.5 Procurement of Goods and Services

Subrecipients may pay a vendor for supplies purchase or non-employee for services involved in completing the terms of the subrecipient agreement. Subcontracts and purchases of $1,000 or more require prior written approval from the City of Modesto. Subrecipient must maintain internal controls on the procurement of goods and services.

CHAPTER 12.0: REPORTING REQUIREMENTS

Subrecipient must provide the City, within a specific period of time after conclusion of reporting period or specific request, progress reports and/or other documentation as may be required by the City to audit performance of activity and/or to enable the City to analyze and evaluate use of CDBG/ESG funds. Subrecipient must submit to the City and require each of its own contractors/subcontractors to furnish all information and reports necessary to prepare the Consolidated Annual Performance and Evaluation Report (CAPER), Consolidated Plan, Annual Action Plan, and City of Modesto/HUD monitoring tools.

The quarterly status report is used to report the status of funded activities and report beneficiary data. This report and reimbursement requests are utilized both for program management purposes and to complete required HUD reports. It must be completed each quarter regardless of whether CDBG/ESG funds are expended in the quarter.

This report is cumulative in that each quarter, the number or new or additional beneficiaries will be added to the previous quarter's data. At year-end, the beneficiary data will reflect the total of beneficiaries served during the program year.

Reports must be current in order for the City to disburse funds.

12.1 Invoicing/Reporting Schedule

In a collaborative effort to provide consistency for local subrecipients across CDBG/ESG grantees (i.e., City of Modesto, City of Turlock, and Stanislaus County), invoicing and status reporting will be made on a quarterly basis. Timely final quarter invoicing and quarterly status reporting (including projected

beneficiary numbers) will be particularly critical as the City prepares its CAPER for submission to HUD before the statutory deadline.

Quarter	Invoicing/Reporting Period	Submission
1st Quarter	(July – September)	after September 30
2nd Quarter	(October – December)	after December 31
3rd Quarter	(January – March)	after March 31
Year End	(July – June)	no later than July 10

CHAPTER 13.0: MONITORING

The City monitors the performance of funded activities. City/HUD staff utilize several methods to monitor activity performance and agreement compliance. These include on-site review, evaluation of reimbursement requests, accounting documents, insurance review, etc.

13.1 Not a "One-Time Event"

Monitoring is not a one-time event. The City of Modesto has established a monitoring process that emphasizes positive feedback to subrecipients, in addition to identifying and addressing areas for improvement. This process has integrated opportunities for dialogue with subrecipients to develop a better appreciation of their perspectives and to identify and resolve points of miscommunication or misunderstanding. Subrecipients are encouraged to specify, within reason, the kinds of technical support needed from the City in order to make the improvements required. Recognizing the finite resources available, the City's monitoring plan matches available resources with the needs and capacity of the subrecipients. The City's monitoring plan is informed by risk assessments of subrecipients to identify which subrecipients require more extensive, comprehensive monitoring. High-risk subrecipients include:

- New subrecipients;
- Subrecipients that have experienced high turnover in key staff positions or a change in goals or direction;
- Subrecipients with previous compliance or performance problems, including failure to meet schedules, submit timely reports, or clear monitoring or audit findings;
- Subrecipients carrying out high-risk activities, such as economic development activities; and
- Subrecipients carrying out multiple funded activities for the first time.

Subrecipients receive either extensive or narrowly focused comprehensive monitoring in order to build accountability into the management of the programs.

13.2 Monitoring Practices

Desk Audits are useful in identifying potential problem areas to examine during the on-site visit. Desk audits review the following:

- Application/proposal;
- Subrecipient agreement;
- Progress reports;
- Beneficiary data reports;
- Invoices;
- Documentation of previous monitoring; and
- Copies of audits whether by an Independent Public Accountant (IPA) or another entity such as the HUD Office of the Inspector General (OIG) or the General Accounting Office (GAO).

On-site pre-monitoring visits may point out apparent weaknesses in subrecipient operations and suggest how these deficiencies may be corrected before the formal on-site monitoring visit.

Formal On-Site Visit:

- Notification Letter
- Entrance Conference
- Documentation, Data Acquisition, and Analysis
- Exit Conference
- Follow-Up Monitoring Letter

13.3 Findings and Concerns

Monitoring Letter identifies fully every finding and concern. A finding is issued for noncompliance with the rules and regulations of the program. Findings are correctly identified; based on applicable statute, regulation, or program policy; and supported by verifiable facts. For each finding, corrective actions must be specified.

Concerns are presented in the monitoring letter as instances where the deficiency is not a finding, or where noncompliance may occur in the future due to weaknesses in subrecipient operations. For each concern, specific recommendations for improvement are included.

CHAPTER 14.0: ADDITIONAL REQUIREMENTS

14.1 DUNS Number

CDBG-/ESG-funded organizations will be required to obtain a **Data Universal Numbering System (DUNS) number**, a unique numeric identifier, as it is

required of any entity receiving federal funding: http://fedgov.dnb.com/webform/index.jsp or 1-866-705-5711. (Make sure to write down name affiliated with your DUNS number).

14.2 HMIS Participation and Data Sharing

CDBG-/ESG-funded projects designed to assist persons experiencing homelessness or designed to prevent homelessness are required to **participate in the Homeless Management Information System (HMIS) of the Stanislaus County Continuum of Care** (CoC; Stanislaus Housing and Support Services Collaborative) and regularly attend CoC meetings (third Thursday of the month from 2:30 pm to 4 pm at the Housing Authority of the County of Stanislaus [1701 Robertson Road]).

Furthermore, subrecipients are required to execute a HMIS Data Sharing Agreement to share HMIS Universal Data Elements so as to more effectively utilize and enhance data quality of HMIS.

14.3 Equal Opportunity

All CDBG-/ESG-funded organizations will be required to **post equal opportunity materials and brochures** at project locations.

14.4. Published Materials

In informational/promotional materials regarding funded activity, such **materials will contain wording to the effect that the activity or a portion thereof, is funded though a CDBG/ESG grant awarded by the City of Modesto.**

CHAPTER 15.0: CONFLICT OF INTEREST

In an effort to ensure compliance with federal program guidelines, the City of Modesto has instituted clear policy and procedures relating to conflict of interest. As part of these policy and procedures, subrecipients are required to disclose any real, perceived, or potential conflicts of interest as described below.

CDBG and ESG subrecipients are subject to meeting the general standard as it relates to conflict of interest. This general standard, as it applies to **CDBG**[1], is that **no employee, agent, or officer of the subrecipient, who exercises decision-making responsibility with respect to CDBG funds and activities is allowed to obtain a financial interest in or benefit from CDBG activities, or**

[1] 24 CFR 570.611

have a financial interest in any contract, subcontract, or agreement regarding those activities or in the proceeds of the activities.

- This standard applies to any person who is an employee, agent, consultant, officer, or elected or appointed official of the City of Modesto; a designated public agency; or a subrecipient, and to their immediate family members and business partners.
- This standard also applies for such persons during their tenure and for a period of one year after leaving the City of Modesto or subrecipient organization.

For ESG[2]: **No person who is an employee, agent, consultant, officer, or elected or appointed official of the City of Modesto, State of California recipient, or nonprofit recipient (or of any designated public agency) that receives ESG funds and who exercises or has exercised any functions or responsibilities with respect to assisted activities, or who is in a position to participate in a decision-making process or gain inside information with regard to such activities, may obtain a personal or financial interest or benefit from the activity, or have an interest in any contract, subcontract, or agreement with respect thereto, or the proceeds thereunder, either from him or herself or for those with whom he or she has family or business ties, during his or her tenure or for one year thereafter.**

If a real, perceived, or potential conflict of interest exists or is suspected, subrecipients must contact City of Modesto Parks, Recreation, and Neighborhoods Department immediately. Potential conflicts include but are not limited to ones where decision-makers within your organization are immediate family members of other employees or of service beneficiaries. See the applicable general standard above.

Please be advised that the existence of a conflict of interest is a violation of CDBG and ESG regulations and constitutes an event of default under all subrecipient agreements with the City of Modesto.

Upon written request, an exception to a conflict of interest may be granted by the U.S. Department of Housing and Urban Development (HUD) on a case-by-case basis through a standard operating procedure in place at the City of Modesto, after consideration of the cumulative effective of various factors.[3]

Subrecipients must abide by the provisions set forth in the City of Modesto's Conflict of Interest Provisions: Summary of Rules for Modesto HUD-Sponsored Programs, which includes other applicable local and state conflict of interest general standards (see Exhibit 18.12).

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[2] 24 CFR 576.57 (d)

[3] 24 CFR 570.611 (d)

CHAPTER 16.0: USEFUL RESOURCES

City of Modesto Five-Year Consolidated Plan, 2010-2015
http://modestogov.com/prnd/housing/citizenplan.asp

Code of Federal Regulations (CFR):
www.gpoaccess.gov/cfr/index.html

- CDBG regulations: 24 CFR 570
- ESG regulations: 24 CFR 576

Office of Management and Budget (OMB) Circulars:
http://www.whitehouse.gov/omb/circulars/
Accounting Regulations

- A-122 Cost Principles for Non-Profit Organizations
- A-21 Cost Principles for Educational Institutions
- A-87 Cost Principles for State, Local, and Indian Tribal Governments

Playing by the Rules: A Handbook for CDBG Subrecipients on Administrative Systems (U.S. Department of Housing and Urban Development, March 2005)

Community Development Block Grant Program: Guide to National Objectives and Eligible Activities for Entitlement Communities (U.S. Department of Housing and Urban Development)
http://www.hud.gov/offices/cpd/communitydevelopment/library/index.cfm

Basically CDBG (U.S. Department of Housing and Urban Development, November 2007)
http://www.hud.gov/offices/cpd/communitydevelopment/library/index.cfm

Emergency Solutions Grants Program Interim Regulations
http://www.hudhre.info/index.cfm?do=viewResource&ResourceID=4517

'Homeless' Definition Final Rule
http://www.hudhre.info/index.cfm?do=viewResource&ResourceID=4519

CHAPTER 17.0: CONTACT INFORMATION

Hugo H. Ramírez
Parks, Recreation, and Neighborhoods Department
hramirez@modestogov.com
(209) 577-5368

CHAPTER 18.0: EXHIBITS

Section 4 - HOME Investment Partnership Program (HOME)

MODESTO
CALIFORNIA

EQUAL HOUSING
OPPORTUNITY

City Of Modesto
HOME Investment Partnership Program (HOME)
Policies and Procedures

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CHAPTER 1.0: INTRODUCTION

1.1 Introduction

The City of Modesto receives and administers funds provided by the HOME Investment Partnerships Act (the HOME Act) Title II of the Cranston-Gonzalez National Affordable Housing Act of 1990), to assist low-income and under-served citizens in the financing, development and preservation of affordable housing. The HOME Program was created to provide funds to expand the supply of affordable housing for very low-income and low-income persons.

The City of Modesto embraces its responsibility to administer the HOME Program and will administer the HOME Program creatively, effectively and efficiently under the housing conditions that exist in the City of Modesto (the "City") and with all practical safeguards against waste or fraud. The City will practice and advocate innovation, flexibility and expansion in program design to address unmet housing needs throughout the city. To that end, this Policy and Procedures Manual is presented to provide an overview of City policies and procedures as they pertain to the HOME Program. This manual is not meant to be a substitute for HOME Program regulations, but as a supplement to them. It is not exhaustive regarding all considerations affecting the use of HOME Program funds. While careful consideration and due care has been used in developing the manual, HOME Program participants are encouraged to consult with HOME Program staff persons to ensure correct interpretation of policies and regulations. ADFA reserves the right to implement additional policies as needed

The City of Modesto in order to continue participation in these programs contractually agrees to implement HOME's program regulations at 24 CFR parts 92, established by Title II of the Cranston-Gonzales National Affordable Housing Act. All HOME allocations are subject to the regulations detailed in OMB Circulars A-110 & A-122 and A-87. Information regarding this program can be located on HUD's website, www.hud.gov.

The City of Modesto will administer the NSP effectively and efficiently under the housing conditions that exist in the city, by working innovatively, and designing the NSP activities to address foreclosed and abandoned properties throughout the city. To that end, this policy and procedures manual is presented to provide an overview of the City's policies and procedures as they pertain to NSP and step-by-step guidance on the implementation of NSP projects

This manual is not meant to be a substitute for NSP regulations, but as a supplement to them. It is not exhaustive regarding all considerations affecting the use of NSP funds. While careful consideration and due care has been used in developing the manual, NSP participants are encouraged to consult with NSP staff to ensure correct interpretation of policies and regulations.

The City of Modesto reserves the right to implement additional policies as needed.

1.2. Purpose of the Neighborhood Stabilization Program

The Neighborhood Stabilization Program (NSP) is authorized by the Housing and Economic Recovery Act ("HERA") (Public Law 110-289) and requirements contained in the HUD Federal Register Notice published October 6, 2008 (Docket No. FR-5255-N-01) and as revised in a "Bridge Notice" published June 15, 2009 (Docket No. FR-5255-N-02). (The Bridge Notice includes changes from the American Recovery and Reinvestment Act of 2009 (ARRA).) The primary purpose of NSP is to provide emergency assistance for the city to acquire and rehabilitate foreclosed properties that might otherwise become sources of abandonment and blight within our community. The City of Modesto' NSP program provides loans to purchase foreclosed or abandoned homes and to rehabilitate, resell, or rent homes in order to stabilize neighborhoods and stem the decline of house values in neighboring homes. The City of Modesto has designed its programs into three main categories—the Incentive Transfer Program, Acquisition and Rehabilitation – Scattered and Target Areas and the NSP Homebuyers Assistance Program

1.3 General Requirements of NSP

1.3.1 Allocation of Funds

NSP funds committed to City of Modesto will be allocated as promulgated in the City's 2009 Substantial Amendment to the Annual Action Plan. In addition, the city may spend up to ten percent (10%) of its NSP allocation and 10% of any program income for administrative and planning expenses.

NSP requires that not less than twenty-five percent (25%) of the total NSP funds allocated to the City shall be utilized to provide permanent housing for households with incomes at or below fifty percent (50%) of the AMI. The City of Modesto will allocate these funds to the Housing Authority of the County of Stanislaus.

In addition, the city is required to ensure that all NSP funding is obligated within 18 months following the execution of the NSP grant agreement with HUD, which occurred in September 2009. Therefore, CITY OF MODESTO reserves the right to award funds to projects that are "ready to go" and to further adjust contracted amounts based upon actual performance and progress to obligate the funds within the initial 18 months of the grant agreement date or by September 19, 2010.

1.3.2 Eligible Applicants

NSP funding is available citywide to non-profit organizations, for-profit organizations, developers, and city designated Community Housing Development Organizations ("CHDOs").

The eligible applicants are the entities responsible for the NSP application, project development, project implementation, and accountability for uses of all NSP funds. The eligible applicants must adhere to required compliance and monitoring of all NSP activities for the full applicable affordability period. The City of Modesto will allocate NSP funds to the approved eligible applicants as outlined in the NSP Program Agreement.

1.3.3 Eligible Activities

For purposes of implementing the NSP, an abandoned property is defined as such when all the following apply: 1) Mortgage or tax foreclosure proceedings have been initiated for that property, and 2) No mortgage or tax payment have been made for the property owner for at least ninety (90) days, and 3) The property has been vacant for at least ninety (90) days.

For purposes of implementing the NSP, a foreclosed property is defined as a property that, under state or local law, has a completed mortgage or tax foreclosure process and is currently owned by the lender or mortgagee. A foreclosure is not considered to be complete until after the property title has been transferred from the former owner under a foreclosure proceeding or transfer in lieu of foreclosure.

The following are the eligible activities under the City of Modesto NSP:

NSP-Eligible Uses	**Correlated Eligible Activities From the CDBG Entitlement Regulations**
(A) Establish financing mechanisms for purchase and redevelopment of foreclosed upon homes and residential properties, including such mechanisms as soft-seconds, loan loss reserves, and shared equity loans for low- and moderate-income home buyers	As part of an activity delivery cost for an eligible activity as defined in 24 CFR 570.206. Also, the eligible activities listed below to the extent financing mechanisms are used to carry them out.
(B) Purchase and rehabilitate homes and residential properties that have been abandoned or foreclosed upon, in order to sell, rent, or redevelop such homes and properties	• 24 CFR 570.201 (a) Acquisition;(b) Disposition; (i) Relocation , and (n) Direct homeownership assistance (as modified below); • 570.202 eligible rehabilitation and preservation activities for homes and other residential properties (HUD notes that rehabilitation may include counseling for those seeking to take part in the activity

The activities undertaken by the City of Modesto under its NSP meet the NSP National Objective of providing assistance to "low-, moderate-, and middle-income households" (abbreviated as LMMH). For the purposes of NSP/CDBG only, an activity may meet the HERA low- and moderate income national objective if the assisted activity:

- provides or improves permanent residential structures that will be occupied by a household whose income is at or below 120 percent of area median income (abbreviated as LMMH);

- serves an area in which at least 51 percent of the residents have incomes at or below 120 percent of area median income (LMMA);

- creates or retains jobs for persons whose household incomes are at or below 120 percent of median income (LMMJ); or

- serves a limited clientele whose incomes are at or below 120 percent of area median income (LMMC).

1. 4 City of Modesto Responsibilities

The City of Modesto as the HUD grantee, has oversight and implementation responsibility of all NSP activities and, is responsible for:

- Providing financial mechanisms to developers to housing developer partners purchase foreclosed properties from REO lenders and servicers;
- Providing funds to housing developer partners to rehabilitating acquired properties;
- Providing financial assistance to qualified homebuyers to acquire and rehabilitate foreclosed properties.

The City's activities are responsible for meeting the NSP requirement that not less than 25% of the city's NSP funds, approximately $2+ million, be used to house individuals or families whose incomes do not exceed 50 percent of area median income.

To be successful the City of Modesto must be committed to effective management practices. These include: (1) supporting cooperative, problem-solving relationships; (2) working toward continuous improvement in regulatory compliance and timely program performance; (3) maintaining open and frequent communications among all participants; and (4) focusing on preventing problems first, rather than curing them later.

1.5 Summary of Principal Regulations Governing NSP/CDBG Administrative Systems

Title III of Division B of the Housing and Economic Recovery Act, 2008 (HERA)

(Public Law 110-289, approved July 30, 2008) appropriates $3.92 billion for emergency assistance for redevelopment of abandoned and foreclosed homes and residential properties, and provides under a rule of construction that, unless HERA states otherwise, the grants are to be considered Community Development Block Grant (CDBG) funds. The grant program under Title III is commonly referred to as the Neighborhood Stabilization Program (NSP). The key regulations that form the basic administrative requirements of the NSP/CDBG Entitlement

programs are summarized here to acquaint the City with the sources of the various standards described in the Operations Manual.

Regulations are developed in response to, or in fulfillment of, Federal statutes that govern the CDBG Entitlement program, both those specific to the NSP and CDBG programs and those addressing other "cross-cutting" Federal laws or policies that apply to the these programs (e.g., National Environmental Policy Act, Americans with Disabilities Act, Davis-Bacon Act).

The basic program regulations governing management and financial systems for the CDBG program are contained in 24 CFR Part 570, Subparts J and K. They are applicable both to grantees and subrecipients in the public and private sectors:

a) Subpart J (24 CFR 570.500–570.513) addresses general responsibilities for grant administration, including the applicability of uniform administrative requirements, provisions of Subrecipient Agreements, program income, use of real property, record keeping and reporting, and closeout procedures.

b) Subpart K (24 CFR 570.600–570.613) deals with other program requirements of the CDBG program, including civil rights; labor standards; environmental standards; flood insurance; relocation; displacement; acquisition; employment and contracting opportunities; lead-based paint; use of debarred, suspended, or ineligible contractors; uniform administrative requirements and cost principles; and conflicts of interest.

In addition to the basic regulations of the CDBG program contained in 24 CFR Part 570, there are three other categories of requirements that affect the administrative systems and procedures subrecipients must have in place to receive support:

- Federal regulations governing administrative and audit requirements for grants and cooperative agreements (governmental subrecipients) for which HUD has oversight responsibilities.

- Administrative circulars from the Office of Management and Budget (OMB) and Department of the Treasury governing cost principles, administrative systems, fiscal procedures, and audit requirements for grantees and subrecipients.

- Executive Orders from the Office of the President implementing various equal employment opportunity and environmental policies.

The applicability of these administrative requirements depends upon the public or private status of the organization receiving funds. For subrecipients that are private, non-profit organizations,[1] the key regulations defining administrative requirements are:

[1] Not all the requirements of 24 CFR Parts 84 and 85 are applicable to CDBG subrecipients; 24 CFR 570.502(a) and (b) specify the sections and paragraphs of the Common Rule that apply to CDBG recipients and subrecipients.

24 CFR Part 84 "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-profit Organizations" 2: These regulations implement OMB Circular A-110 and specify standards relative to cash depositories, bonding and insurance, retention and custodial requirements for records, financial management systems, monitoring and reporting on performance, property management, and procurement.

OMB Circular A-122 "Cost Principles for Non-profit Organizations": A publication of OMB, this document establishes principles for determining costs that are allowed to be charged to Federal grants, contracts, and other agreements with non-profit organizations (except educational institutions). The principles are designed to ensure that the Federal Government will bear its fair share of costs except where restricted or prohibited by law.

OMB Circular A-133 "Audits of States, Local Governments and Non-profit Organizations": This circular defines audit requirements for both governments and non-profits receiving Federal funds. The document addresses mandated frequency and scope of audits, allowability of audit costs, and the process of auditor selection. The above referenced sections of Title 24 regulations and OMB circulars may be accessed at the HUD Web site at http://www.hudclips.org/cgi/index.cgi.

1. 6 Acquisition of Properties Using NSP Funds

1.6.1. Acquisition, Sales Contracts, and Obligations

The City of Modesto must have executed sales contracts for specific properties for funds to be considered obligated. Options or other non-binding instruments are not acceptable.

1.6.2. Appraisals and Discount Requirements

Properties acquired using NSP funds shall be appraised in conformity with the appraisal requirements of the Uniform Relocation Act (URA) at 49 CFR 24.103 by a licensed appraiser within sixty (60) days prior to an offer to purchase the property. Further guidance may be found at:
http://www.hud.gov/offices/cpd/communitydevelopment/programs/neighborhoodspg/docs/appraisal_guidance.doc.

The market appraised value of properties may be established based on a review of available data and shall be made by a person knowledgeable of and with experience in property valuation that the City determines is qualified to make the valuation.

NSP requires that properties acquired using program funding be purchased **at a discount of at least 1% from the current market appraised value of the home or property**. The City of Modesto will require documentation to ensure the discount requirement is met including the address, appraised value, purchase offer amount and discount amount for each property. The discount value calculation may take into account the likely carrying costs of the mortgagee if it were to NOT sell the property to the applicant. Carrying costs may include: taxes, insurance, maintenance, marketing, overhead and interest.

1.6.3 Voluntary Transactions and Tenants

ALL NSP-assisted property acquisitions must be voluntary acquisitions. Taking of property through eminent domain proceedings is NOT allowed. The Uniform Relocation Act requires that

notices are provided to property owners even those considered to be voluntary transactions. The notices can be found at: http://www.hud.gov/offices/cpd/library/relocation/nsp/index.cfm. URA and Section 104(d) and 5305(a)(11) of Title I of the Housing and Community Development Act of 1974, as amended, and the implementing regulations at 24 CFR Part 570.496(a) (the Barney Frank Amendment) govern the permanent displacement as well as temporary relocation of tenants in properties funded by NSP. For more information, refer to http://www.hud.gov/offices/cpd/library/relocation/nsp/index.cfm. In addition, ARRA includes additional provisions protecting the rights of property owners and "bona fide" tenants.

1.6.4 Tenant Rights and Protections

The following requirements apply to any foreclosed upon dwelling or residential real property that was acquired by the initial successor in interest pursuant to the foreclosure after February 17, 2009 and was occupied by a *bona fide* tenant at the time of foreclosure.
The initial successor in interest in a foreclosed upon dwelling or residential real property shall provide a notice to vacate to any *bona fide* tenant at least 90 days before the effective date of such notice. The initial successor in interest shall assume such interest subject to the rights of any *bona fide* tenant, as of the date of such notice of foreclosure: (i) under any *bona fide* lease entered into before the notice of foreclosure to occupy the premises until the end of the remaining term of the lease, except that a successor in interest may terminate a lease effective on the date of sale of the unit to a purchaser who will occupy the unit as a primary residence, subject to the receipt by the tenant of the 90-day notice under this paragraph; or (ii) without a lease or with a lease terminable at will under State law, subject to the receipt by the tenant of the 90-day notice under this paragraph, except that nothing in this section shall affect the requirements for termination of any Federal- or State-subsidized tenancy or of any State or local law that provides longer time periods or other additional protections for tenants.

In the case of any qualified foreclosed housing in which a recipient of assistance under Section 8 of the United States Housing Act of 1937 (42 U.S.C 1437f) (the "Section 8 Program") resides at the time of foreclosure, the initial successor in interest shall be subject to the lease and to the housing assistance payments contract for the occupied unit. Vacating the property prior to sale shall not constitute good cause for termination of the tenancy unless the property is unmarketable while occupied or unless the owner or subsequent purchaser desires the unit for personal or family use.

If a public housing agency is unable to make payments under the contract to the immediate successor in interest after foreclosure, due to (A) an action or inaction by the successor in interest, including the rejection of payments or the failure of the successor to maintain the unit in compliance with the Section 8 Program or (B) an inability to identify the successor, the agency may use funds that would have been used to pay the rental amount on behalf of the family—(1) to pay for utilities that are the responsibility of the owner under the lease or applicable law, after taking reasonable steps to notify the owner that it intends to make payments to a utility provider in lieu of payments to the owner, except prior notification shall not be required in any case in which the unit will be or has been rendered uninhabitable due to the termination or threat of termination of service, in which case the public housing agency shall notify the owner within a reasonable time after making such payment; or (2) for the family's reasonable moving costs, including security deposit costs.

A lease or tenancy shall be considered *bona fide* only if: (i) the mortgagor under the contract is not the tenant; (ii) the lease or tenancy was the result of an arm's length transaction; and (iii) the

lease or tenancy requires the receipt of rent that is not substantially less than fair market rent for the property.

The City of Modesto will maintain documentation of its efforts to ensure that the initial successor in interest in a foreclosed upon dwelling or residential real property has complied with the requirements under section K.2.a. and K.2.b. If the City of Modesto determines that the initial successor in interest in such property failed to comply with such requirements, it may not use NSP funds to finance the acquisition of such property unless it assumes the obligations of the initial successor in interest specified in section K.2.a. and K.2.b. If CITY OF MODESTO elects to assume such obligations, it must provide the relocation assistance required pursuant to 24 CFR 570.606 to tenants displaced as a result of an activity assisted with NSP funds and maintain records in sufficient detail to demonstrate compliance with the provisions of that section.

The recipient of any grant or loan made from NSP funds may not refuse to lease a dwelling unit in housing with such loan or grant to a participant under the Section 8 Program because of the status of the prospective tenant as such a participant.

This section shall not preempt any Federal, State or local law that provides more protections for tenants.

1.6.5 Energy Efficiency

To the extent feasible, the City of Modesto will strongly encourage grantees to incorporate modern, green building, and energy-efficiency improvements in all NSP activities to provide for long-term affordability and increased sustainability and attractiveness of housing and neighborhoods.

CHAPTER 2.0: CITY OF MODESTO NSP ACTIVITIES

2.1 INCENTIVE TRANSFER PROGRAM - $2,027,319

2.1.1. Summary

This is an acquisition and rehabilitation activity that will specifically serve households at or below 50% of the median area income. This activity can be carried out in any of the greatest need areas and will be subject to ensuring compliance with CDBG regulation 24 CFR 570.202. The City of Modesto will enter into an Exclusive Agreement with the Housing Authority of the County of Stanislaus. All units will be owned and operated by the Housing Authority.

2.1.2. Activity Purpose

Acquisition and rehabilitation of foreclosed or abandoned properties located in areas of "greatest needs" as defined by HUD:

Definitions:

Foreclosed: A property "has been foreclosed upon" under HUD regulations "at the point that, under state or local law, the mortgage or tax foreclosure is complete. HUD generally will not consider a foreclosure to be complete until after the title for the property has been transferred from the former homeowner under some type of foreclosure proceeding or transfer in lieu of foreclosure, in accordance with state or local law.

Abandoned: Under HUD regulations "a home is abandoned when mortgage or tax foreclosure proceedings have been initiated for that property, no mortgage or tax payments have been made by the property owner for at least 90 days and the property has been vacant for at least 90 days."

2.1.3. Eligible Properties

Existing single-family, duplex or condominiums.
Properties built prior to 1978, may be subject to Lead Base Paint requirements.
Units must be acquired at 1% below market-appraised value.
All units must be appraised in accordance to URA appraisal standards at 24.103.

2.1.4. Use of Funds

Funds can buy scattered sites anywhere within the community to the requirement that 25% of the funding is utilized to serve those at and below 50% median area income.

Funding will work on a draw system, as the Housing Authority has purchase agreements on properties, the city will provide funding.

2.1.5 Income Limits

50% of Median Area Household Income, adjusted for family size.

2.1.6 Affordability Covenants

The Incentive Transfer Program will have an affordability covenant of no less than 40 years. HOME regulations will be followed in determining all affordability covenants per 24 CFR 92.252 (e)(f).

2.1.7. Property Requirements

Property must meet applicable local codes, standards, and ordinances (at a minimum HQS).

2.1.8. Timelines:

- Must complete a minimum of ten (10) units.
- Allocate funding within 18 months, completely expended in four years.
- To meet ten (10) unit goal – five (5) units will need to be done within the first year, two the second, two the third and one unit in the fourth year.

2.1.9. Monitoring

- Project must meet National Objective
- Determining and documenting income
- Must monitor projects, partners

2.2 ACQUISITION AND REHABILITATION - SCATTERED AND TARGET AREAS

***Airport/Weed and Seed* - $2,390,000 *and Scattered Site* - $2,390,000**

2.2.1. Summary

This is an acquisition and rehabilitation activity that will benefit individuals and families whose incomes do not exceed 120 percent of Median Area Household Income, adjusted for family size.

This activity can be carried out in any of the greatest need areas and will be subject to ensuring compliance with CDBG regulation 24 CFR 570.202.

2.2.2. Purpose

Acquisition and rehabilitation of foreclosed or abandoned properties located in Airport/Weed and Seed and Scattered sites.

2.2.3. Eligible Properties

- Existing single-family, duplex or condominiums.
- Properties built prior to 1978, may be subject to Lead Base Paint requirements.
- Units must be acquired at 1% below market-appraised value.
- All units must be appraised in accordance to URA appraisal standards at 24.103.

2.2.4 Income Limits

120% of Median Area Household Income, adjusted for family size.

FY 2008 Income Limits for 120% of HUD Area Median Income

1 person household	2 person household	3 person household	4 person household	5 person household	6 person household	7 person household	8 person household
$50,050	*$57,200*	*$64,350*	*$71,500*	*$77,250*	*$82,950*	*$88,700*	*$94,400*

2.2.5. Affordability Covenants

HOME regulations will be followed in determining all affordability covenants per 24 CFR 92.252 (e)(f).

2.2.6. Property Requirements

- Property must meet applicable local codes, standards, and ordinances (at a minimum HQS).
- Regulations established to rehab the homes meet Public Housing Standards or local codes whichever is greater, cap set at $100,000 for rehabilitation.
- If the units become rental units, management plan has to be in place to ensure maintenance and adhere to regulations.

2.2.7. Procurement

- Issue RFQ in May 2009 to establish list of qualified developers that are either for-profit or non-profit and experienced in housing. Must meet RFQ requirements including City of Modesto Insurance requirements

- Issue RFQ in May 2009 to establish list of qualified appraisers. Must meet the following requirements:
- Fee appraiser must be state licensed or FIRREA certified
- Use procurement to select contracted appraisers
- Appraisals to include description of property, approaches to value, comparables, statement of value, date and signature
- Conduct appraisal within 60 days prior to final offer

2.2.8. Project Review Process

A sub-committee of the Citizens Housing and Community Development Committee has been assigned as the NSP Project Review Committee. This committee will review each project and make a recommendation for funding based on the programs selection criteria which translates the following items into a points scale: location, total project cost, proximity to other approved properties, unit size, project timeline, and an approved purchase agreement.

2.2.9. Monitoring

- Project must meet National Objective
- Determining and documenting income
- Must monitor projects, partners

2.2.10. Loan Terms for For-Profit Organizations

- The City of Modesto adopted the recapture option based on HOME regulations so that the remaining funding is repaid when the property is sold.
- If the equity gain is in excess of $50,000, utilize an equity share clause to have 10% due back to the City minus the initial amount that the developer contributed.
- Defer first five years of the loan. Year six 3% simple annual interest begins only on the acquisition proportion of the loan, which will be amortized for 35 years of a 40-year loan.
- Defer the rehabilitation proportion of the loan for 15 years. Year 16, 3% simple annual interest begins only on the rehabilitation proportion of the loan which will be amortized for 24 years to conclude at the same time the acquisition proportion of the loan is due.
- Reasonable closing cost will be included in the loan.
- For Profit organizations are required to leverage 10% of the total loan amount.

2.2.11. Loan Terms for Non-Profit Organizations

- Recapture clause to have the remaining balance paid upon sale of the property if the affordability covenant is not met with 0% for the first 5 years and 3% simple interest for years 6 on.
- Affordability period based on amount borrowed based on HOME regulations
- No payments due, if affordability period is met, the loan is turned into a grant and forgiven.
- Reasonable closing cost will be included in the loan.
- Loans may be converted to grants at the sole discretion of the City.

2.2.12. Loan Documentation Requirements

- Developer Purchase Agreement
- Rehabilitation Budget and Timeline
- Preliminary Title report
- Home Inspection Report
- Pest Inspection Report
- Lead Base Paint Report (when applicable)
- Property Appraisal
- Payable Commissions Report
- Natural Hazard Reports (when applicable)

2.2.13. Rehabilitation Requirements

Rehabilitation funds will be held back by the City according to the terms in the Loan Agreement. Funds to be disbursed to borrower, contractor/supplier for work completed as documented by progress inspections. City Rehabilitation staff will conduct inspections prior to release of funds.

All of the programs utilizing rehabilitation funding will have to adhere to current Housing Rehabilitation Policies.

2.3 HOMEBUYERS ASSISTANCE PROGRAM (HAP) - $491,031

2.3.1. Summary

This activity will provide gap financing to income-eligible households to purchase foreclosed properties, including funds for rehabilitation of the property. The homebuyer must qualify for a first mortgage and the City assistance will be a second mortgage. This activity will follow the existing down-payment assistance program that the City of Modesto administers and will comply with CDBG regulations 570.201 (n).

2.3.2 Activity Purpose

The HAP provides assistance for acquisition and rehabilitation of foreclosed or abandoned properties located in areas of "greatest needs" as defined by HUD. Homebuyers must reside in the home as their principal residence.

2.3.3. Eligible Properties

- Existing foreclosed or abandoned single-family units in residentially zoned greatest needs areas within the City of Modesto limits.
- The purchase price of the home or after rehabilitation value must not exceed 95% of median sales price for Modesto, as determined by HUD.
- Units must be acquired at 1% below market appraised value.
- All units must be appraised in accordance to URA appraisal standards at 49 CFR 24.103 and the appraisal must be within 60 days of the final offer.

- The property must be vacant at the time of listing.

2.3.4. Income Limits

120% of Median Area Household Income, adjusted for family size.

2.3.5. Affordability Covenants

HOME regulations will be followed in determining all affordability covenants per 24 CFR 92.252 (e)(f). The Affordability Period for the Homebuyer's Assistance Program is 15 years for all loans.

2.3.6. Property Requirements

- Property must meet applicable local codes, standards, and ordinances and must meet Housing Quality Standards upon purchase and/or rehabilitation of the property.
- Properties built prior to 1978, may be subject to Lead Based Paint requirements.

2.3.7 Maximum Loan Amount

This program provides gap financing up to $125,000 including reasonable rehabilitation funds for repairs to the property

2.3.8. Loan Terms

- The interest is deferred for the first five years. In year six, the loan will begin to accrue interest at the rate of 2%. Payments will begin in year six and will be amortized over 25 years.
- If the home is sold, refinanced, transferred or no longer used as the primary residence during the affordability period, the loan is recaptured, with 2% simple interested calculated from year six
- At the completion of the Affordability Period, the balance of the assistance for down payment and closing costs could be forgiven. Homebuyers must be in good terms with first mortgage lender and the City loan.
- 1% contribution of sale price of the home by buyer.

2.3.9. Loan Documentation Requirements

- Purchase Agreement
- First Mortgage Loan Application, Good Faith Estimate and City Application
- First Mortgage Loan Approval
- Certificate of Completion for 8 hours of HUD Approved Homebuyer Counseling
- Credit Report
- Pay stubs, tax returns, verification of income, as applicable
- Bank Statements
- Appraisal which meets NSP guidelines, Pest Inspection, Property Inspection, and Lead Based Paint Assessment Report (for homes built prior to 1978)
- Preliminary Title Report
- Loan Documents including Promissory Note, Deed of Trust, Loan Agreement, and Covenants, Conditions and Restrictions, and Real Property Improvement Agreement for properties requiring City assistance for repairs.

- The first mortgage loan must be approved for the maximum possible amount and must be a fixed rate and cannot exceed 30 years.

2.3.10. Rehabilitation Requirements

Rehabilitation funds will be held back by the City according to the terms in the Loan Agreement. Funds to be disbursed to borrower, contractor/supplier for work completed as documented by progress inspections. City Rehabilitation staff will conduct inspections prior to release of funds.

All of the programs utilizing rehabilitation funding will have to adhere to current Housing Rehabilitation Policies.

In addition to this Policies and Procedures please see Exhibit "A" NSP Down Payment Assistance Program Guidelines.

CHAPTER 3.0: PROCUREMENT AND CONTRACTING

3.1 Introduction

The Department of Housing and Urban Development (HUD) has established that procurement requirements for the National Stabilization Program (NSP) will follow Community Development Block Grant (CDBG) requirements. CDBG procurement requirements are outlined in 24 CFR 84.40-48.

Local governments and subrecipient entities are required to adhere to all applicable procurement requirements in the selection and award of contracts for goods and services. Therefore, all solicitation of bids for goods and services to be paid with NSP funds must be conducted openly and competitively.

3.2 General Procurement Provisions

The standards and procedures for procurement are intended to ensure that supplies, equipment, construction and other services acquired in whole or in part with Federal funds are:

a) Obtained as efficiently and economically as possible.

b) Procured in a manner that provides, to the maximum extent practical, open and free competition.

Solicitations must clearly explain all requirements that the bidder must fulfill in order for his or her bid to be evaluated. Solicitations for goods and services must be based on a clear and accurate description of the material, product, or service to be procured, and cannot contain features which unduly restrict competition. Some of the situations considered to be restrictive of competition include, but are not limited to:

- Placing unreasonable qualifying requirements on firms.

- Requiring unnecessary experience and excessive bonding.
- Specifying only "brand name" products instead of allowing "an equal" product.
- Noncompetitive pricing practices between firms or affiliated companies.
- Noncompetitive awards to consultants on retainer contracts.

PLEASE NOTE: There is one exception to this. HUD is strongly encouraging grantees to use a Green Communities Standard for housing rehabilitation. Due to the newness of the field and the lack of knowledge among contractors and others about Green systems and components, rehabilitation specifications will identify specific products that have been tested and certified as Green.

3.3 Use of Local Businesses; Contracting with Small, Minority, and/or Women-Owned Businesses

Federal regulations, both CDBG and non-CDBG, make it very clear that subrecipients should make every effort to use local business firms and contract with small, minority-owned and/or women-owned businesses in the procurement process. Specifically,

- A subrecipient must take affirmative steps to use small firms, minority-owned firms, women-owned firms, or labor surplus area firms in its CDBG-financed activities (24 CFR 85.36(e) or 84.44(b)). The efforts which a subrecipient should make include:
    - Incorporating such businesses in solicitation lists whenever they are potential sources.
    - Ensuring that such businesses are solicited when identified as potential sources.
    - Dividing procurement requirements, when economically feasible, to permit maximum participation of such businesses.
    - Requiring prime contractors, when subcontracts are let, to take affirmative steps to select such firms.
- In conformance with the requirements of *Section 3 of the Housing and Community Development Act of 1968,* to the greatest extent feasible, subrecipients must award contracts for work to be performed to eligible *business concerns located in or owned by residents of the target area* to ensure that the employment and other economic opportunities generated by Federal financial assistance for housing and community development programs shall, to the greatest extent feasible, be directed toward low- and very low-income persons, particularly those who are recipients of governmental assistance for housing (see 24 CFR 570.607(b)).

Subrecipients should note, however, that the desire to award contracts to local firms is *not* a legitimate excuse for avoiding an open and competitive procurement process.

3.4. Funding Disbursement

The following processes will apply:

1. Disbursement of NSP funds will occur only when all of the following conditions have been met:

a. Required environmental review process must be satisfactorily completed.

b. Project closing documents shall reflect a project completion date acceptable to the City of Modesto and the recipient of the NSP funds. The NSP Agreement will outline the payment of the NSP funds, (e.g., how the funds will be disbursed, i.e., prorate share, etc.) The NSP Agreement must contain provisions for the timing of NSP fund disbursements.

c. City staff must complete all Disaster Recovery Grant Reporting (DRGR)system set up procedures.

d. For rental activities the rehabilitation of the properties must be conducted by the development team and a City Rehabilitation Specialist will inspect the unit at different stages of the rehabilitation process until completion of the project.

e. All progress payments will be issued for work complete-to-date. No requests or payment(s) will be approved for work not completed. No requests will be approved for payment for any work completed that was not a part of the original contract or an approved by the City of Modesto Change Order. Change orders should be requested only for unforeseen problems and/or emergencies, not for upgrades.

2. Retainage will be released within thirty (30) days after the final inspection is approved and upon City's receipt of all completion documentation.

For rental activities, the following completion documentation will be required prior to City's release of funds:

- Certification of release of liens
- Hazard insurance
- Certificate of Occupancy issued by local jurisdiction, if applicable
- Certification of final inspection.

For homebuyer activities, the following completion documentation will be required prior to City's release of funds:

- Certification in release of liens
- Hazard Insurance
- Certification of Occupancy issued by local jurisdiction, if applicable, and
- Certification of final inspection.

If any NSP-funded project has an available balance after acquisition and rehabilitation completion, The City of Modesto will deobligate those funds and reallocate such balance of NSP

funds to other eligible activities according to City's adopted NSP allocation process. The City of Modesto must ensure that all NSP funds are obligated within 18 months after the execution of the grant agreement (date of our agreement with HUD or by September 20, 2010.

3.5. Contractor Requirements

All general contractors working on all NSP-funded developments must have an active license issued by the California Contractor's Licensing Board (CSLB) as applicable and meet all requirements of contractors in the state of California. Contractors may not "share" a license. That is, the City of Modesto will not allow one contractor to work from another contractor's license. All City of Modesto NSP-funded projects must have a general contractor that is properly licensed by the California State Contractor's Licensing Board. Any questions regarding licensing issues and a list of licensed contractors may be directed to the State Licensing Board at the following address:

Contractors State License Board
9821 Business Park Drive
Sacramento, CA 95827
Phone (800) 321-CSLB

Any contractor or subcontractor who has been debarred by any entity or had a contractor license suspended by any entity within the previous twelve (12) months will be prohibited from participating in the NSP. All general contractors working on all NSP-funded developments must obtain one of the following: (1) a payment and performance bond; or (2) an Irrevocable Letter of Credit in the amount of the construction contract.

Note: Construction contracts for rehabilitation projects $100,000 or under will not be required to obtain a payment and performance bond or an irrevocable letter of credit.

CHAPTER 4:0: OTHER FEDERAL REQUIREMENTS

NSP awardees and funded projects must adhere to all applicable other Federal requirements as outlined in 24 CFR part 570, HERA, ARRA, and NSP guidance from HUD. Key requirements are summarized below.

4.1 Equal Opportunity and Fair Housing

The state shall not exclude any organization or individual from participation under any program funded in whole or in part by NSP funds on the grounds of age, disability, race, creed, color, national origin, familial status, religion, or sex.
The following federal requirements as set forth in 24 CFR 5.105(a), Nondiscrimination and Equal Opportunity, are applicable to NSP projects:

Federal Requirements	
Fair Housing Act 24 CFR 100	Executive Order 11246, as amended (Equal Employment Opportunity Programs) 41 CFR 60
Executive Order 11063, as amended (Equal Opportunity in Housing) 24 CFR 107	Section 3 of the Housing and Urban Development Act of 1968[1] 24 CFR 135
Title VI of the Civil Rights Act of 1964 (Nondiscrimination in Federal Programs) 24 CFR 1	Executive Order 11625, as amended (Minority Business Enterprises)
Age Discrimination Act of 1975 24 CFR 146	Executive Order 12432, as amended (Minority Business Enterprises)
Section 504 of the Rehabilitation Act of 1973 24 CFR 8	Executive Order 12138, as amended (Women's Business Enterprise)[2]

In addition to the above requirements, all NSP participants must ensure that their Equal Opportunity and Fair Housing policies related to activities funded by NSP are consistent with the current Consolidated Plan adopted by their jurisdiction or the State Consolidated Plan.

4.2 Affirmative Marketing

Any entity applying for NSP funds must adopt affirmative marketing procedures and requirements for all NSP-assisted housing and submit the affirmative marketing plan with the NSP application. The affirmative marketing plan and requirements for NSP-assisted housing must be approved by the City of Modesto prior to any NSP funds being committed to a development.

Affirmative marketing requirements and procedures must include ALL of the following:

- Methods for informing the public, owners, and potential tenants about fair housing laws and the policies of the local program;
- A description of what owners and/or the program administrator will do to affirmatively

market housing assisted with NSP funds A description of what owners and/or the program administrator will do to inform persons not likely to apply for housing without special outreach;

1 Section 3 requires that the employment and other economic opportunities generated by federal financial assistance for housing and community development programs shall, to the greatest extent feasible, be directed toward low and very low income persons, particularly those who are recipients of government assistance for housing.

2 Executive Orders 11625, 12432, and 12138 require that participating jurisdictions and local programs must prescribe procedures acceptable to HUD for a minority outreach program to ensure the inclusion, to the greatest extent possible, of minorities and women entities owned by minorities and women in all contracts. Local programs must also develop acceptable policies and procedures if their application is approved by the City of Modesto.

- Maintenance of records to document actions taken to affirmatively market NSP-assisted units and to assess marketing effectiveness
- A description of how efforts will be assessed and what corrective actions will be taken when requirements are not met.

4.3 Environmental Review

In implementing NSP, the environmental effects of each activity must be assessed in accordance with the provisions of the National Environment Policy Act of 1969 and HUD's regulations at 24 CFR Part 58.

The City of Modesto, as the NSP grantee, will be responsible for carrying out environmental reviews for approved projects/programs. The City must request the release of funds (RROF) from HUD for any developments carried out by other types of entities. The City reserves the right to require a Phase I Environmental Study as part of the environmental review process. Applicants/awardees of NSP funds may NOT execute contracts for purchase of properties that may be funded with NSP until receiving written authorization from the City of Modesto to do so.

4.4 Flood Plains/Wetlands

NSP funds may generally not be invested in housing located in an area identified by the Federal Emergency Management Agency (FEMA) as having special flood hazards. The City of Modesto discourages developments located in special flood hazard areas but, in some instances and with written permission from the City, houses located in a flood plain may be assisted. It is the responsibility of the applicant to evaluate any remedies to remove any properties from the flood plain and ensure the feasibility of the proposed plan. The City of Modesto is willing to consider the proposed remedy and must approve the proposal in writing prior to approval of any NSP allocation. The community must be currently participating in the National Flood Insurance Program, and flood insurance must be obtained and maintained on the NSP-assisted property for the full period of affordability.

4.5 Lead-Based Paint Requirements

The Lead-Based Paint Regulations described in 24 CFR Part 35 require that lead hazard evaluation and reduction activities be carried out for all developments constructed before 1978 and receiving NSP assistance. Applications for rehabilitation funds for existing buildings constructed prior to 1978 must include a lead hazard evaluation, by appropriate lead-certified personnel. The application must also include detailed lead hazard reduction plan, in accordance with the regulations, and separately identify within the rehabilitation budget, the costs associated with reduction of lead hazards in accordance with the regulation and guidelines. All NSP fund allocations will be contingent upon the applicant agreeing to complete lead hazard reduction, evidenced by a clearance report performed by appropriate lead-certified personnel. In a development where NSP funds will be used on only a portion of the units, the lead-based paint requirements apply to ALL units and common areas in the development.

4.6 Labor Standards

Davis-Bacon wage compliance and other federal laws and regulations pertaining to labor standards apply to all construction and rehabilitation contracts that are financed in whole or in part with NSP funds for residential property consisting of eight (8) or more NSP-assisted units. Davis-Bacon and related laws include the following:

Davis-Bacon and Related Acts (40 USC 276a-276a-7)
Contract Work Hours and Safety Standards Act (40 USC 327-333)
Copeland (Anti-Kickback) Act (18 USC 874; 40 USC 276c)
Fair Labor Standards Act of 1938, as amended (29 USC 201, et seq.)

The construction bids and contract for any NSP-assisted activity must contain the applicable wage provisions and labor standards. Davis-Bacon does not apply to projects using solely volunteer labor or to sweat equity projects. The City of Modesto will monitor all developments subject to Davis-Bacon requirements to ensure compliance with all applicable regulations.

4.7 Debarment and Suspension

The City of Modesto will require participants in lower-tier transactions covered by 24 CFR 24 to certify that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from any entity from a federally funded transaction. Any participant that remains on a debarred or suspended condition shall be prohibited from participation in the City of Modesto NSP as long as they are classified in this manner.

4.8 Relocation

NSP funds are intended ONLY for use in purchasing/improving properties that have been abandoned and foreclosed. As such, most properties are expected to be vacant at the time of appraisal and offer to acquire. Should there be residents in any foreclosed property considered for NSP assistance, potential awardees must follow the residential anti-displacement and relocation plans in effect and outlined in the State's approved Consolidated Plan and all applicable Uniform Relocation Assistance and Real Property Acquisition Act (URA) of 1970 provisions. Applicable regulations can be found at 49 CFR Part 24.

4.9 Audit

The City of Modesto requires that non-profit recipients expending more than $500,000 in Federal awards in a given fiscal year have an audit conducted in accordance with Generally Accepted Accounting Principles (GAAP) and the Single Audit Act Amendments of 1996 (31 U.S.C. 7501-7507) and revised OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations."

4.10 Reporting Requirements

The City of Modesto is required to submit quarterly performance reports to HUD no later than thirty (30) days following the end of each quarter, beginning 30 days after the completion of the first full calendar quarter after grant award (i.e., August 1, 2009) and continuing until all funds are expended and the program is closed out. Accordingly, all NSP awardees will be required to submit during the projects process documentation to demonstrate their performance information to the City of Modesto by established deadlines conducive for the City to meet its reporting requirements. The required information will include, but not be limited to, the following:

Project name
Project activity
Project location
NSP Eligible use
CDBG national objective
Budgeted funds
Expended funds
Funding source
Total amount of any non-NSP funds
Numbers of properties and housing units assisted
Beginning and ending dates of activities
Numbers of low, moderate, and middle-income persons or households benefiting
Demographic data for households benefiting

To collect the data elements and to meet its reporting requirements, the City of Modesto will use the online DRGR system to report on its NSP funds to HUD. When it submits the report to HUD, the City of Modesto will post a copy of the NSP DRGR report on the City's website for the public to review.

4.11 Program Income

Program Income (24 CFR 570.503(a), (b)(3) and (7), and 570.504)

- The term "program income" means any gross income received by the subrecipient that was directly generated from the use of NSP or CDBG funds (24 CFR 570.500(a)). This includes, but is not limited to:
    - Proceeds from the sale or long-term lease of real property purchased or improved with CDBG funds.
    - Proceeds from the disposition of equipment purchased with CDBG funds.
    - Gross income from the use or rental of property acquired by the grantee or subrecipient with CDBG funds, less the costs incidental to the generation of such income.

- Gross income from the use or rental of property owned by the grantee or subrecipient that was constructed or improved with CDBG funds, less any costs incidental to the generation of such income.
- Payments of principal and interest on loans made using CDBG funds.
- Proceeds from the sale of loans made with CDBG funds.
- Proceeds from the sale of obligations secured by loans made with CDBG funds.
- Interest earned on program income, pending the disposition of such program income.

- Funds collected through special assessments made against properties owned and occupied by households not of low- and moderate-income, where such assessments are used to recover part or all of the CDBG portion of a public improvement.

Program income does **not** include (except for funds in lump-sum drawdown accounts), the interest earned on cash advances from the grantee or funds held in a revolving loan fund account. Such interest must be returned to the grantee for remittance to HUD.

When income is generated by an activity that is only partially assisted with CDBG funds, the income must be prorated to reflect the percentage of CDBG funds used to determine the portion that is program income.

- The written agreement between the subrecipient and the grantee will specify whether any program income received by the subrecipient is to be returned to the grantee or retained by the subrecipient for use in carrying out CDBG activities.
- If the program income is to be retained by the subrecipient, the written agreement will also specify what CDBG-eligible activities the subrecipient may undertake with the program income.
- The receipt and expenditure of program income must be recorded by the subrecipient as part of its records of financial transactions.
- When a subrecipient retains program income, such income must be used for any authorized activity before drawing down additional grant funds from the grantee, except in the case of a revolving fund. In the case of program income in a revolving fund, the subrecipient must use the program income for the activity for which the revolving fund was established, before drawing down additional grant funds for that activity.
- At the expiration of the Subrecipient Agreement, any program income on hand or subsequently received by the subrecipient must be returned to the grantee.

4.12 Monitoring

During the period of affordability, the City of Modesto will perform on-site compliance and monitoring inspections of all single-family and multi-family developments utilizing NSP funds to determine compliance with the applicable regulations and requirements outlined in this manual and NSP regulations.

Section 5 - Emergency Solutions Grant (ESG)

MODESTO
CALIFORNIA

EQUAL HOUSING
OPPORTUNITY

City of Modesto
Community Development Block Grant (CDBG) Public Services
Emergency Solutions Grants (ESG)
Policies and Procedures

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PURPOSE OF THIS MANUAL

This manual applies to all CDBG Public Services and ESG subrecipients and provides guidance on many aspects of program management. It is intended as a general guide and does not replace or amend any of the provisions of the subrecipient agreement.

CHAPTER 1.0: THE CDBG PROGRAM

The intent of the Community Development Block Grant (CDBG) program is to develop viable urban communities through the provision of decent housing, suitable living environments, and economic opportunities for persons of low and moderate income.

1.1 CDBG Eligibility

To be eligible for CDBG funding, an activity must:

- Meet one of three national CDBG program objectives (National Objectives);
- Be an eligible CDBG program activity as prescribed by HUD;
- Be consistent with the City of Modesto's Consolidated Plan; and
- Receive National Environmental Protection Act (NEPA) clearance.

1.2 National Objectives

The authorizing statute of the CDBG program requires that each activity funded must meet one of three National Objectives. The three National Objectives are:

- Benefit to low- and moderate-income (LMI) persons;
- Aid in the prevention or elimination of slums or blight; and
- Meet a need having a particular urgency.

City of Modesto must comply with federal regulations that mandate a minimum of 70 percent of the CDBG funds received must, over a three-year period, be used to fund activities that primarily benefit low- and moderate-income persons. Very few projects qualify under the last two categories, as the eligibility requirements are more extensive and difficult to meet.

1.3 CDBG Eligible Activities

In addition to meeting one of the National Objectives, activity must also be eligible under the CDBG program. General types of activities that are eligible fall into four broad categories:

- Code Enforcement and Housing Development and Rehabilitation Activities;
- Construction or Improvement of Public Facilities;
- Economic Development Activities (Job Creation and Retention); and
- **Public Services: Federal regulations restrict public service funding to 15 percent of the total grant. In addition, record-keeping requirements generally include, at a minimum, extensive documentation on beneficiaries' family income, race, ethnicity, and female head of household status.**

Federal regulations for direct services funded under CDBG and ESG programs limit funding to either:

- A new service; or
- A quantifiable increase in the level of an existing service which has been provided by the City of Modesto or another entity on its behalf through state or local government funds in the 12 months preceding the submission of the City of Modesto Consolidated Plan/Annual Action Plan.

Funds must supplement, not supplant, local funds.

This requirement does not prevent continued funding of a CDBG- or ESG-funded activity at the same or lower levels in successive years.

1.4 LMI Categories

City of Modesto's CDBG Public Services Request for Proposals (RFP) solicits projects that primarily benefit LMI persons. The following four categories are used to meet this National Objective, but the City's CDBG Public Services RFP solicits only two:

- **Area benefit activities**;
- **Limited clientele activities**;
- Housing activities; or
- Job creation or retention activities

Area Benefit Activity is one that benefits all residents in a particular area where at least 51 percent of the residents are LMI persons.

Limited Clientele Activity requires that at least 51 percent of beneficiaries be LMI persons. In contrast to the area benefit category, it is not the LMI concentration of the service area of the activity that determines whether the activity will qualify or not, but rather the actual number of LMI persons that benefit from the activity. Activities in this category provide benefits to a specific group of persons rather than everyone in an area. It may benefit particular persons

without regard to their residence, or it may be an activity that provides a benefit to only particular persons within a particular area.

In determining the beneficiaries of activities as LMI and qualifying under the limited clientele category, activities must meet one of the following criteria:

- **Benefit a clientele that is generally presumed to be principally LMI.** This presumption covers: abused children, battered spouses, elderly persons, severely disabled* adults, persons experiencing homelessness, illiterate adults, persons living with HIVAIDS, and migrant farm workers; or
- **Require documentation on family size and income** in order to demonstrate that at least 51 percent of the clientele are LMI; or
- **Be of such a nature and in such a location that it can be concluded that clients are primarily LMI.** An example is a daycare center that is designed to serve residents of a public housing complex

* Persons are considered severely disabled if they:
- Used a wheelchair or had used another special aid for 6 months or longer;
- Are unable to perform one or more functional activities (seeing, hearing, having one's speech understood, lifting and carrying, walking up a flight of stairs, and walking);
- Need assistance with activities of daily living (getting around inside the home, getting in or out of bed or a chair, bathing, dressing, eating, and toileting) or instrumental activities or daily living (going outside the home, keeping track of money or bills, preparing meals, doing light housework, and using the telephone);
- Are prevented from working at a job or doing housework;
- Have a selected condition including autism, cerebral palsy, Alzheimer's disease, senility, or dementia, or mental retardation; or
- Are under 65 years of age and are covered by Medicare or receive Supplemental Security Income (SSI)

1.5 CDBG Ineligible Activities (Not Exhaustive)

The provision of income payments is ineligible, if these payments are provided as a grant. Income payments are payments to an individual or family, which are used to provide basic services such as food, shelter (including payment for rent, mortgage, and/or utilities), or clothing. However, such expenditures are eligible under the following conditions:

- Income payments do not exceed 3 consecutive months; and
- Payments are made directly to the provider of such services on behalf of an individual or family

The following are also ineligible activities:

- Political/lobbying activities;
- Expenses incurred before the period for which funding is awarded;
- Food/meals for staff;
- Fundraising;
- Entertainment;
- Alcoholic beverages;
- Deposits on equipment;
- Incentives to beneficiaries (gift cards, raffle prizes, holiday gifts, prizes for social activities, etc.)
- Late fees, fines, penalties;
- Contributions or donations; and
- Marketing activities of organization

CHAPTER 2.0: THE ESG PROGRAM

The Emergency Solutions Grants (ESG) program is designed to identify sheltered and unsheltered persons experiencing homelessness, as well as those at risk of experiencing homelessness, and provide the assistance necessary to help those persons quickly regain stability in permanent housing after experiencing a housing crisis and/or homelessness. The Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (HEARTH Act) substantially revised the Emergency Shelter Grants program (now Emergency Solutions Grants program) to reflect the change in focus from addressing the needs of persons experiencing homelessness in emergency and transitional shelters to assisting persons experiencing homelessness and those at risk of experiencing homelessness to quickly regain stability.

2.1 ESG Eligible Activities

While flexible in terms of serving all homeless subpopulations and preventing persons from experiencing homelessness, the authorizing statute and implementing regulations do limit the types of activities and amounts of funds that may be used for different activities. The following are 5 major categories of eligible activities and applicable limitations of existing ESG program:

- Street Outreach
    - Essential Services
- Emergency Shelter
    - Shelter Operations
        - Shelter operations no longer have a limit on staff costs, as it did under the Emergency Shelter Grants program, and may now include cost of supplies and, under certain conditions,

costs of hotel or motel stays where no appropriate emergency shelter is available
    - Essential Services
    - Renovation
- Homelessness Prevention
    - Tenant-Based Rental Assistance
    - Housing Relocation and Stabilization Services
- Rapid Re-Housing
    - Tenant-Based Rental Assistance
    - Project-Based Rental Assistance
    - Housing Relocation and Stabilization Services
- Homeless Management Information Systems (HMIS)

No more than 60 percent of the annual ESG allocation from HUD may be used for Street Outreach and Emergency Shelter and no more than 7.5 percent of the annual ESG allocation from HUD may be used for Administration.

2.2 ESG Matching Funds Requirement

Subrecipient must match ESG funds dollar for dollar with its own locally generated funds and/or in-kind contributions. These funds and/or contributions may come from City of Modesto; other federal, state, and local grants; and from in-kind contributions, such as the value of a donated building, supplies and equipment, new staff services, and volunteer time.

Cost principles for valuation of in-kind and other contributions must:

- Be verifiable records;
- Not be included as a contribution for any other federally-assisted program;
- Ensure value of services be consistent with those paid for similar work;
- Ensure value of property be at fair market value;
- Document volunteer services (names, addresses, dates, and hours of work);
- Include basis for determining the value of personal services, material, equipment, land, and other fixed assets

Documentation of matching funds must be furnished to the City within 10 days from the end of each program year.

2.3 ESG Funding Priorities

In addition to funding emergency shelter and transitional housing to the maximum extent possible, the City of Modesto, in consultation with the local Continuum of Care (also known locally as the Stanislaus Housing and Support Services Collaborative – a collaborative group of government, public agencies, advocates, and community- and faith-based

organizations focused on addressing homelessness, creating affordable housing, and providing assistance that promotes self-sufficiency), developed the following priorities, strategies, and outcomes:

- Focusing more on homelessness prevention than rapid re-housing;
- Limiting assistance* to:
  - Families with dependent children;
  - Persons experiencing homelessness who are within six months of obtaining mainstream benefits; and
  - U.S. Department of Housing and Urban Development – U.S. Department of Veterans Affairs Supportive Housing (HUD-VASH) program participants (security deposit assistance only)
- Providing 3-6 months of assistance to program participants and additional assistance only when merited and program participants adhere to individualized stability plan;
- Including as a special risk factor for homelessness severely deteriorated housing; and
- Basing program performance on the elimination of barriers to housing stability

***Assistance includes:**

- Tenant- or project-based, short- and medium-term rental assistance
- Housing relocation and stabilization services, which include:
  - Financial assistance costs:
    - Rental application fees
    - Security deposits
    - Last month's rent
    - Utility deposits
    - Utility payments
    - Moving costs
  - Services costs:
    - Housing search and placement
    - Housing stability case management
    - Mediation
    - Legal services
    - Credit repairs

2.4 Definition of Homeless and At Risk of Homelessness

Homeless

a. An individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:
   i. An individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground;
   ii. An individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state, or local government programs for low-income individuals); or
   iii. An individual who is exiting an institution where he or she resided for 90 days or less and who resided in an emergency shelter or lace not meant for human habitation immediately before entering that institution;
b. An individual or family who will imminently lose their primary nighttime residence, provided that:
   i. The primary nighttime resident will be lost within 14 days of the date of application for homeless assistance;
   ii. No subsequent residence has been identified; and
   iii. The individual or family lacks the resources or support networks, e.g., family, friends, faith-based or other social networks needed to obtain other permanent housing;
c. Unaccompanied youth under 25 years of age, or families with children and youth, who do not otherwise qualify as homeless under this definition, but who:
   i. Are defined as homeless under the Runaway and Homeless Youth, Head Start, Violence Against Women, Public Health Services, Food and Nutrition, or Child Nutrition Acts;
   ii. Have not had a lease, ownership interest, or occupancy agreement in permanent housing at any time during the 60 days immediately preceding the date of application for homeless assistance;
   iii. Have experienced persistent instability as measured by two moves or more during the 60-day period immediately preceding the date of applying for homeless assistance; and
   iv. Can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addition, histories of domestic violence or childhood abuse (including neglect), the presence of a child or youth with a disability, or two or more barriers to employment, which include the lack of a high school degree or General Education Development (GED), illiteracy, low English proficiency, a history of incarceration or detention for criminal activity, and a history of unstable employment; or
d. Any individual or family who:

i. Is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions that relate to violence against the individual or a family member, including a child, that has either taken place within the individual or family's primary nighttime residence or has made the individual or family afraid to return to their nighttime residence;
ii. Has no other residence; and
iii. Lacks the resources or support networks, e.g., family, friends, faith-based or other social networks, to obtain other permanent housing.

At Risk of Homelessness

a. An individual or family who:
   i. Has an annual income below 30 percent of area median family income;
   ii. Does not have sufficient resources or support networks, e.g., family, friends, faith-based or other social networks, immediately available to prevent them from moving to an emergency shelter or another place described in the homeless definition; and
   iii. Meets one of the following conditions:
      1. Has moved because of economic reasons two or more times during the 60 days immediately preceding the application for homelessness prevention assistance;
      2. Is living in the home of another because of economic hardship;
      3. Has been notified in writing that their right to occupy their current housing or living situation will be terminated within 21 days after the date of application for assistance;
      4. Lives in a hotel or motel and the cost of the hotel or motel say is not paid by charitable organizations or by federal, state, or local government programs for low-income individuals;
      5. Lives in a single-room occupancy or efficiency apartment unit in which there reside more than two persons or lives in a larger housing unit in which there reside more than 1.5 people per room, as defined by the U.S. Census Bureau;
      6. Is exiting a publicly funded institution, or system of care, e.g., health-care facility, mental health facility, foster care, or other youth facility, or correction program or institution; or
      7. Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness, as identified in the City of Modesto's approved consolidated plan;
b. A child or youth who does not qualify as homeless under the HEARTH Act but qualifies as homeless under the Runaway and Homeless Youth, Head Start, Violence Against Women, Public Health Services, Food and Nutrition, or Child Nutrition Acts; or
   - A child or youth who does qualify as homeless under the HEARTH Act but qualifies as homeless under the McKinney-Vento Homeless Assistance Act, and the parent(s) or guardian(s) of that child or youth if living with her or him.

ESG activities must maintain adequate documentation to substantiate homelessness or at risk of homelessness status of its beneficiaries.

CHAPTER 3.0: DETERMINING INCOME ELIGIBILITY

3.1 Definition of Income

See Chapter 6.0: Maintenance of Beneficiary Files for more detailed information.

To calculate annual gross income, the CDBG program allows the three definitions of income listed below:

- Section 8 annual gross income: The CDBG program has always used the Section 8 definition of annual income.
- IRS adjusted gross income: The final rule allows CDBG grantees/subrecipients to determine annual income by using the calculation for "adjusted gross income" outlined in the federal income tax IRS Form 1040.
- Census long form annual income: The final rule also allows CDBG grantees/ subrecipients to determine annual income as defined for the Census long form for the most recent decennial Census.

In general, City of Modesto will require all subrecipients use the Section 8 definition.

Subrecipients are to estimate the annual income of a family or household by projecting the prevailing rate of income of each person at the time assistance is provided for the individual, family, or household (as applicable).

3.2 HUD Income Limits - 2012

Area Median Income (AMI)	Income Limits (% of AMI)	1-Person Family	2-Person Family	3-Person Family	**4-Person Family**
$62,000	30%	$13,050	$14,900	$16,750	**$18,600**
	50%	$21,700	$24,800	$27,900	**$31,000**
	80%	$34,750	$39,700	$44,650	**$49,600**

Area Median Income (AMI)	Income Limits (% of AMI)	5-Person Family	6-Person Family	7-Person Family	8-Person Family
	30%	$20,100	$21,600	$23,100	$24,600

$62,000	50%	$33,500	$36,000	$38,450	$40,950
	80%	$53,600	$57,550	$61,550	$65,500

CHAPTER 4.0: NEPA CLEARANCE

All activities proposed for CDBG/ESG funding must receive National Environmental Policy Act (NEPA) clearance. NEPA is federal environmental protection legislation that is similar, yet often more restrictive that the California Environmental Quality Act (CEQA). CDBG/ESG funds may not be used to fund activities that have not received NEPA clearance.

All funded activities must comply with the National Environmental Policy Act of 1969 (NEPA; 42 USC 4321); NEPA-related statutes, regulations, and policies; and the implementing regulations (24 CFR Part 58) prior to the obligation of CDBG/ESG funds.

NEPA regulations may be found at:
http://hud.gov/offices/cpd/affordablehousing/training/web/crosscutting/environmental/reviewstage1.cfm

CHAPTER 5.0: PLANNING AND ALLOCATION PROCESS

5.1 Citizen Participation Plan and Consolidated Plan and Annual Action Plans

The Consolidated Plan outlines a five-year strategic plan with goals to meet the unmet needs for affordable and supportive housing, community development activities, public services, and economic development opportunities for low- and moderate-income residents. Each fiscal year, specific activities are identified in an action plan (Annual Action Plan) to address the needs during the coming year. At the end of each fiscal year, a Consolidated Annual Performance and Evaluation Report (CAPER) is prepared that summarizes the accomplishments toward the five-year goals.

City of Modesto, as a CDBG and ESG grantee, is provided flexibility in allocating program funds according to local priorities consistent with the Consolidated Plan. Pursuant to HUD regulations regarding the Citizen Participation Plan, City of Modesto carries out an annual community planning process and public hearing to determine community needs to inform the allocations contained in the Consolidated Plan and subsequent Annual Action Plans.

5.2 CDBG Public Services and ESG RFP

City of Modesto releases a consolidated Request for Proposals (RFP) for CDBG Public Services and ESG every two years. While CDBG and ESG are separate and distinct HUD programs, the City releases a consolidated RFP soliciting proposals for CDBG Public Services/ESG funds. City of Modesto staff allocates program funds to corresponding program activities to ensure statutory and regulatory compliance. This two-year funding cycle is intended to enhance activity stability and design, and direct resources toward activity delivery instead of grant-writing and application review. Level of funding for the second year will depend on the availability of funds, as well as on project performance during the first year of the award. City of Modesto retains sole discretion to determine any change in the amount of the second-year award or terminate the funding agreement based on the provisions contained therein.

To be eligible for funding, proposed activities must be consistent with the needs and goals identified in the Consolidated Plan. If an activity is proposed to meet a new need not previously identified in the Consolidated Plan, the Consolidated Plan must be amended according to the City of Modesto's Citizen Participation Plan prior to funding consideration.

Applicants may submit only one application; however, proposers may submit more than one application only if additional applications are joint, highly collaborative applications, (i.e., sharing space or substantial resources with at least one other organization). Letters of Understanding (LOUs) will be required at time of submission of proposal.

City of Modesto staff will review all proposals for eligibility (i.e., technical review) and provide notification of any eligibility issues to proposing organization.

Any organization that maintains its proposal has been wrongly determined to be ineligible by not meeting the RFP criteria may submit written feedback to the Deputy Director of Parks, Recreation, and Neighborhoods Department who oversees the HUD Division within three (3) days of notification. The written feedback should include specific details and/or additional documentation that address the ineligibility determination issued. This appeal process does not provide an opportunity to revise proposals, nor does it guarantee that determinations will be overturned.

The evaluation of the proposals will consider the merits of every eligible proposal. A subcommittee of the Modesto City Council-appointed Citizens Housing and Community Development Committee (CH&CDC), with the technical support of City of Modesto staff, will carry out the evaluations and funding recommendations. City staff will present these CH&CDC recommendations to Modesto City Council, which will ultimately determine funding awards.

5.3 ESG Rollover

ESG awards must be expended within 2 years of subrecipient agreement execution and unlike CDBG, may be rolled over from first to second year.

5.4 Eligible Subrecipients

- Nonprofit Organizations
- Governmental Entities
- Religious/Faith-Based Organizations*
- Institutions of Higher Education

* Religious/faith-based organizations may retain its independence from federal, state, and local governments, and may continue to carry out its mission, including the definition, practice, and expression of its religious beliefs, provided that it does not use direct CDBG/ESG funds to support any inherently religious activities, such as worship, religious instruction, or proselytizing. These organizations may use space in its facilities to provide CDBG-funded services without removing religious art, icons, scriptures, or other religious symbols. In addition, a CDBG-/ESG-funded religious/faith-based organization retains its authority over its internal governance, and it may retain religious terms in its organization's name, select its board members on a religious basis, and include religious references in its organization's mission statements and other governing documents. A subrecipient may not, in CDBG-/ESG-funded service delivery, discriminate against beneficiaries or potential beneficiaries on the basis of religion or religious belief.

5.5 Substantial Amendment Process

There are times when the City of Modesto must amend its Consolidated Plan/Annual Action Plan. This substantial amendment process is carried out in accordance with the City's Citizens Participation Plan that requires a 30-day public comment period and Modesto City Council approval. The City must amend its Plan:

- To make a change in its allocation priorities or a change in its method of distributing funds;
- To carry out a new activity; or
- To change the purpose, scope, location, or beneficiary of an activity

CHAPTER 6.0: MAINTENANCE OF BENEFICIARY FILES

Beneficiary files must contain documentation to substantiate program eligibility.

HUD definitions at 24 CFR 570.3 are particularly helpful:

Income. For the purpose of determining whether a family or household is low- and moderate-income, subrecipients may select any of the three definitions listed under Chapter 3.0: Determining Income Eligibility.
Family means all the persons living in the same household who are related by birth, marriage, or adoption.
Household means all the persons who occupy a housing unit. The occupants may be a single family, one person living alone, two or more families living together, or any other group of related or unrelated persons who share living arrangements.
Low- and Moderate-Income Person/Family means a member of a family (not household) or a family having an income equal to or less than the Section 8 low-income limit established by HUD. Unrelated individuals will be considered as one-person families for this purpose.
Low- and Moderate-Income Household means a household (as defined above) having an income equal to or less than the Section 8 low-income limit established by HUD for an equivalent sized family.
Low-Income means income equal to or less than the Section 8 very low-income limit established by HUD.
Moderate-Income means having an income equal to or less than the Section 8 low-income limit and greater than the Section 8 very low-income limit established by HUD.

Files must contain documentation to substantiate the following:

- **Modesto Residency**
  Example documents: utility bill, bank statement, etc.

- **Family Size (Note: non-housing low- and moderate-income (LMI) activities are to meet the LMI National Objective based on family, not household size)**

  Household size is only used to determine eligibility when HUD assistance is provided for housing, since the two underlying assumptions are that 1) all individuals who reside in a housing unit that has been provided or improved with HUD assistance will benefit from that housing unit; and 2) resources of all occupants could be brought to bear with respect to paying for the rental, improvement, or purchase of that unit. Otherwise, all other activities, (e.g., CDBG Public Services) require income eligibility based on Family, not Household Size.

  Examples:
  - Married couple = family of 2
  - Friend and friend = two separate families of 1
  - Friend and Friend with child = two separate families of 1 and 2

- Married couple with child of both = family of 3 (child and parent related by blood or adoption)
- Unmarried couple with child of only one = two separate families of 1 and 2

Tax returns, school records, etc., are useful documents that establish child custody and residence.

- **Income Documentation**

To be eligible for CDBG Public Services assistance, activity must primarily benefit (at least 51 percent) low- and moderate-income (LMI) persons. Documentation of the benefit to LMI persons is required of every funded activity (24 CFR 570.208).

Example documents: tax returns, paycheck stubs, proof of Social Security Supplemental Security Income (SSI)/Social Security Disability Insurance (SSDI)/Supplement Nutritional Assistance Program (SNAP).

Income verification and documentation requirements vary according to applicable category as described in subrecipient agreement. Area benefit and presumed benefit category activities are still required to report on family size, income level, and other demographic information. Unlike other categories, however, income documentation is not necessary for these categories. See Chapter 1.4: LMI Categories.

Subrecipients are to estimate the annual income of a family by projecting the prevailing rate of income of each person at the time assistance is provided for the individual, family, or household (as applicable).

If subrecipient is unable to document income level of beneficiary, subrecipient may document beneficiary as non-low- and moderate-income (non-LMI; above 80 percent of the area median income). Keep in mind that the percentage of non-LMI beneficiaries may not exceed 50 percent and should be kept to a minimum, as the CDBG program is intended to primarily benefit LMI persons.

24 CFR 570.506 describes the records to be maintained. Where information on annual income by family size is required, subrecipient may substitute evidence establishing:

- That the person assisted qualifies under another program having income qualification criteria at least as restrictive as that used in the definitions of low- and moderate-income person, family, or household (as applicable);

- That the person is experiencing homelessness (as defined by HUD; see Chapter 2.4: Definition of Homeless and At Risk of Homelessness);
- Verifiable certification from the assisted person that his or her family income does not exceed the applicable income limit; or
- Notice that the assisted person has been referred from a state, county, or local employment agency or other entity that agrees to refer individuals it determines to be low- and moderate-income persons based on HUD's criteria and agrees to maintain documentation supporting these determinations.

CHAPTER 7.0: SUBRECIPIENT AGREEMENTS

Once funding has been allocated in the Annual Action Plan approved by the Modesto City Council and HUD, a formal agreement is required in order to authorize disbursement of funds. City of Modesto may initiate written modification and/or termination of an agreement in order to comply with guidelines contained in any future federal/state/local statutes/regulations/policies/ordinances.

Once fully executed, the agreement represents a mutually agreed to, legally binding document between the City and subrecipient. The agreement must be followed in its entirety in order to receive CDBG/ESG funds. The agreement describes, at a minimum, the scope of work and establishes completion and other important dates and award amount.

An award of CDBG/ESG funds does not authorize the implementation of activity or expenditure accrual. Only an executed subrecipient agreement authorizes these activities. Any expenditure incurred prior to or after the period of the grant award will be ineligible for reimbursement.

CHAPTER 8.0 ADMINISTRATIVE REQUIREMENTS

Subrecipients must be familiar with the following requirements in order to manage its CDBG/ESG funds. The basic program regulations governing management and financial systems are promulgated by the federal government in 24 CFR Part 570, Subparts J and K and apply to grantees and subrecipients.

- Subpart J (24 CFR 570.500 – 570.513) covers the general responsibilities for grant administration, including uniform administrative requirements, provisions of subrecipient agreements, program income, use of real property, record keeping and reporting, and closeout procedures.
- Subpart K (24 CFR 570.600 – 570.614) covers other requirements, including civil rights; labor standards; environmental standards; flood insurance; relocation; displacement; acquisition; employment and

contracting opportunities; lead-base paint; use of debarred, suspended, or ineligible subrecipients/contractors; uniform administrative requirements and cost principles; conflicts of interest; and the Americans with Disabilities Act (ADA).

In addition to the basic regulations contained in 24 CFR Parts 570 and 576, there are three other categories of requirements that affect the administrative systems and procedures that must be in place in order to receive funding:

- Federal regulations governing administrative and audit requirements for programs for which HUD has oversight responsibilities;
- Administrative circulars from the Office of Management and Budget (OMB) and Department of Treasury governing cost principles, administrative systems, fiscal procedures and audit requirements for public and private grantees and subrecipients;
- Executive Orders from the Office of the President implementing various policies.

CHAPTER 9.0 INSURANCE REQUIREMENTS

Subrecipients must provide at its own expense and maintain at all times the following insurance with insurance companies licensed in California and must provide evidence of such insurance to the City of Modesto. The policies and certificates thereof must provide that 30 days prior to cancellation or material change in policy, City of Modesto Risk Management will be notified. **Subrecipient agreements cannot be executed and therefore incurred costs cannot be reimbursed until insurance is in place.**

Worker's Compensation in compliance with the statutes of the State of California, plus employer's liability with a minimum limit of liability of $1,000,000.

* Worker's Compensation insurer must agree to **waive all rights of subrogation** against the City of Modesto, its agents, officers, employees, and volunteers for losses arising from work performed by subrecipient for the City.

General Liability insurance with a minimum limit of liability per occurrence of $1,000,000 for bodily injury and property damage. Insurance must indicate on the certificate of insurance the following coverage and indicate the policy aggregate limit applying to: premises and operations; broad form contractual; independent contractors and subcontractors; products and completed operations, as applicable.

* Subrecipient must provide the City with **separate endorsement** evidencing proof of the City's additional insured status as to General Liability insurance policy.

Automobile Liability insurance with a minimum limit of liability per occurrence of $1,000,000 for bodily injury and property damage. This insurance must cover any automobile for bodily injury and property damage.

* Subrecipient must provide the City with **separate endorsement** evidencing proof of the City's additional insured status as to Automobile Liability insurance policy.

CHAPTER 10.0 FINANCIAL MANAGEMENT

Subrecipient is responsible for the internal control and monitoring of fiscal and programmatic/operational goals and procedures. Subrecipient must establish such fiscal controls and fund accounting procedures as required by federal guidelines, or as may be deemed necessary by the City of Modesto and/or HUD to assure the proper utilization of CDBG/ESG funds.

Subrecipient must maintain internal controls on financial records, cash disbursements, cash recipes, payroll, and inventory of assets. At a minimum, subrecipients are required to maintain a General Ledger, a system for maintaining information on unpaid bills (Accounts Payable), a Cash Disbursement Journal, and authorized signatures or level of access. When requested, subrecipients are required to provide current information on all accounting transactions in a standardized acceptable format. Transactions must be properly recorded and accounted for.

10.1 Accounting Principles and Auditing Practices

Subrecipient must maintain accounting records that are in accordance with generally accepted accounting principles and auditing practices.

- OMB Circular A-102 "Uniform Requirements for Assistance to State and Local Governments"
- OMB Circular A-122 "Cost Principles for Non-Profit Organizations"
- OMB Circular A-21 "Cost Principles for Educational Institutions"
- American Institute of Certified Public Accountant (AICPA) "Accounting and Financial Reporting for Voluntary Health and Welfare Organizations"

10.2 Record Retention

Subrecipient must maintain all records required by federal guidelines. **Generally, all records (programmatic, financial, etc.) are to be retained for a period of five years from the end of the subrecipient agreement.** Records will be open and available for review by staff assigned by the City and/or HUD.

Subrecipient must maintain beneficiary data substantiating beneficiary eligibility for services provided. Such data must include, but is not limited to, beneficiary

(head of household) name, address, income level, etc.; and description of service provided. Such information must be made available to City/HUD staff or its designees for review upon request. Beneficiary files must be maintained in a manner that is organized, comprehensive ("self-contained"), confidential when necessary, and up-to-date.

10.3 Single Audit (OMB Circular A-133 and Other Financial Audits)

Subrecipients that expend $500,000 or more in federal funds from all sources (including grants, loans, program income, etc.) in its previous fiscal year must submit a copy of an independent audit completed within nine months following the end of the subrecipient's fiscal year.

Subrecipients that have an overall organizational budget of less than $250,000 may be exempted from the audit requirement. City of Modesto reserves the right to conduct a fiscal site visit or require alternate documents demonstrating sound financial controls in the absence of an audit.

10.4 Program Income

Program income (PI) is defined as gross income received by either City of Modesto or its subrecipients directly generated from the use of CDBG funds. In rare cases when CDBG Public Services activities generate PI, PI is retained by the City of Modesto and subrecipients are required to account for this gross income by recording it as part of the financial transactions of the CDBG award and must be treated as additional CDBG funds subject to all applicable requirements governing the use of CDBG funds. PI regulations may be found in 24 CFR 570.504.

CHAPTER 11.0: REIMBURSEMENT

City of Modesto authorizes payment on an expenditure reimbursement basis, except when funded activities require advanced payment (e.g., rental assistance activities that require timely payment to landlords and other third parties), as approved by City of Modesto. Costs must be necessary, reasonable, allocable, and documented. Subrecipient must maintain separate accounts within established bookkeeping systems for the deposit of CDBG/ESG funds as specified in the applicable OMB Circular.

Reimbursement requests may be submitted no less often than once every 3 months for projects incurring expenses. See Quarterly Invoicing/Reporting Schedule.

Subrecipient agreement only permits reimbursement for the expenditures specifically covered by the budget exhibits during the term of the agreement. Otherwise the cost may not be eligible for reimbursement.

City of Modesto reserves the right to hold or return reimbursement requests and disallow incurred expenses based on compliance with agreement. All financial transactions must be supported by complete and verifiable source documents. These records must provide a clear audit trail and must be maintained as specified by federal guidelines.

11.1 Budget Amendments

For budget amendments that do not change the purpose, scope, location, or beneficiaries of the activity, (i.e., budget line item adjustments), subrecipients must submit to the City of Modesto a formal written request to make such changes to the activity budget.

11.2 Reimbursement Request Documentation

- Must be clearly marked to indicate to which program the expenditure relates, as well as the applicable dollar amount as indicated in the supporting documentation. The total reimbursement amount requested should be clearly identified. Expense items must correspond to budget line items.

- Must be summarized if there are extensive receipts and documents.

- Must be detailed.

- Payroll:
    - Timesheets for each pay period and for each employee charging time to the award must be included.
    - The employee and the manager must sign timesheets.
    - Timesheets should reflect the total time worked each day (8 hours, etc.) with the amount of CDBG/ESG time being charged clearly identified.
    - If there are more than 6 timesheets, timesheets must be summarized indicating calculation of time to the reimbursement amount requested.
    - Proof of payment, such as a payroll register or copies of paychecks must also be included.

- Other incurred expenses: An invoice for the charge and documentation that the invoice was paid.

11.3 Reimbursement Request Submission

While the Housing Division of the City's Parks, Recreation, and Neighborhoods Department authorizes payment, the Accounting Division (Accounts Payable Unit) of the City's Finance Department processes payment.

Do not staple submission – City of Modesto staff must load submission in a scanner.

- Invoice must include:
  - Subrecipient name;
  - Address;
  - Contact information (direct telephone number and email address);
  - Unique invoice number (maximum of 12 alphabetic and/or numeric);
  - Specify funding source (i.e., CDBG or ESG) If subrecipient receives funds from both programs, invoices must request reimbursement from only one (and activities must correspond to the program).
- Invoices should be submitted to Accounts Payable and addressed:
  - City of Modesto PR&N
    ATTN: Accounts Payable
    P.O. Box 642
    Modesto, CA 95353-0642
  - Accounts Payable does not accept faxed invoices, but it does accept emailed ones from authorized requestors. If submitting electronically, send according to first letter of subrecipient name:
    - A-L – Tammy Wallace at twallace@modestogov.com
    - M-Z – Jessica Kroontje at jckroontje@modestogov.com
- To inquire on the status of payments, contact Accounts Payable before contacting the Housing Division.

CDBG/ESG funds are released on a reimbursement basis only. All items requested for reimbursement must have an invoice or some document that substantiates the expenditure was incurred and evidence of payment. **Payment by the City is not to be construed as final in the event HUD or City disallows any reimbursement of expenses.**

11.4 Timekeeping and Reimbursement for Salary Costs

Salary and benefits costs in the form of regular compensation paid to employees during periods of authorized absences from the job, such as vacation leave, sick leave, military leave, etc. are allowable, provided such costs are allocated to the award in proportion to the relative amount of time actually devoted to carrying out activity.

Timesheets for each pay period, for each employee charging time to CDBG/ESG must be included. The employee and the manager must sign timesheets. Timesheets must reflect the total time worked each day (8 hours, etc.) with the

amount of CDBG time being charged clearly identified. If there are more than 6 timesheets, the timesheets should be summarized showing the calculation of time to the amount requested on the invoice. Proof of payment, such as a payroll register or copies of paychecks must also be included.

11.5 Procurement of Goods and Services

Subrecipients may pay a vendor for supplies purchase or non-employee for services involved in completing the terms of the subrecipient agreement. Subcontracts and purchases of $1,000 or more require prior written approval from the City of Modesto. Subrecipient must maintain internal controls on the procurement of goods and services.

CHAPTER 12.0: REPORTING REQUIREMENTS

Subrecipient must provide the City, within a specific period of time after conclusion of reporting period or specific request, progress reports and/or other documentation as may be required by the City to audit performance of activity and/or to enable the City to analyze and evaluate use of CDBG/ESG funds. Subrecipient must submit to the City and require each of its own contractors/subcontractors to furnish all information and reports necessary to prepare the Consolidated Annual Performance and Evaluation Report (CAPER), Consolidated Plan, Annual Action Plan, and City of Modesto/HUD monitoring tools.

The quarterly status report is used to report the status of funded activities and report beneficiary data. This report and reimbursement requests are utilized both for program management purposes and to complete required HUD reports. It must be completed each quarter regardless of whether CDBG/ESG funds are expended in the quarter.

This report is cumulative in that each quarter, the number or new or additional beneficiaries will be added to the previous quarter's data. At year-end, the beneficiary data will reflect the total of beneficiaries served during the program year.

Reports must be current in order for the City to disburse funds.

12.1 Invoicing/Reporting Schedule

In a collaborative effort to provide consistency for local subrecipients across CDBG/ESG grantees (i.e., City of Modesto, City of Turlock, and Stanislaus County), invoicing and status reporting will be made on a quarterly basis. Timely final quarter invoicing and quarterly status reporting (including projected

beneficiary numbers) will be particularly critical as the City prepares its CAPER for submission to HUD before the statutory deadline.

Quarter	Invoicing/Reporting Period	Submission
1st Quarter	(July – September)	after September 30
2nd Quarter	(October – December)	after December 31
3rd Quarter	(January – March)	after March 31
Year End	(July – June)	no later than July 10

CHAPTER 13.0: MONITORING

The City monitors the performance of funded activities. City/HUD staff utilize several methods to monitor activity performance and agreement compliance. These include on-site review, evaluation of reimbursement requests, accounting documents, insurance review, etc.

13.1 Not a "One-Time Event"

Monitoring is not a one-time event. The City of Modesto has established a monitoring process that emphasizes positive feedback to subrecipients, in addition to identifying and addressing areas for improvement. This process has integrated opportunities for dialogue with subrecipients to develop a better appreciation of their perspectives and to identify and resolve points of miscommunication or misunderstanding. Subrecipients are encouraged to specify, within reason, the kinds of technical support needed from the City in order to make the improvements required. Recognizing the finite resources available, the City's monitoring plan matches available resources with the needs and capacity of the subrecipients. The City's monitoring plan is informed by risk assessments of subrecipients to identify which subrecipients require more extensive, comprehensive monitoring. High-risk subrecipients include:

- New subrecipients;
- Subrecipients that have experienced high turnover in key staff positions or a change in goals or direction;
- Subrecipients with previous compliance or performance problems, including failure to meet schedules, submit timely reports, or clear monitoring or audit findings;
- Subrecipients carrying out high-risk activities, such as economic development activities; and
- Subrecipients carrying out multiple funded activities for the first time.

Subrecipients receive either extensive or narrowly focused comprehensive monitoring in order to build accountability into the management of the programs.

13.2 Monitoring Practices

Desk Audits are useful in identifying potential problem areas to examine during the on-site visit. Desk audits review the following:

- Application/proposal;
- Subrecipient agreement;
- Progress reports;
- Beneficiary data reports;
- Invoices;
- Documentation of previous monitoring; and
- Copies of audits whether by an Independent Public Accountant (IPA) or another entity such as the HUD Office of the Inspector General (OIG) or the General Accounting Office (GAO).

On-site pre-monitoring visits may point out apparent weaknesses in subrecipient operations and suggest how these deficiencies may be corrected before the formal on-site monitoring visit.

Formal On-Site Visit:

- Notification Letter
- Entrance Conference
- Documentation, Data Acquisition, and Analysis
- Exit Conference
- Follow-Up Monitoring Letter

13.3 Findings and Concerns

Monitoring Letter identifies fully every finding and concern. A finding is issued for noncompliance with the rules and regulations of the program. Findings are correctly identified; based on applicable statute, regulation, or program policy; and supported by verifiable facts. For each finding, corrective actions must be specified.

Concerns are presented in the monitoring letter as instances where the deficiency is not a finding, or where noncompliance may occur in the future due to weaknesses in subrecipient operations. For each concern, specific recommendations for improvement are included.

CHAPTER 14.0: ADDITIONAL REQUIREMENTS

14.1 DUNS Number

CDBG-/ESG-funded organizations will be required to obtain a **Data Universal Numbering System (DUNS) number**, a unique numeric identifier, as it is

required of any entity receiving federal funding: http://fedgov.dnb.com/webform/index.jsp or 1-866-705-5711. (Make sure to write down name affiliated with your DUNS number).

14.2 HMIS Participation and Data Sharing

CDBG-/ESG-funded projects designed to assist persons experiencing homelessness or designed to prevent homelessness are required to **participate in the Homeless Management Information System (HMIS) of the Stanislaus County Continuum of Care** (CoC; Stanislaus Housing and Support Services Collaborative) and regularly attend CoC meetings (third Thursday of the month from 2:30 pm to 4 pm at the Housing Authority of the County of Stanislaus [1701 Robertson Road]).

Furthermore, subrecipients are required to execute a HMIS Data Sharing Agreement to share HMIS Universal Data Elements so as to more effectively utilize and enhance data quality of HMIS.

14.3 Equal Opportunity

All CDBG-/ESG-funded organizations will be required to **post equal opportunity materials and brochures** at project locations.

14.4. Published Materials

In informational/promotional materials regarding funded activity, such **materials will contain wording to the effect that the activity or a portion thereof, is funded though a CDBG/ESG grant awarded by the City of Modesto**.

CHAPTER 15.0: CONFLICT OF INTEREST

In an effort to ensure compliance with federal program guidelines, the City of Modesto has instituted clear policy and procedures relating to conflict of interest. As part of these policy and procedures, subrecipients are required to disclose any real, perceived, or potential conflicts of interest as described below.

CDBG and ESG subrecipients are subject to meeting the general standard as it relates to conflict of interest. This general standard, as it applies to **CDBG**[1], is that **no employee, agent, or officer of the subrecipient, who exercises decision-making responsibility with respect to CDBG funds and activities is allowed to obtain a financial interest in or benefit from CDBG activities, or**

[1] 24 CFR 570.611

have a financial interest in any contract, subcontract, or agreement regarding those activities or in the proceeds of the activities.

- This standard applies to any person who is an employee, agent, consultant, officer, or elected or appointed official of the City of Modesto; a designated public agency; or a subrecipient, and to their immediate family members and business partners.
- This standard also applies for such persons during their tenure and for a period of one year after leaving the City of Modesto or subrecipient organization.

For **ESG**[2]: **No person who is an employee, agent, consultant, officer, or elected or appointed official of the City of Modesto, State of California recipient, or nonprofit recipient (or of any designated public agency) that receives ESG funds and who exercises or has exercised any functions or responsibilities with respect to assisted activities, or who is in a position to participate in a decision-making process or gain inside information with regard to such activities, may obtain a personal or financial interest or benefit from the activity, or have an interest in any contract, subcontract, or agreement with respect thereto, or the proceeds thereunder, either from him or herself or for those with whom he or she has family or business ties, during his or her tenure or for one year thereafter.**

If a real, perceived, or potential conflict of interest exists or is suspected, subrecipients must contact City of Modesto Parks, Recreation, and Neighborhoods Department immediately. Potential conflicts include but are not limited to ones where decision-makers within your organization are immediate family members of other employees or of service beneficiaries. See the applicable general standard above.

Please be advised that the existence of a conflict of interest is a violation of CDBG and ESG regulations and constitutes an event of default under all subrecipient agreements with the City of Modesto.

Upon written request, an exception to a conflict of interest may be granted by the U.S. Department of Housing and Urban Development (HUD) on a case-by-case basis through a standard operating procedure in place at the City of Modesto, after consideration of the cumulative effective of various factors.[3]

Subrecipients must abide by the provisions set forth in the City of Modesto's Conflict of Interest Provisions: Summary of Rules for Modesto HUD-Sponsored Programs, which includes other applicable local and state conflict of interest general standards (see Exhibit 18.12).

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[2] 24 CFR 576.57 (d)

[3] 24 CFR 570.611 (d)

CHAPTER 16.0: USEFUL RESOURCES

City of Modesto Five-Year Consolidated Plan, 2010-2015
http://modestogov.com/prnd/housing/citizenplan.asp

Code of Federal Regulations (CFR):
www.gpoaccess.gov/cfr/index.html

- CDBG regulations: 24 CFR 570
- ESG regulations: 24 CFR 576

Office of Management and Budget (OMB) Circulars:
http://www.whitehouse.gov/omb/circulars/
Accounting Regulations

- A-122 Cost Principles for Non-Profit Organizations
- A-21 Cost Principles for Educational Institutions
- A-87 Cost Principles for State, Local, and Indian Tribal Governments

Playing by the Rules: A Handbook for CDBG Subrecipients on Administrative Systems (U.S. Department of Housing and Urban Development, March 2005)

Community Development Block Grant Program: Guide to National Objectives and Eligible Activities for Entitlement Communities (U.S. Department of Housing and Urban Development)
http://www.hud.gov/offices/cpd/communitydevelopment/library/index.cfm

Basically CDBG (U.S. Department of Housing and Urban Development, November 2007)
http://www.hud.gov/offices/cpd/communitydevelopment/library/index.cfm

Emergency Solutions Grants Program Interim Regulations
http://www.hudhre.info/index.cfm?do=viewResource&ResourceID=4517

'Homeless' Definition Final Rule
http://www.hudhre.info/index.cfm?do=viewResource&ResourceID=4519

CHAPTER 17.0: CONTACT INFORMATION

Hugo H. Ramírez
Parks, Recreation, and Neighborhoods Department
hramirez@modestogov.com
(209) 577-5368

CHAPTER 18.0: EXHIBITS

Section 6 - Homeowner's Rehabilitation Program Policy and Procedure

MODESTO
CALIFORNIA

EQUAL HOUSING
OPPORTUNITY

Homeowner Rehabilitation Program Policies & Procedures

1.0 APPLICABLE LAWS AND REGULATIONS

1.1 All Housing Rehabilitation Program activities shall be conducted in accordance with all applicable federal, state, and local program funding standards, building codes, and zoning ordinance requirements.

1.2 All work conducted in accordance with an approved Housing Rehabilitation Program activity shall be consistent with program funding requirements and any locally approved repair and replacement standards including, but not limited to: site improvements, windows and doors, roofing, ventilation, electrical, plumbing systems, HVAC, accessibility, and abatement of hazardous materials (i.e. mold, lead based paint, etc).

1.3 All terms used within these policies shall be as defined by applicable funding source(s) or other locally approved Housing Rehabilitation Program policies and/or standards.

1.4 All program applications will be processed in accordance to the date of receipt of a complete application and are subject to available funding.

2.0 ELIGIBLE REPAIRS (in order of priority)

2.1 Health and Safety repairs as determined by utilization of the City of Modesto HUD Housing Quality Standards (HQS) inspection analysis.

2.2 Spot Rehabilitation Eligible non-health and safety related repairs (e.g. - required by State or local Building Code).

Accessibility Repairs to make the home accessible for disabled household members.

2.3 Energy Efficiency Improvements may be conducted along with any of the eligible repairs listed above. Energy efficiency improvements may include, but are not limited to:

- 2.3.1 Replacing single pane windows with double pane windows;
- 2.3.2 Replacing antiquated water heater;
- 2.3.3 Replacing antiquated HVAC system;
- 2.3.4 Weatherization improvements.

2.4 Applicant Must Exhaust All Other Available Funding Sources in order to comply with program funding requirements, the applicant must exhaust all other viable program alternatives/resources that may provide assistance to address any of the above eligible repairs. The Housing Finance Specialist in coordination with the Housing Rehabilitation Specialist shall conduct a resource coordination analysis to ensure the applicant has taken advantage of any other resources that may be available prior to receiving assistance via the City of Modesto's Housing Rehabilitation Program.

3.0 PROPERTY ELIGIBIILTY:

3.1 The assisted property shall be located within the city limits of the City of Modesto.

3.2 The assisted property shall contain a legal residential structure intended for continued residential occupancy and meet applicable rehabilitation standards and ordinances at the time of project completion.

3.3 A manufactured home (mobile home) in a mobile home park or on leased land that is not on a permanent foundation may only qualify for a grant as allowed under Section 9.0 of these policies.

3.4 The assisted property shall be owner-occupied and shall be the principal place of residency of owner-occupants (hereafter "Borrowers") and hold legal title to the property.

4.0 HOMEOWNER ELIGIBILITY:

4.1 All Borrower households shall have incomes at or below 80 percent (80%) of the Stanislaus County Area Median Income (AMI), adjusted for household size, as published annually by the California State Department of Housing and Community Development (HCD) or United Stated Department of Housing and Urban Development (HUD). The applicable AMI shall be as required by available funding source(s).

4.2 Borrowers without a mortgage shall demonstrate a debt-to-income ratio sufficient to allow for the on-going annual payments of property tax and any insurance required as a result of the Housing Rehabilitation Program assistance.

4.3 Borrowers with a mortgage shall show that all mortgage, property tax, and insurance payments are current, with no late payments having been received within the past twelve months, and meet both of the following debt-to-income ratios:

4.3.1 Front end (housing) debt-to-income ratio shall not exceed 35 percent (35%) and is the percentage of a Borrower's gross monthly income (before deductions) that would cover the cost of the loan principal and interest payment, property taxes, property insurance, mortgage insurance, and HOA dues, if any.

4.3.2 Back-end (total debt obligation) debt-to-income ratio shall not exceed 45 percent (45%), and is the percentage of the borrower's gross monthly income that includes the cost of housing as described in Section 4.0 C i. above, plus any other monthly debt payments such as car loans, personal loans, credit card debt, or child support and alimony payments.

4.4 Borrowers shall meet the following credit worthiness criteria:

4.4.1 No outstanding judgments or liens at the time of loan approval or loan execution. As part of application for assistance, Borrower shall disclose any personal liens that may attach to the property. Failure to disclose any pertinent information that may affect eligibility may be grounds for denial of assistance and application withdrawal. To identify any personal liens, a Judgment and Tax Lien Guarantee search of Borrowers and Preliminary Title Report search on the property shall be conducted after Housing Rehabilitation Loan Committee (HRLC) approval.

4.4.2 Outstanding collections must be paid prior to HRLC approval, unless the HRLC determines, on a case by case basis, that the circumstances that led to collection were outside of the applicant's control, and the payment of the outstanding collection(s) will not impact the applicant's ability to financially retain ownership.

4.4.3 Late payments due to extenuating circumstances will be considered as part of the approval process. Factors leading to late payments will be reviewed and considered on a case by case basis.

4.4.4 Borrower shall not have filed bankruptcy, or received a bankruptcy discharge, in the last three (3) years prior to date of application.

4.4.5 The HRLC may consider other factors impacting Borrower's creditworthiness.

4.5 If at any time the Borrowers filed bankruptcy that resulted in a discharge of any debt owed to City of Modesto, or the former City of Modesto Redevelopment Agency, for housing rehabilitation or down payment assistance, the HRLC shall evaluate the circumstances of the bankruptcy in order to determine if further assistance may be provided without further risk to funding investment.

4.6 Borrowers shall not be a person, or the immediate family of any person, who is in a decision-making position relative to the Housing Rehabilitation Program.

4.7 Process:

4.7.1 Housing Finance Specialist determines general program eligibility, including income limits and lending loan-to-value ratios along with a process to determine all other funding opportunities have been explored/exhausted (technical assistance);

4.7.2 Housing Rehabilitation Specialist determines properties needs via Housing Quality Standards (HQS) inspection (pre-1978 visual Lead Based Paint Inspection conducted);

4.7.3 Housing Rehabilitation Specialist scope of work via Rehab Pro Direct to supervisor;

4.7.4 HRLC reviews for consideration and approval of the overall project proposal;

4.7.5 Housing Rehabilitation Specialist processes approved projects through the bid process;

4.7.6 Application inquiry through program completion within 90-days, unless there are extenuating circumstances beyond staff control (e.g. – rain delays);

4.7.7 Quarterly program updates provided to HRLC.

5.0 MAXIMUM AMOUNT OF PROGRAM ASSISTANCE (24 CFR 570.208 (a)(3);(b), and 24 CFR 570.202):

5.1 An eligible Borrower may qualify for the full cost of rehabilitation/reconstruction work needed to address any Eligible Repairs outlined in Section 2.0, and/or comply with state and local codes and ordinances; however, the maximum assistance shall not exceed any maximum subsidy established by the funding source(s) utilized to fund the project.

5.1.1 Reconstruction shall only be authorized when the cost of rehabilitation will exceed 75 percent of the current estimated value of the property, as determined by the Housing Financial Specialist;

5.1.2 Loan amount is determined by the repairs/modifications that are required or eligible, as requested and approved by the owner, Community Development Manager or his/her designee.

5.1.3 Maximum amounts are as follows:

5.1.3.1 Grans up to $10,000 require HRLC acknowledgement in order for staff to proceed;

5.1.3.2 Loans up to $60,000 require HRLC approval in order for staff to proceed;

5.1.3.3 Loans in excess of $60,000 require City Council approval in order for staff to proceed.

5.1.4 Additional loans may be granted within applicants overall loan-to-value ratios;

5.1.5 Emergency repairs of up to $10,000 may be authorized by the Community Development Manager if it poses an "extreme health and safety related emergency (e.g. – plumbing or electrical hazards).

6.0 MAXIMUM AFTER REHABILITATION VALUE

The after rehabilitation value of a home assisted under this program shall not exceed 100% of the current median sales price of a single family home listed for the City of Modesto. This information may be obtained

by collecting comparable sales data from sources including but not limited to Zillow, Trulia, Data Quick, Realty Trac, Real Quest, Epraisal.com, or FHA 203(b) loan limits. If necessary, the after rehabilitation value may be determined by ordering a professional appraisal. An After Rehabilitation Value Limit Worksheet must be completed and certified by the housing rehabilitation specialist and placed in the project file.

7.0 MAXIMUM COMBINED LOAN TO VALUE RATIO:

7.1 For CDBG funded loans, the total indebtedness against the assisted property shall not exceed 100% of the estimated after-rehabilitation value of the property as determined by "Estimates of Value" conducted by program staff using a Comparable Sales Approach, or an appraisal by a licensed appraiser if required by funding source.

7.2 For CalHome funded loans, the total indebtedness against the assisted property shall not exceed 100% of the estimated after-rehabilitation value of the property as determined by "Estimates of Value" conducted by program staff using a Comparable Sales Approach, or an appraisal by a licensed appraiser if required by funding source. An additional 5% maximum may be allowed, if allowed by funding source, to cover any eligible closing costs.

7.3 As part of application for assistance, Borrower shall disclose any personal liens that may attach to the property (failure to disclose any pertinent information that may affect eligibility may be grounds for denial of assistance and application withdrawal). To determine the total indebtedness assigned against the property, a title search of the property and Borrowers (for the purpose of verifying any personal liens that may attach to the property) shall be conducted after HRLC project approval.

7.4 An "Estimates of Value" using a Comparable Sales Approach shall be based on the sale prices of at least three (3) comparable properties, sold within the last twelve months and located within a one mile radius of the subject property. Any alternative methodology for determining estimated value must be approved by the HRLC.

7.5 In the case of a reconstruction, as allowed under Section 5.0.A.i., the HRLC may consider approval of projects that exceed the CLTV limit of Section 7.0.A. or 7.0.B. provided all other criteria for assistance is met and the City of Modesto will be in first lien position.

8.0 RATES AND TERMS OF PROGRAM ASSISTANCE:

8.1 Eligible homeowners may receive a deferred payment loan evidenced by a Promissory Note and secured by a Deed of Trust, with no payback required for 20 years unless the borrower sells or transfers title or discontinues residence in the dwelling.

8.2 The following rates (simple interest) shall apply on City of Modesto housing rehabilitation loans, based on the household's Area Median Income (AMI) level:

AMI		Interest Rate (simple interest)
0-50%	=	0%
51-80%	=	3%

8.3 City of Modesto may accept voluntary payments on deferred loans. Loan payments will be credited to the principal first and then to interest. The borrower may repay the loan balance at any time with no pre-payment penalty. If it is determined by the City of Modesto that repayment of the loan at the maturity date causes a hardship to the homeowner, the City of Modesto may opt, with HRLC approval, the following:

8.3.1 Amend the Promissory Note and Deed of Trust to defer repayment of the amount due at maturity, that is the balance of the original principal plus the accrued interest, for up to an additional 20 years (at 0 percent additional interest). This may be offered one time; or,

8.3.2 Convert the debt to loan maturity; that is the balance of the original principal plus any accrued interest, to an amortized loan, repayable in 20 years at 0 percent additional interest.

8.4 Assistance to households with AMI levels between 81% and 120% may only be available if funding source allowing said limits is available. The following terms shall apply to loans made to households with AMI levels between 81% and 120%:

8.4.1 20 year Loan with monthly payments
8.4.2 3% simple interest
8.4.3 Must meet Debt to Income Ratio limits specified in Section 4.C.

8.5 In the event that a homeowner sells, transfers title, or discontinues residence in the rehabilitated property for any reason, the loan shall become due and payable.

8.6 Any other transfer of interest, due to homeowner death or other circumstances shall be subject to the requirements of the funding source(s) and shall be defined within the Promissory Note and/or Deed of Trust.

8.7 The HRLC may approve a request to subordinate a loan, in order for the owner to refinance the property. Refer to City of Modesto Subordination Policy for subordination approval criteria.

9.0 MANUFACTURED HOMES:

9.1 Assistance to manufactured homes on a non-permanent foundation will be provided as follows:

9.1.1 The total assistance provided to a manufactured home shall not exceed $20,000 (combined total of all grants, if multiples).
9.1.2 Assistance to manufactured homes will be a one-time grant, subject to available funding allowing for grants.
9.1.3 Replacement shall only be considered when the cost of rehabilitation will exceed 75 percent of the current estimated value of the property, as determined by the Housing Financial Specialist.

10.0 BID SOLICITATION:

10.1 A scope of work and project cost estimate developed by the Housing Rehabilitation Specialist based on eligible repairs as listed in Section 2.0, shall be prepared and entered into Rehab Pro Direct prior to consideration for HRLC and bid submittal. The Scope of Work shall be approved by the Housing and Urban Development Supervisor and Borrower.

10.2 A minimum of three bids by California Licensed Contractors shall be obtained prior to bid approval consideration.

10.3 Bids in excess of 15% of the HRLC approved amount must be brought back to HRLC for approval consideration.

10.4 If determined appropriate by Housing Rehabilitation Specialist, bids solicitations may be requested from multiple contractors with different disciplines (i.e. general, electrical, roofing, and

plumbing, etc.). This approach may be considered as a cost savings measure, if approved by the Housing and Urban Development Supervisor.

11.0 COST REASONABLENESS:

11.1 Cost reasonableness shall be determined by comparing the bids received with the cost estimate prepared by the Housing Rehabilitation Specialist.

11.2 Bids received must be within 15% of the Housing Rehabilitation Specialist's cost estimate.

11.3 An explanation must be provided to the HRLC for any bid selected that exceeds 15% of the estimate.

11.4 Comparable estimates may also be considered, when optimal, for utilization of subcontractors instead of general contractors for work to be performed.

11.5 Housing Rehabilitation Specialist will work to manage rehabilitation cost through the most efficient and economically feasible project contracting model.

12.0 ENVIRONMENTAL REVIEW:

12.1 All assisted properties shall be subject to environmental review as required by the funding source(s). No funds shall be committed and/or released until all environmental reviews have been conducted to the satisfaction of City of Modesto.

13.0 HOUSING REHABILITATION LOAN COMMITTEE (HRLC) APPROVAL:

13.1 All Housing Rehabilitation Program activities shall be subject to majority vote approval by the City of Modesto Housing Rehabilitation Loan Committee (HRLC). The HRLC shall be comprised of the following voting members (all terms are four (4) years in length):

- 13.1.1 One Councilmember (appointed by the Mayor)
- 13.1.2 One financial institution representative.
- 13.1.3 One service provider representative.
- 13.1.4 One general contractor (active or retired).
- 13.1.5 One Housing Authority of the County of Stanislaus (HACS) representative.
- 13.1.6 One Citizen-at-Large.
- 13.1.7 One Citizen's Housing and Community Development Committee Representative.

13.2 The City of Modesto Community Development Manager may appoint a substitute voting member using alternative criteria if existing circumstances do not allow for a Committee make-up as specified above and time constraints warrant a substitution.

13.3 All actions of the HRLC shall be reflected in meeting minutes to be prepared by staff of the City of Modesto Community Development Division.

14.0 APPROVAL CONTINGENCIES:

14.1 All rehabilitation loans shall be evidenced by the following documents and provisions:

- 14.1.1 Loan Agreement;

14.1.2 Promissory Notes (s) payable to City of Modesto in the principal amount of the loan and stating the terms and rate of interest;
14.1.3 Deed of Trust(s) securing the Note (deed shall be recorded and shall secure City of Modesto's financial interest in the property);
14.1.4 Declaration of Conditions, Covenants, and Restrictions (if applicable);
14.1.5 Other appropriate security instrument naming City of Modesto as beneficiary;
14.1.6 Request for copy of "Request for Notice of Default" on first mortgage; and
14.1.7 Any other documents determined necessary by the Community Development Manager.

14.2 All rehabilitation activities approved by the HRLC shall be contingent on meeting the following requirements:
14.2.1 Execution of a construction contract and Notice to Proceed;
14.2.2 On-site monitoring and inspection by the Housing Rehabilitation Specialist to verify scope of work, materials, and construction schedule conform to contract requirements;
14.2.3 Written final inspection and approval documentation by the Housing Rehabilitation Specialist;
14.2.4 Recorded Notice of Completion, signed by the homeowner, following final inspection and approval by the Housing Rehabilitation Specialist;
14.2.5 Release of retention payment within 30-days after recording Notice of Completion.

14.3 Written change orders, subject to the criteria listed below, shall be required for any changes in the work write-up, such as eliminating an item completely, eliminating one item and substituting another, or adding items:
14.3.1 Contractor must notify Housing Rehabilitation Specialist and homeowner if Contractor deems a change order for work is necessary; Contractor's Change Order request shall be submitted in writing and list the change order items with dollar value for each change;
14.3.2 Housing Rehabilitation Specialist shall review and determine if Change Order requests and costs are reasonable and work with Contractor to modify Change Order items if necessary;
14.3.3 Upon reviewing and approving Change Order requests, Housing Rehabilitation Specialist must prepare a City of Modesto Change Order Request Approval form and submit to Housing and Urban Development Supervisor for final approval signature;
14.3.4 Upon final approval by the Housing and Urban Development Supervisor, Change Order shall be signed by Homeowner and Contractor;
14.3.5 The combined total of all approved Change Orders shall not exceed the approved financing and contingences;
14.3.6 Homeowners cannot request (non-health and safety) change orders in excess of the approved financing (not including contingency), unless HRLC approves the use of additional funds (Attachment a).

14.4 The homeowner shall maintain fire insurance on the property for the duration of the program loan(s). This insurance must be adequate to cover all encumbrances on the property. The insurer must identify City of Modesto as Additional Insured for the amount of the program loans. A copy of the homeowner's insurance policy shall be provided to City of Modesto annually.

14.5 Homes located within a 100-year flood zone will be considered on a case-by-case basis. If approved for assistance, the Borrower is required to maintain flood insurance during the term of

the assistance and in an amount adequate to secure the program loan and all other encumbrances. The insurer must identify City of Modesto as Loss Payee for the amount of the program loans. A copy of the homeowner's flood insurance policy shall be provided to City of Modesto annually.

15.0 Contractors

15.1 The Housing Financial Specialist shall maintain a Contractors' List. The list contains the names, addresses, license numbers, expiration dates, insurance information, and business license numbers, expiration dates, insurance information, and business license information for contractors who have been formally approved for participation in the housing rehabilitation programs.

15.1.1 At minimum information on the Contractors' current list will be updated on an annual basis, or more frequently, if deemed necessary.

15.1.2 Contractors' List is available to the public upon request. If the public requests a copy of the Contractors' List, a disclaimer must appear on the top of the list as referenced in the desk manual.

15.2 Any person, partnership, or corporation with a current California General Contractor's License is eligible to have bids considered on a housing rehabilitation project.

15.2.1 In accordance with 24 CFR 85.36(c)(4) the City shall encourage qualified contractor participation to ensure that enough bids are received for a successful and adequate solicitation. Staff shall engage in continuous contractor outreach and engagement in order to provide for the maximum open and free competition that will not preclude other potential bidders from qualifying during the bid solicitation period.

15.3 Contractor Payments will only be processed if provided to the Housing Finance Specialist, signed by Contractor, Homeowner, Housing Rehabilitation Specialist, and Supervisor. Invoices must be detailed enough to determine payment eligibility, along with accompanying documentation. All efforts will be made to reimburse qualified invoices within a 30-day time frame.

15.4 If the property owner is not satisfied with the completion of the work, or the contractor has not completed the work in accordance with the Agreement, Community Development Division staff will meet with the property owner and contractor and attempt to resolve the dispute.

15.4.1 If such informal resolution is unsuccessful, the property owner and the contractor must follow the arbitration steps and tribunal procedures as outlined in the agreement.

16.0 NON-PROFIT SPONSORED HOUSING ACQUISITION AND/OR REHABILITATION ACTIVITIES

16.1 City of Modesto Housing Program funds, as allowed by the individual funding source(s), may be provided directly to a non-profit entity for the purpose of acquiring and/or rehabilitating housing units that will ultimately benefit an owner-occupant provided that the activity complies with all criteria as set forth in the Sections above and with the following criteria:

16.1.1 Funds provided to a non-profit Developer shall not be used for the administration of the activity.

16.1.2 "Developer's fees" shall not be allowed as part of funds provided to a non-profit. However, Non-profit Developers may be compensated at a rate of up to twelve percent (12%) of the total rehabilitation/construction cost for each project.

16.1.3 Non-profits seeking funding shall submit for Community Development Division review and HRLC approval consideration on a project plan detailing:

16.1.3.1 How the criteria of the Housing Rehabilitation Program will be met;
16.1.3.2 Scope of work including total estimated project cost;
16.1.3.3 Timeline for project completion;
16.1.3.4 Project proforma including all secured funding sources, amounts, and detailed uses to be utilized in fulfillment of the project. "Pledged" or pending sources will not be considered as leverage funding.
16.1.3.5 Financing summary of all loans being transferred to homebuyer.

16.1.4 Following HRLC approval and prior to release of funds, the non-profit must submit to City of Modesto items including, but not limited to a resolution by the non-profit's Board accepting the terms of the request and commitment of repayment, insurance and endorsements, and other items outlined within the Community Development Division contract completion checklist.

16.1.5 The Maximum Sales Price of a City/non-profit sponsored project to be sold to eligible buyers must not exceed 100% of the appraised value, with a 50/50 share of net proceeds between the Developer and the City of Modesto from the sales price of a single family home listed for City of Modesto.

16.1.6 City/Non-profit sponsored projects must comply with Maximum after Rehabilitation Value and Maximum Loan to Value requirements as outlined in sections 6.0 and 7.0 respectively.

16.1.6.1 Additional information may be required by the HRLC in consideration of the request.

16.1.7 All HRLC approved funding shall be provided as a reimbursement subject to review and approval of a Reimbursement Request submitted from Developer to the City of Modesto Community Development Division. All RFF's shall be in a form determined satisfactory to the Department.

17.0 Monitoring

17.1 The Housing Financial Specialist audits funded recipients to ensure that assisted units are occupied only by households that are eligible as low-income families and must meet certain AMI limits.

17.2 The requirements include HOME-assisted non-owner-occupied units in single-family (1-4 unit) housing units.

17.3 The Housing Rehabilitation Specialists perform annual perform inspections to ensure units meet program compliance requirements.

17.4 The Housing and Urban Development Supervisor will annual audit 10% of these activities to ensure eligibility compliance requirements for the units are still being met.

Attachment A

City of Modesto
Community and Economic Development Department

Health and Safety Criteria

In providing performance requirements and acceptability criteria of HQS inspection items, rating and prioritizing of items need to be identified. When an item meets HQS by definition, then it is a "Pass". When an item does not meet HQS, then it is identified as "Fail" or "Inconclusive". When an item is marked "Inconclusive", the following will be considered: the item needs further investigation to determine the condition, is an item requested by the owner, or is not a health and safety requirement. If an item is identified as "Fail" or "Inconclusive", then each item will be rated with either of the following: E- Emergency/State Mandated; S- Spot/Owner Requested/Not Health and Safety; SR- Substantial Rehabilitation/Full Rehabilitation.

Description	E	S	SR
Electricity (i.e. GFCI not present)	X		
Electrical Hazards (i.e. wiring exposed, etc.)	X		
Electrical Hazards (i.e. overloading capacity of electric panel)	X		
Security (i.e. locks not present or broken for windows/doors, etc.)	X		
Security (i.e. additional door blocked for inspection.)	X		
Window Condition (i.e. locks not present or broken for windows/doors, etc.)	X		
Window Condition (i.e. additional windows blocked for inspection.)	X		
Ceiling Condition (i.e. failing finishes/substrate/framing, etc.)	X		
Wall Condition (i.e. failing finishes/substrate/framing, etc.)	X		
Floor Condition (i.e. buckled/worn carpet, deteriorated/chipped floor finish/framing, etc.)	X		
Lead-Based Paint (i.e. Built prior to December 31, 1977, and is deteriorated)	X		
Lead-Based Paint (i.e. Built prior to December 31, 1977, and no child under 6 years of age resides, and is below the de minimis levels: 20 sq. ft. on exterior surfaces, 2 sf. on an interior surface in a single room or interior space, or 10 percent of individual small components (i.e. window sill) on the interior or exterior)		X	
Lead-Based Paint (i.e. Built prior to December 31, 1977, and is intact, but will be disturbed by rehabilitation activities; no testing performed)	X		
Stove or Range with Oven (i.e. not in proper working condition)	X		
Stove or Range with Oven (i.e. range hood not in proper working condition where there is a gas stove or range in place)	X		
Stove or Range with Oven (i.e. working, but has a longevity of less than 0-5 years)		X	
Refrigerator (i.e. not in proper working condition)	X		
Refrigerator (i.e. working, but not sufficient for the size of the family/but has a longevity of less than 0-5 years)		X	
Sink (i.e. hot/cold water pipes and/or sink leaks; no trap)	X		
Space for Storage, Preparation, and Serving of Food (i.e. unsanitary/broken/deteriorated components)	X		

Toilet (i.e. leaks/deterioration; not in proper working condition)	X		

Health and Safety Criteria

Description	E	S	F
Toilet (i.e. working, but owner needs to convert to accessible unit, prescription)	X		
Wash Basin (Lavatory) (i.e. leaks/deterioration; not in proper working condition)	X		
Wash Basin (Lavatory) (i.e. working, but owner needs to convert to accessible unit, prescription)	X		
Tub or Shower (i.e. leaks/deterioration; not in proper working condition)	X		
Tub or Shower (i.e. intact, but owner wants to convert tub to shower combo)		X	
Tub or Shower (i.e. intact, but owner needs to convert to accessible unit, prescription)	X		
Ventilation (i.e. mold present; worn or not in proper working condition)	X		
Smoke Detector/Carbon Monoxide (i.e. not present/not in proper working condition)	X		
Heating Equipment (i.e. not in proper working condition)	X		
Heating Equipment (i.e. working, but has a longevity of less than 0-5 years)		X	
Cooling Equipment (i.e. not in proper working condition)	X		
Cooling Equipment (i.e. working, but has a longevity of less than 0-5 years)		X	
Water Heater (i.e. PTR pipe/valve/straps not present; not in proper working condition)	X		
Water Heater (i.e. working, but has a longevity of less than 0-5 years)		X	
Water Supply/Sewer Connection/Plumbing (i.e. leaks/not present/not in proper working condition)	X		
Access (i.e. fire access is impaired)	X		
Infestation (i.e. evidence of infestation)	X		
Garbage/Debris (i.e. unorganized storage of materials so as to create a health or physical hazard)	X		
Refuse Disposal (i.e. unsanitary conditions from garbage)	X		
Interior Stairs and Common Halls (i.e. accessibility needs/deteriorated/unsafe materials exposed)	X		
Other Interior Hazards (i.e. not included anywhere else)	X		
Elevators (i.e. not in working condition)	X		
Interior Air Quality (i.e. dangerous air pollution levels)	X		
Interior Air Quality (i.e. inadequate air circulation)	X		
Interior Air Quality (i.e. owner wants ceiling fans to circulate air and save on energy)		X	
Interior Air Quality (i.e. lack of roof/wall insulation in order to maintain adequate interior temperature year round)	X		
Site and Neighborhood Conditions (i.e. disturbing noises or other dangers)	X		
Exterior Foundation/Slab (i.e. cracks/deterioration/movement)	X		
Exterior Stairs/Rails/Porches (i.e. accessibility needs/deteriorated/unsafe materials exposed)	X		
Roof/Gutters (i.e. evidence of leaks/dry rot/deterioration of materials)	X		
Roof/Gutters (i.e. intact, but has a longevity of less than 0-5 years)		X	
Chimney (i.e. spark arrester not present/deteriorated/broken materials)	X		
Manufactured Home Tie Downs (i.e. no evidence showing structure is secured from movement)	X		

Section 7 - Homebuyers Assistance Program Policy and Procedure

MODESTO
CALIFORNIA

EQUAL HOUSING
OPPORTUNITY

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INTRODUCTION

The City of Modesto Parks, Recreation & Neighborhoods Department offers a Homebuyer Assistance Program (HAP) to assist low-income families purchase a home. Through funding from the Community Development Block Grant (CDBG) Program and partnerships with local lenders we can make homeownership dreams a reality for low and moderate-income families.

The HAP is designed to assist families that have adequate incomes to afford monthly mortgage payments, but have not been able to save enough money for the down payment and closing costs associated with buying a home. Eligible homes must be located within Modesto city limits and can be either new or existing homes. The program helps homebuyers by providing financial assistance in way of a low interest loan toward down payment and closing costs.

The City of Modesto believes that affordable homeownership opportunities can provide the foundation whereby individual families, and entire neighborhoods, can achieve a sense of stability and community pride.

For more information please contact:

City of Modesto, Community Development Department
1010 10th Street, Suite # 4300
Modesto, CA 95354
Phone Number (209) 577-5211,
Fax Number (209) 544-3982.
housing@modestogov.com

TERMS AND CONDITIONS

Purchase Price

The purchase price of the home shall not exceed 115% of the Median Sales Price for Stanislaus County as determined by HUD. This amount is adjusted annually.

The current sales price limit under the program is $177,100.

Terms

1. The maximum loan amount is $10,000.
2. The loan shall accrue interest at the rate of 3% simple interest.
3. No monthly payments are required during the 30-year term.
4. The total amount of the loan, plus accrued interest, becomes due and payable at the time of sale or transfer of ownership; refinancing of the property (subordinations are not allowed), upon death of owner(s), or upon change of use of the property (if applicant moves out and rents the property).
5. No prepayment penalty. There is no charge or penalty for making full or partial payments on the loan.

6. The HAP loan is generally not assumable. However, if the subsequent purchaser of the home is otherwise eligible for the Homebuyer's Assistance Program, the applicant may apply to the City for a waiver of the non-assumption of the loan.

PARTICIPANT ELIGIBILITY REQUIREMENTS

Household Income Limits

HOUSEHOLD SIZE	INCOME LIMIT	HOUSEHOLD SIZE	INCOME LIMIT
1 Person	$33,000	5 Person	$50,900
2 Person	$37,700	6 Person	$54,650
3 Person	$42,400	7 Person	$58,450
4 Person	$47,100	8 Person	$62,200

(Effective March 28, 2016 and updated annually)

1. Participant(s) must qualify as a low or moderate-income household. To qualify under these criteria, participant(s) must be household(s) whereby total annual income does not exceed 80 percent (80%) of the Median Area Income (MAI). This is adjusted for family size for Modesto at the time the household initially occupies the property, or at the time the City funds are invested, whichever is later. CDBG funds can only be used to assist households at or below 80% of MAI.

   Section 8 income guidelines are used to determine annual income, which is defined as the gross amount of income of all adult household members that is anticipated to be received during the coming twelve-month period. Income re-certification will be required if more than 180 days have elapsed from the date of the original certification and the date of loan closing or occupancy of the property.

2. Participant must have:

   - Resided in the City of Modesto, including unincorporated areas, with a Modesto address, for the past six (6) consecutive months, or

   - been employed in The City of Modesto for the past six (6) consecutive months.

3. The applicant must obtain the maximum loan amount from the first mortgage loan. Participant(s) must have sufficient income and credit to qualify for a mortgage loan through a reputable lender.

4. Participant(s) must complete an eight hour homebuyer-counseling workshop from a HUD certified agency, prior to participating in the program.

5. Participant(s) or any household member cannot have owned a home during the three-year period prior to the purchase of a home with CDBG assistance. (Exceptions are: death of spouse, recorded dissolution of marriage and relocation due to employment)

6. Eligible participant(s) must contribute 1.75% of the sales price to the transaction.

7. Applicant's middle credit score must be 610 or higher, based on the following credit agencies: Equifax, Experian, and TransUnion.

8. There are some credits issues that applicants must allow for certain time to pass before they can qualify for a HAP loan. These exceptions are as follows:

- Two years from the date of discharge for a Bankruptcy, Chapter 7 or Chapter 13. (Applicant should have good credit since to qualify for the program)

- Three years from the date of foreclosure. (Applicant should have good credit since to qualify for the program).

9. Participant(s) must occupy the property as a principal residence. This means that the participant(s) household must use the property as its primary place of residence.

   Note: Use of the property for rental purposes, including temporary leases, is not allowed and, if at any time during the loan term, the property is no longer the principal residence of the participant(s), the loan will become immediately due and payable in full. The loan documents (loan agreement, deed of trust, promissory note) executed by the City and the participant(s) will incorporate this requirement. The property must be occupied within 60 days of loan closing.

When making eligibility decisions, only the household composition, employment data, or other relevant information as presented in the original HAP application will be considered. Applicants will not be allowed to make any material changes in the HAP application in an attempt to reverse a City loan denial.

PROPERTY ELIGIBILITY REQUIREMENT

1. The property must be located in a residentially zoned area within Modesto City limits.

2. The unit must be a single-family residence, condominium unit, cooperative unit, or manufactured housing on its own lot and affixed to a permanent foundation.

3. Properties with built-in pools are not eligible for the program.

4. Bank owned homes and bank approved short sales are eligible for the program.

5. The home to be purchased must be owner-occupied, vacant or occupied by the tenant making the purchase.

6. If the property was a rental (non-owner occupied), the following rules apply:

   - Owner sales, including short sales-the current tenant may be the purchaser or the rental unit must have been vacant for six months. Acquisition of a house must not result in the displacement of any tenants residing in the unit. The seller must provide proof the unit has been vacant for six months.

   - Foreclosed properties-the financial institution that foreclosed on and owns the property will be required to sign a certification that the financial institution has complied with the Protecting Tenants at Foreclosure Act of 2009. (Public Law 111-22)

7. The following inspection reports are required. These reports will be at the buyer's risk and expense, unless negotiated with the seller.

   - Termite inspection.

   - Home inspection by a qualified property inspector.

- If the home was built prior to 1978, a Lead Based Paint inspection by a state certified Risk Assessor/Inspector is required. Properties with chipping or peeling paint in the interior or exterior will not pass.

- These three reports are reviewed by City staff. The City will identify any items that are potential health and safety risks to the buyers and, if the loan is approved, the City will require those repairs prior to the buyer being allowed to sign City loan documents.

- If the participant pays for any required inspection reports or appraisal outside of escrow, the cost may be considered as part of the 1.75% required contribution. Proof of payment must be provided to the City.

The City can refuse to participate in the purchase of homes that are clearly not in good repair, determined to contain illegal additions or conversions, or if lead-based paint is found on the property (common in homes built before 1978) and the hazard is not properly abated.

COMBINING THE HAP LOAN WITH OTHER PROGRAMS AND SUBSIDIES

The HAP loan may also be combined with other homebuyer programs and subsidies, such as approved sweat-equity programs, FHA 203K loans, HUD homes, Stanislaus County Public Facilities Fees (PFF) waivers/deferrals, City of Modesto Capital Facilities Fee waivers/ deferrals, and California Housing Financing Agency (CalHFA) down payment loans. The City of Modesto loan may be in third position.

ASSET LIMITS

A household's assets (i.e., cash or non-cash items that can be converted to cash) are recognized when determining program eligibility and need for assistance. Households can have no more than $15,000 in liquid assets to be eligible for the program. Should the household's assets be greater than $15,000, the household is not eligible to participate. Also, ownership of any real estate asset will disqualify an applicant from participating in the program. Examples of assets to be considered include:

1. Savings account and the average 6-month balance of checking account(s).

2. Stocks, bonds, certificates of deposit, money market funds, and other investment funds.

3. Mortgages or deeds of trust held by the applicant.

4. Inheritance, lump-sum insurance payments, capital gains already received.

5. Settlements for personal or property damage already received.

6. Cash value of trusts that are available to the household.

7. Marketable securities, stocks, bonds and other forms of capital investment, including tax-exempt securities other than an Individual Retirement or Keogh plans.

8. Individual Retirement Account, 401(K), and Keough accounts that can be withdrawn without retiring or terminating employment.

9. Assets that, although owned by more than one person, allow unrestricted access by the applicant.

10. Personal property held as investment such as gems, jewelry, coin collections, etc.

11. Cash value of life insurance policies.

CLOSING COST AND FIRST MORTGAGE LOAN TYPE LIMITATIONS

HAP loans may be used to cover all reasonable closing costs the buyer is responsible for paying. Examples (list not inclusive) include:

1. Loan origination fee
2. Loan discount fee
3. Appraisal fee
4. Title report/insurance, escrow
5. Credit report
6. Pre-paids (upfront reserves for taxes, insurance, and homeowners association dues)
7. Other normal settlement charges.

Reimbursement for loan origination fee should not exceed 1 percent (of base loan) and reimbursement for loan discount fee is limited to actual cost. Overages can be allowed but at the discretion of the Housing Rehabilitation Loan Committee. HAP loans cannot be used to pay off previous debts incurred by the buyer.

HAP loans cannot be used with variable rate loans (first mortgage) or used to pay discount points on 3-2-1 interest-rate buy-downs. The only buy-downs allowed under the HAP program are (1) one-year to (3) three-year interest rate buy-downs under the CalHFA program, and (2) interest-rate buy-downs that offer a permanent rate reduction for the life of the first mortgage loan. Lenders must submit a copy of the buy-down agreement and calculation showing the actual cost of the interest rate buy-down.

CO-SIGNER RESTRICTIONS

The City loan shall not be used to assist in the purchase of any home in which ownership in the property is granted to any party other than the borrower(s) (participant) approved by the City loan. In some instances, the first mortgage lender may require a co-signer as a condition of the participant's loan approval. When co-signers are required, such co-signers cannot hold title to the property being purchased with HAP assistance. Co-signers must sign the City's Promissory Note, as they, along with the borrower(s), will be held equally responsible for repayment of the City loan. Co-signers, as used in this section, are non-household members. As such, co-signers' income and other criteria (e.g., real estate ownership) are not considered in determining the household's eligibility. The City reserves the right to request co-signer information supplied to the first mortgage lender as part of the loan application.

HOMEBUYER COUNSELING WORKSHOP

Program participants will be required to complete an eight hour homebuyer-counseling workshop from a HUD certified agency.

The purpose of the workshop is to provide the homebuyer with step-by-step guidance to successfully purchase and maintain ownership of a home. The workshop also helps homebuyers by educating them on how to obtain mortgage financing they can afford. Subjects covered include shopping for a mortgage loan, finding a realtor, shopping for a home, home maintenance, budgeting, and on-going financial costs.

Upon the participant's completion of the class, the workshop provider will issue a certificate of completion. Participant must submit the certificate to the first mortgage lender for inclusion in the City's HAP loan application. The workshop provider may charge participants a nominal fee. This fee is non-refundable and is not reimbursable as an eligible closing cost.

PROFESSIONAL HOME INSPECTION

To give homebuyers a better understanding of the quality and condition of their future home, the City requires that all existing homes considered for purchase have a professional home inspection.

Real estate purchase agreements must contain a right of rescission to review the results of the home inspection.

Professional home inspections generally cover the inspection of items such as the home's foundation, drainage, attic, crawl space, electrical systems, walls, heating, floors, roof, tiling, painting, siding, plumbing, insulation, porches, patios, decks, hot water heaters, fireplaces, kitchens, appliances, garages, baths, overview of the site, landscaping, retaining walls, and fences.

Participants will be required to select and pay for the home inspection up front.

APPLICATION PROCESS

1. Participant may contact the City of Modesto, Parks, Recreation and Neighborhoods, at (209) 577-5311 to see if they meet basic program qualifications.

2. Participant completes homebuyer-counseling and receives a certificate of completion from the workshop provider.

3. Participant may wish to pre-qualify for a first mortgage loan. Any reputable lender can participate in the program. For the benefit of the participant, the lender should be located in Stanislaus County.

4. Participant shops for a home. A real estate agent can assist participant in selecting a home, and will execute a purchase contract. The purchase offer must allow for a review of the home inspection report.

5. Participant works with first mortgage lender for completion of the City HAP loan application package. The City provides the lender with a checklist of the documents that must be submitted to the City. Those documents include the credit package, the first mortgage loan approval, and the accepted sales contract for the property. Other documents, such as inspections, can be submitted later, but must be submitted prior to the loan being prepared for submission to the Housing Rehabilitation Loan Committee.

6. Staff will review initial loan application package for eligibility and notify the lender of additional documents that are required.

7. Upon receipt of appraisal and inspections reports, City staff will review the reports and submit a written list of any repairs that will be required.

8. A report is submitted to the Housing Rehabilitation Loan Committee for loan approval.

9. After the loan is approved, any City required repairs will be inspected by City staff.

10. Staff will prepare the necessary loan documents for the HAP loan and will schedule an appointment and will meet with buyer(s) to sign loan documents.

11. The funds will be provided to escrow or Title Company for the home purchase.

12. Escrow agent shall record the City's Deed of Trust, the Declaration of Conditions, Covenants and Restrictions and send original documents to the City of Modesto within seven (7) working days from the date of closure.

13. If there are any cancellations or disqualifications of the first mortgage loan the lender shall immediately notify the City in writing and shall include the reason for this action.

14. Any material change in income, assets, household composition, or other eligibility determination occurring after application, but prior to closing, shall be immediately reported to the lender and the City for review.

CONDITIONS FOR DISBURSING FUNDS

Before disbursing any funds the homebuyer must:

1. Meet all the Homebuyer Assistance Program eligibility requirements.

2. Execute City loan documents (loan agreement, promissory note, subordinate trust deed) assuring compliance with the applicable requirements of the program.

3. Meet all the conditions outlined in the City conditional loan approval letter

4. Submit all the documents required by the City of Modesto.

5. Secure permanent financing (first mortgage).

RECERTIFICATION

Periodically or annually, the City will request proof from the borrower that they continue to occupy the property as their principal residence.

VIOLATIONS AND PENALTIES

The acceleration clause shall be invoked if the borrower willfully and knowingly makes a false statement or representation, or knowingly fails to disclose a material fact for the purpose of qualifying for the program, or, in completing certifications, affidavits, or recertification documents. The City shall demand full repayment of principal and interest due on the loan.

DEBT RATIO GUIDELINES

Following are the two types of debt ratios the City of Modesto will use:

1. Front-End Ratio (housing expense): The standard guideline is 31%. The front-end ratio is the new principal, interest, taxes and insurance (PITI), mortgage insurance, and Homeowners Association dues divided by the gross income.

   The typical debts used to determine the qualifying front-end ratio is the future housing expense.

2. Back-end Ratio: The standard guideline is 43%. This is the new housing expense and the minimum monthly payments from the applicant's liabilities divided by the gross income.

   The typical debts used to determine the qualifying back-end ratio are the minimum required monthly payments on all of the following:

   - Auto loans
   - Student loans
   - Personal loans
   - Charge cards
   - Child Support
   - Alimony
   - Federal Tax Lien Repayment Schedules

   Ratios in excess of 43% will be considered on an exception basis depending upon the overall strength of the application.

DETERMINING ANNUAL INCOME

Section 8 income guidelines are used to calculate annual income to determine program eligibility. Annual income is defined as the "gross" amount of income of *all* adult household members, which are anticipated to be received during the coming 12-month period. The following definitions are key to understanding the requirements for calculating Annual Income:

1. **Gross amount.** For those types of income counted, gross amounts (before any deductions have been taken) are used.

2. **Income of all adult household members.** The definition of Annual Income contains income "inclusions" –types of income to be counted—and income "exclusions"—types of income that are not considered (e.g., income of minors); and

3. **Anticipated to be received.** Annual income is used to determine eligibility and a household's expected ability to pay, rather than past earnings, are used to estimate housing assistance needs.

Annual gross income shall be determined in accordance with the Code of Federal Regulations (CFR), Title 24, Part 5, Section 5.609(b).

The following items shall be **included** in determining Annual Income:

1. All wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services (before any payroll deduction);

2. Net income from the operation of a business or profession;

3. Interest, dividends, and other net income of any kind from personal property. Income shall include the greater of the actual income derived from all assets or a percentage of such assets based on the current passbook saving rate, as determined by HUD.

4. Lottery winnings paid in periodic payments.

5. All gross periodic payments received from Social Security, annuities, insurance policies, retirement funds, pension, disability or death benefits, and other similar types of periodic receipts, including a lump-sum payment for the delayed start of a periodic payment (except Social Security).

6. Payments in lieu of earnings such as unemployment, worker's compensation and severance pay;

7. Welfare assistance;

8. Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from persons not residing in the dwelling;

9. All regular pay, special pay, and allowances of a member of the Armed Forces.

The following items shall be **excluded** in determining Annual Income:

1. Income from employment of children (including foster children) under the age of 18 years.

2. Payment received for the care of foster children.

3. Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and workers compensation), capital gains and settlement for personal or property losses.

4. Amounts received by the family that are specifically for, or in reimbursement of the cost of medical expenses for any family member.

5. Income of a live-in aide.

6. Amounts of educational scholarships paid directly to the student or to the educational institution, and amounts paid by the government to a veteran, for use in meeting the costs of tuition, fees, books, equipment, material, supplies, transportation, and miscellaneous personal expenses of the student.

7. The special pay to a family member serving in the armed forces who is exposed to hostile fire.

8. Amounts received under training programs funded by HUD.

9. Temporary, nonrecurring, or sporadic income (including gifts).

10. Lump sum payment of SSI and Social Security benefits.

11. Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under the 1937 Act.

EQUAL CREDIT OPPORTUNITY ACT

This Homebuyer Assistance Program will be implemented in ways consistent with the City of Modesto's commitment to Fair Housing. No person shall be excluded from participation in, denied the benefits of, or be subjected to discrimination under the program on the basis of race, color, ancestry, religion, sex, marital status, physical or mental disability
(including AIDS and HIV diagnosis), national origin, familial status (children), age, sexual orientation, source of income or other arbitrary reason.

CONFLICT OF INTEREST

In accordance to title 24, Section 570.611 of the Code of the Federal Regulations, no member of the governing body and no official, employee or agent of the local government, nor any other person who exercises policy or decision-making responsibilities (including members of the loan committee and officers, employees and agents of the loan committee, the administrative agent, contractors and similar agencies) in connection with the planning and implementation of the program shall directly or indirectly be eligible for this program.

Section 8 - Neighborhood Stabilization Program 1 Policy and Procedure (NSP 1)

MODESTO

CALIFORNIA

City Of Modesto
Neighborhood Stabilization Program (NSP1)
Policies and Procedures

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CHAPTER 1.0: INTRODUCTION

1.1 Introduction

The Neighborhood Stabilization Program (NSP), for the City of Modesto, is authorized by the Housing and Economic Recovery Act (HERA) Public Law 110-289, which was signed into law on July 30, 2008. Originally introduced as HR 3221, HERA Division B, Title III establishes the NSP grant under the Emergency Assistance for Redevelopment of Abandoned and Foreclosed Homes heading. NSP was revised in February 2009 with the passage of the American Recovery and Reinvestment Act of 2009 (ARRA). The NSP is administered by the U.S. Department of Housing and Urban Development ("HUD") and is considered a special Community Development Block Grant ("CDBG") allocation. CDBG allocations for The City of Modesto are administered by the City of Modesto Parks, Recreation and Neighborhoods Department, Housing and Neighborhoods Division. The City of Modesto Received an allocation of $8,100,000 in NSP funds by HUD.

The City of Modesto will administer the NSP effectively and efficiently under the housing conditions that exist in the city, by working innovatively, and designing the NSP activities to address foreclosed and abandoned properties throughout the city. To that end, this policy and procedures manual is presented to provide an overview of the City's policies and procedures as they pertain to NSP and step-by-step guidance on the implementation of NSP projects.

This manual is not meant to be a substitute for NSP regulations, but as a supplement to them. It is not exhaustive regarding all considerations affecting the use of NSP funds. While careful consideration and due care has been used in developing the manual, NSP participants are encouraged to consult with NSP staff to ensure correct interpretation of policies and regulations. The City of Modesto reserves the right to implement additional policies as needed.

1.2 Purpose of the Neighborhood Stabilization Program

The Neighborhood Stabilization Program (NSP) is authorized by the Housing and Economic Recovery Act ("HERA") (Public Law 110-289) and requirements contained in the HUD Federal Register Notice published October 6, 2008 (Docket No. FR-5255-N-01) and as revised in a "Bridge Notice" published June 15, 2009 (Docket No. FR-5255-N-02). (The Bridge Notice includes changes from the American Recovery and Reinvestment Act of 2009 (ARRA).) The primary purpose of NSP is to provide emergency assistance for the city to acquire and rehabilitate foreclosed properties that might otherwise become sources of abandonment and blight within our community. The City of Modesto' NSP program provides loans to purchase foreclosed or abandoned homes and to rehabilitate, resell, or rent homes in order to stabilize neighborhoods and stem the decline of house values in neighboring homes. The City of Modesto has designed its programs into three main categories—the Incentive Transfer Program, Acquisition and Rehabilitation – Scattered and Target Areas and the NSP Homebuyers Assistance Program

1.3 General Requirements of NSP1

1.3.1 Allocation of Funds

NSP funds committed to City of Modesto will be allocated as promulgated in the City's 2009 Substantial Amendment to the Annual Action Plan. In addition, the city may spend up to ten percent (10%) of its NSP allocation and 10% of any program income for administrative and planning expenses.

NSP requires that not less than twenty-five percent (25%) of the total NSP funds allocated to the City shall be utilized to provide permanent housing for households with incomes at or below fifty percent (50%) of the AMI. The City of Modesto will allocate these funds to the Housing Authority of the County of Stanislaus.

In addition, the city is required to ensure that all NSP funding is obligated within 18 months following the execution of the NSP grant agreement with HUD, which occurred in September 2009. Therefore, CITY OF MODESTO reserves the right to award funds to projects that are "ready to go" and to further adjust contracted amounts based upon actual performance and progress to obligate the funds within the initial 18 months of the grant agreement date or by September 19, 2010.

1.3.2 Eligible Applicants

NSP funding is available citywide to non-profit organizations, for-profit organizations, developers, and city designated Community Housing Development Organizations ("CHDOs").

The eligible applicants are the entities responsible for the NSP application, project development, project implementation, and accountability for uses of all NSP funds. The eligible applicants must adhere to required compliance and monitoring of all NSP activities for the full applicable affordability period. The City of Modesto will allocate NSP funds to the approved eligible applicants as outlined in the NSP Program Agreement.

1.3.3 Eligible Activities

For purposes of implementing the NSP, an abandoned property is defined as such when all the following apply: 1) Mortgage or tax foreclosure proceedings have been initiated for that property, and 2) No mortgage or tax payment have been made for the property owner for at least ninety (90) days, and 3) The property has been vacant for at least ninety (90) days.

For purposes of implementing the NSP, a foreclosed property is defined as a property that, under state or local law, has a completed mortgage or tax foreclosure process and is currently owned by the lender or mortgagee. A foreclosure is not considered to be complete until after the property title has been transferred from the former owner under a foreclosure proceeding or transfer in lieu of foreclosure.

The following are the eligible activities under the City of Modesto NSP:

NSP-Eligible Uses	Correlated Eligible Activities From the CDBG Entitlement Regulations
(A) Establish financing mechanisms for purchase and redevelopment of foreclosed upon homes and residential properties, including such mechanisms as soft-seconds, loan loss reserves, and shared equity loans for low- and moderate-income home buyers	As part of an activity delivery cost for an eligible activity as defined in 24 CFR 570.206. Also, the eligible activities listed below to the extent financing mechanisms are used to carry them out.
(B) Purchase and rehabilitate homes and residential properties that have been abandoned or foreclosed upon, in order to sell, rent, or redevelop such homes and properties	• 24 CFR 570.201 (a) Acquisition;(b) Disposition; (i) Relocation , and (n) Direct homeownership assistance (as modified below); • 570.202 eligible rehabilitation and preservation activities for homes and other residential properties (HUD notes that rehabilitation may include counseling for those seeking to take part in the activity

The activities undertaken by the City of Modesto under its NSP meet the NSP National Objective of providing assistance to "low-, moderate-, and middle-income households" (abbreviated as LMMH). For the purposes of NSP/CDBG only, an activity may meet the HERA low- and moderate income national objective if the assisted activity:

- provides or improves permanent residential structures that will be occupied by a household whose income is at or below 120 percent of area median income (abbreviated as LMMH);
- serves an area in which at least 51 percent of the residents have incomes at or below 120 percent of area median income (LMMA);
- creates or retains jobs for persons whose household incomes are at or below 120 percent of median income (LMMJ); or
- serves a limited clientele whose incomes are at or below 120 percent of area median income (LMMC).

1. 4 City of Modesto Responsibilities

The City of Modesto as the HUD grantee, has oversight and implementation responsibility of all NSP activities and, is responsible for:

- Providing financial mechanisms to developers to housing developer partners purchase foreclosed properties from REO lenders and servicers;
- Providing funds to housing developer partners to rehabilitating acquired properties;
- Providing financial assistance to qualified homebuyers to acquire and rehabilitate foreclosed properties.

The City's activities are responsible for meeting the NSP requirement that not less than 25% of the city's NSP funds, approximately $2+ million, be used to house individuals or families whose incomes do not exceed 50 percent of area median income.

To be successful the City of Modesto must be committed to effective management practices. These include: (1) supporting cooperative, problem-solving relationships; (2) working toward continuous improvement in regulatory compliance and timely program performance; (3) maintaining open and frequent communications among all participants; and (4) focusing on preventing problems first, rather than curing them later.

1.5 Summary of Principal Regulations Governing NSP/CDBG Administrative Systems

Title III of Division B of the Housing and Economic Recovery Act, 2008 (HERA)

(Public Law 110-289, approved July 30, 2008) appropriates $3.92 billion for emergency assistance for redevelopment of abandoned and foreclosed homes and residential properties, and provides under a rule of construction that, unless HERA states otherwise, the grants are to be considered Community Development Block Grant (CDBG) funds. The grant program under Title III is commonly referred to as the Neighborhood Stabilization Program (NSP). The key regulations that form the basic administrative requirements of the NSP/CDBG Entitlement programs are summarized here to acquaint the City with the sources of the various standards described in the Operations Manual.

Regulations are developed in response to, or in fulfillment of, Federal statutes that govern the CDBG Entitlement program, both those specific to the NSP and CDBG programs and those addressing other "cross-cutting" Federal laws or policies that apply to the these programs (e.g., National Environmental Policy Act, Americans with Disabilities Act, Davis-Bacon Act).

The basic program regulations governing management and financial systems for the CDBG program are contained in 24 CFR Part 570, Subparts J and K. They are applicable both to grantees and subrecipients in the public and private sectors:

- Subpart J (24 CFR 570.500–570.513) addresses general responsibilities for grant administration, including the applicability of uniform administrative requirements, provisions of Subrecipient Agreements, program income, use of real property, record keeping and reporting, and closeout procedures.

- Subpart K (24 CFR 570.600–570.613) deals with other program requirements of the CDBG program, including civil rights; labor standards; environmental standards; flood insurance; relocation; displacement; acquisition; employment and contracting opportunities; lead-based paint; use of debarred, suspended, or ineligible contractors; uniform administrative requirements and cost principles; and conflicts of interest.

In addition to the basic regulations of the CDBG program contained in 24 CFR Part 570, there are three other categories of requirements that affect the administrative systems and procedures subrecipients must have in place to receive support:

- Federal regulations governing administrative and audit requirements for grants and cooperative agreements (governmental subrecipients) for which HUD has oversight responsibilities.

- Administrative circulars from the Office of Management and Budget (OMB) and Department of the Treasury governing cost principles, administrative systems, fiscal procedures, and audit requirements for grantees and subrecipients.

- Executive Orders from the Office of the President implementing various equal employment opportunity and environmental policies.

The applicability of these administrative requirements depends upon the public or private status of the organization receiving funds. For subrecipients that are private, non-profit organizations,[1] the key regulations defining administrative requirements are:

- 24 CFR Part 84 "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-profit Organizations" 2: These regulations implement OMB Circular A-110 and specify standards relative to cash depositories, bonding and insurance, retention and custodial requirements for records, financial management systems, monitoring and reporting on performance, property management, and procurement.

- OMB Circular A-122 "Cost Principles for Non-profit Organizations": A publication of OMB, this document establishes principles for determining costs that are allowed to be charged to Federal grants, contracts, and other agreements with non-profit organizations (except educational institutions). The principles are designed to ensure that the Federal Government will bear its fair share of costs except where restricted or prohibited by law.

- OMB Circular A-133 "Audits of States, Local Governments and Non-profit Organizations": This circular defines audit requirements for both governments and non-profits receiving Federal funds. The document addresses mandated frequency and scope of audits, allowability of audit costs, and the process of auditor selection. The above referenced sections of Title 24 regulations and OMB circulars may be accessed at the HUD Web site at http://www.hudclips.org/cgi/index.cgi.

1. 6 Acquisition of Properties Using NSP1 Funds

1.6.1 Acquisition, Sales Contracts, and Obligations

The City of Modesto must have executed sales contracts for specific properties for funds to be considered obligated. Options or other non-binding instruments are not acceptable.

[1] Not all the requirements of 24 CFR Parts 84 and 85 are applicable to CDBG subrecipients; 24 CFR 570.502(a) and (b) specify the sections and paragraphs of the Common Rule that apply to CDBG recipients and subrecipients.

1.6.2 Appraisals and Discount Requirements

Properties acquired using NSP funds shall be appraised in conformity with the appraisal requirements of the Uniform Relocation Act (URA) at 49 CFR 24.103 by a licensed appraiser within sixty (60) days prior to an offer to purchase the property. Further guidance may be found at:
http://www.hud.gov/offices/cpd/communitydevelopment/programs/neighborhoodspg/docs/appraisal_guidance.doc.

The market appraised value of properties may be established based on a review of available data and shall be made by a person knowledgeable of and with experience in property valuation that the City determines is qualified to make the valuation.

NSP requires that properties acquired using program funding be purchased **at a discount of at least 1% from the current market appraised value of the home or property**. The City of Modesto will require documentation to ensure the discount requirement is met including the address, appraised value, purchase offer amount, and discount amount for each property. The discount value calculation may take into account the likely carrying costs of the mortgagee if it were to NOT sell the property to the applicant. Carrying costs may include: taxes, insurance, maintenance, marketing, overhead and interest.

1.6.3 Voluntary Transactions and Tenants

ALL NSP-assisted property acquisitions must be voluntary acquisitions. Taking of property through eminent domain proceedings is NOT allowed. The Uniform Relocation Act requires that notices are provided to property owners even those considered to be voluntary transactions. The notices can be found at: http://www.hud.gov/offices/cpd/library/relocation/nsp/index.cfm. URA and Section 104(d) and 5305(a)(11) of Title I of the Housing and Community Development Act of 1974, as amended, and the implementing regulations at 24 CFR Part 570.496(a) (the Barney Frank Amendment) govern the permanent displacement as well as temporary relocation of tenants in properties funded by NSP. For more information, refer to http://www.hud.gov/offices/cpd/library/relocation/nsp/index.cfm. In addition, ARRA includes additional provisions protecting the rights of property owners and "bona fide" tenants.

1.6.4 Tenant Rights and Protections

The following requirements apply to any foreclosed upon dwelling or residential real property that was acquired by the initial successor in interest pursuant to the foreclosure after February 17, 2009 and was occupied by a *bona fide* tenant at the time of foreclosure. The initial successor in interest in a foreclosed upon dwelling or residential real property shall provide a notice to vacate to any *bona fide* tenant at least 90 days before the effective date of such notice. The initial successor in interest shall assume such interest subject to the rights of any *bona fide* tenant, as of the date of such notice of foreclosure: (i) under any *bona fide* lease entered into before the notice of foreclosure to occupy the premises until the end of the remaining term of the lease, except that a successor in interest may terminate a lease effective on the date of sale of the unit to a purchaser who will occupy the unit as a primary residence, subject to the receipt by the tenant of the 90-day notice under this paragraph; or (ii) without a lease or with a lease terminable at will under State law, subject to the receipt by the tenant of the 90-day notice under this paragraph, except that nothing in this section shall affect the requirements for termination of any Federal- or State-subsidized tenancy or of any State or local law that provides longer time periods or other additional protections for tenants.

In the case of any qualified foreclosed housing in which a recipient of assistance under Section 8 of the United States Housing Act of 1937 (42 U.S.C 1437f) (the "Section 8 Program") resides at the time of foreclosure, the initial successor in interest shall be subject to the lease and to the housing assistance payments contract for the occupied unit. Vacating the property prior to sale shall not constitute good cause for termination of the tenancy unless the property is unmarketable while occupied or unless the owner or subsequent purchaser desires the unit for personal or family use.

If a public housing agency is unable to make payments under the contract to the immediate successor in interest after foreclosure, due to (A) an action or inaction by the successor in interest, including the rejection of payments or the failure of the successor to maintain the unit in compliance with the Section 8 Program or (B) an inability to identify the successor, the agency may use funds that would have been used to pay the rental amount on behalf of the family—(1) to pay for utilities that are the responsibility of the owner under the lease or applicable law, after taking reasonable steps to notify the owner that it intends to make payments to a utility provider in lieu of payments to the owner, except prior notification shall not be required in any case in which the unit will be or has been rendered uninhabitable due to the termination or threat of termination of service, in which case the public housing agency shall notify the owner within a reasonable time after making such payment; or (2) for the family's reasonable moving costs, including security deposit costs.

A lease or tenancy shall be considered *bona fide* only if: (i) the mortgagor under the contract is not the tenant; (ii) the lease or tenancy was the result of an arm's length transaction; and (iii) the lease or tenancy requires the receipt of rent that is not substantially less than fair market rent for the property.

The City of Modesto will maintain documentation of its efforts to ensure that the initial successor in interest in a foreclosed upon dwelling or residential real property has complied with the requirements under section K.2.a. and K.2.b. If the City of Modesto determines that the initial successor in interest in such property failed to comply with such requirements, it may not use NSP funds to finance the acquisition of such property unless it assumes the obligations of the initial successor in interest specified in section K.2.a. and K.2.b. If CITY OF MODESTO elects to assume such obligations, it must provide the relocation assistance required pursuant to 24 CFR 570.606 to tenants displaced as a result of an activity assisted with NSP funds and maintain records in sufficient detail to demonstrate compliance with the provisions of that section.

The recipient of any grant or loan made from NSP funds may not refuse to lease a dwelling unit in housing with such loan or grant to a participant under the Section 8 Program because of the status of the prospective tenant as such a participant.

This section shall not preempt any Federal, State or local law that provides more protections for tenants.

1.6.5 Energy Efficiency

To the extent feasible, the City of Modesto will strongly encourage grantees to incorporate modern, green building, and energy-efficiency improvements in all NSP activities to provide for long-term affordability and increased sustainability and attractiveness of housing and neighborhoods.

CHAPTER 2.0: CITY OF MODESTO NSP1 ACTIVITIES

2.1 Incentive Transfer Program - $2,027,319

2.1.1 Summary

This is an acquisition and rehabilitation activity that will specifically serve households at or below 50% of the median area income. This activity can be carried out in any of the greatest need areas and will be subject to ensuring compliance with CDBG regulation 24 CFR 570.202. The City of Modesto will enter into an Exclusive Agreement with the Housing Authority of the County of Stanislaus. All units will be owned and operated by the Housing Authority.

2.1.2 Activity Purpose

Acquisition and rehabilitation of foreclosed or abandoned properties located in areas of "greatest needs" as defined by HUD:

Definitions:

Foreclosed: A property "has been foreclosed upon" under HUD regulations "at the point that, under state or local law, the mortgage or tax foreclosure is complete. HUD generally will not consider a foreclosure to be complete until after the title for the property has been transferred from the former homeowner under some type of foreclosure proceeding or transfer in lieu of foreclosure, in accordance with state or local law.

Abandoned: Under HUD regulations "a home is abandoned when mortgage or tax foreclosure proceedings have been initiated for that property, no mortgage or tax payments have been made by the property owner for at least 90 days and the property has been vacant for at least 90 days."

2.1.3 Eligible Properties

Existing single-family, duplex or condominiums. Properties built prior to 1978, may be subject to Lead Base Paint requirements. Units must be acquired at 1% below market-appraised value. All units must be appraised in accordance to URA appraisal standards at 24.103.

2.1.4 Use of Funds

Funds can buy scattered sites anywhere within the community to the requirement that 25% of the funding is utilized to serve those at and below 50% median area income. Funding will work on a draw system, as the Housing Authority has purchase agreements on properties, the city will provide funding.

2.1.5 Income Limits

50% of Median Area Household Income, adjusted for family size.

2.1.6 Affordability Covenants

The Incentive Transfer Program will have an affordability covenant of no less than 40 years. HOME regulations will be followed in determining all affordability covenants per 24 CFR 92.252 (e)(f).

2.1.7 Property Requirements

Property must meet applicable local codes, standards, and ordinances (at a minimum HQS).

2.1.8 Timelines:

- Must complete a minimum of ten (10) units.
- Allocate funding within 18 months, completely expended in four years.
- To meet ten (10) unit goal – five (5) units will need to be done within the first year, two the second, two the third and one unit in the fourth year.

2.1.9 Monitoring

- Project must meet National Objective
- Determining and documenting income
- Must monitor projects, partners

2.2 Acquisition and Rehabilitation - Scattered and Target Areas

***Airport/Weed and Seed* - $2,390,000 *and Scattered Site* - $2,390,000**

2.2.1 Summary

This is an acquisition and rehabilitation activity that will benefit individuals and families whose incomes do not exceed 120 percent of Median Area Household Income, adjusted for family size.

This activity can be carried out in any of the greatest need areas and will be subject to ensuring compliance with CDBG regulation 24 CFR 570.202.

2.2.2 Purpose

Acquisition and rehabilitation of foreclosed or abandoned properties located in Airport/Weed and Seed and Scattered sites.

2.2.3 Eligible Properties

- Existing single-family, duplex or condominiums.
- Properties built prior to 1978, may be subject to Lead Base Paint requirements.
- Units must be acquired at 1% below market-appraised value.
- All units must be appraised in accordance to URA appraisal standards at 24.103.

2.2.4 Income Limits

120% of Median Area Household Income, adjusted for family size.

FY 2008 Income Limits for 120% of HUD Area Median Income

1 person household	2 person household	3 person household	4 person household	5 person household	6 person household	7 person household	8 person household
$50,050	*$57,200*	*$64,350*	*$71,500*	*$77,250*	*$82,950*	*$88,700*	*$94,400*

2.2.5 Affordability Covenants

HOME regulations will be followed in determining all affordability covenants per 24 CFR 92.252 (e)(f).

2.2.6 Property Requirements

- Property must meet applicable local codes, standards, and ordinances (at a minimum HQS).
- Regulations established to rehab the homes meet Public Housing Standards or local codes whichever is greater, cap set at $100,000 for rehabilitation.
- If the units become rental units, management plan has to be in place to ensure maintenance and adhere to regulations.

2.2.7 Procurement

- Issue RFQ in May 2009 to establish list of qualified developers that are either for-profit or non-profit and experienced in housing. Must meet RFQ requirements including City of Modesto Insurance requirements
- Issue RFQ in May 2009 to establish list of qualified appraisers. Must meet the following requirements:
  - Fee appraiser must be state licensed or FIRREA certified
  - Use procurement to select contracted appraisers
  - Appraisals to include description of property, approaches to value, comparables, statement of value, date and signature
  - Conduct appraisal within 60 days prior to final offer

2.2.8 Project Review Process

A sub-committee of the Citizens Housing and Community Development Committee has been assigned as the NSP Project Review Committee. This committee will review each project and make a recommendation for funding based on the programs selection criteria which translates the following items into a points scale: location, total project cost, proximity to other approved properties, unit size, project timeline, and an approved purchase agreement.

2.2.9 Monitoring

- Project must meet National Objective
- Determining and documenting income
- Must monitor projects, partners

2.2.10 Loan Terms for For-Profit Organizations

- The City of Modesto adopted the recapture option based on HOME regulations so that the remaining funding is repaid when the property is sold.
- If the equity gain is in excess of $50,000, utilize an equity share clause to have 10% due back to the City minus the initial amount that the developer contributed.
- Defer first five years of the loan. Year six 3% simple annual interest begins only on the acquisition proportion of the loan, which will be amortized for 35 years of a 40-year loan.
- Defer the rehabilitation proportion of the loan for 15 years. Year 16, 3% simple annual interest begins only on the rehabilitation proportion of the loan which will be amortized for 24 years to conclude at the same time the acquisition proportion of the loan is due.
- Reasonable closing cost will be included in the loan.
- For Profit organizations are required to leverage 10% of the total loan amount.

2.2.11 Loan Terms for Non-Profit Organizations

- Recapture clause to have the remaining balance paid upon sale of the property if the affordability covenant is not met with 0% for the first 5 years and 3% simple interest for years 6 on.
- Affordability period based on amount borrowed based on HOME regulations
- No payments due, if affordability period is met, the loan is turned into a grant and forgiven.
- Reasonable closing cost will be included in the loan.
- Loans may be converted to grants at the sole discretion of the City.

2.2.12 Loan Documentation Requirements

- Developer Purchase Agreement
- Rehabilitation Budget and Timeline
- Preliminary Title report
- Home Inspection Report
- Pest Inspection Report
- Lead Base Paint Report (when applicable)
- Property Appraisal
- Payable Commissions Report
- Natural Hazard Reports (when applicable)

2.2.13 Rehabilitation Requirements

Rehabilitation funds will be held back by the City according to the terms in the Loan Agreement. Funds to be disbursed to borrower, contractor/supplier for work completed as documented by progress inspections. City Rehabilitation staff will conduct inspections prior to release of funds.

All of the programs utilizing rehabilitation funding will have to adhere to current Housing Rehabilitation Policies.

2.3 Homebuyers Assistance Program (HAP) - $491,031

2.3.1 Summary

This activity will provide gap financing to income-eligible households to purchase foreclosed properties, including funds for rehabilitation of the property. The homebuyer must qualify for a first mortgage and the City assistance will be a second mortgage. This activity will follow the existing down-payment assistance program that the City of Modesto administers and will comply with CDBG regulations 570.201 (n).

2.3.2 Activity Purpose

The HAP provides assistance for acquisition and rehabilitation of foreclosed or abandoned properties located in areas of "greatest needs" as defined by HUD. Homebuyers must reside in the home as their principal residence.

2.3.3 Eligible Properties

- Existing foreclosed or abandoned single-family units in residentially zoned greatest needs areas within the City of Modesto limits.

- The purchase price of the home or after rehabilitation value must not exceed 95% of median sales price for Modesto, as determined by HUD.
- Units must be acquired at 1% below market appraised value.
- All units must be appraised in accordance to URA appraisal standards at 49 CFR 24.103 and the appraisal must be within 60 days of the final offer.
- The property must be vacant at the time of listing.

2.3.4 Income Limits

120% of Median Area Household Income, adjusted for family size.

2.3.5 Affordability Covenants

HOME regulations will be followed in determining all affordability covenants per 24 CFR 92.252 (e)(f)The Affordability Period for the Homebuyer's Assistance Program is 15 years for all loans.

2.3.6 Property Requirements

- Property must meet applicable local codes, standards, and ordinances and must meet Housing Quality Standards upon purchase and/or rehabilitation of the property.
- Properties built prior to 1978, may be subject to Lead Based Paint requirements.

2.3.7 Maximum Loan Amount

This program provides gap financing up to $125,000 including reasonable rehabilitation funds for repairs to the property

2.3.8 Loan Terms

- The interest is deferred for the first five years. In year six, the loan will begin to accrue interest at the rate of 2%. Payments will begin in year six and will be amortized over 25 years.
- If the home is sold, refinanced, transferred or no longer used as the primary residence during the affordability period, the loan is recaptured, with 2% simple interested calculated from year six
- At the completion of the Affordability Period, the balance of the assistance for down payment and closing costs could be forgiven. Homebuyers must be in good terms with first mortgage lender and the City loan.
- 1% contribution of sale price of the home by buyer.

2.3.9 Loan Documentation Requirements

- Purchase Agreement
- First Mortgage Loan Application, Good Faith Estimate and City Application
- First Mortgage Loan Approval
- Certificate of Completion for 8 hours of HUD Approved Homebuyer Counseling
- Credit Report
- Pay stubs, tax returns, verification of income, as applicable
- Bank Statements
- Appraisal which meets NSP guidelines, Pest Inspection, Property Inspection, and Lead Based Paint Assessment Report (for homes built prior to 1978)
- Preliminary Title Report

- Loan Documents including Promissory Note, Deed of Trust, Loan Agreement, and Covenants, Conditions and Restrictions, and Real Property Improvement Agreement for properties requiring City assistance for repairs.
- The first mortgage loan must be approved for the maximum possible amount and must be a fixed rate and cannot exceed 30 years.

2.3.10 Rehabilitation Requirements

Rehabilitation funds will be held back by the City according to the terms in the Loan Agreement. Funds to be disbursed to borrower, contractor/supplier for work completed as documented by progress inspections. City Rehabilitation staff will conduct inspections prior to release of funds.

All of the programs utilizing rehabilitation funding will have to adhere to current Housing Rehabilitation Policies.

In addition to this Policies and Procedures please see Exhibit "A" NSP Down Payment Assistance Program Guidelines.

CHAPTER 3.0: PROCUREMENT AND CONTRACTING

3.1 Introduction

The Department of Housing and Urban Development (HUD) has established that procurement requirements for the National Stabilization Program (NSP) will follow Community Development Block Grant (CDBG) requirements. CDBG procurement requirements are outlined in 24 CFR 84.40-48.

Local governments and subrecipient entities are required to adhere to all applicable procurement requirements in the selection and award of contracts for goods and services. Therefore, all solicitation of bids for goods and services to be paid with NSP funds must be conducted openly and competitively.

3.2 General Procurement Provisions

The standards and procedures for procurement are intended to ensure that supplies, equipment, construction and other services acquired in whole or in part with Federal funds are:

- Obtained as efficiently and economically as possible.
- Procured in a manner that provides, to the maximum extent practical, open and free competition.

Solicitations must clearly explain all requirements that the bidder must fulfill in order for his or her bid to be evaluated. Solicitations for goods and services must be based on a clear and accurate description of the material, product, or service to be procured, and cannot contain features which unduly restrict competition. Some of the situations considered to be restrictive of competition include, but are not limited to:

- Placing unreasonable qualifying requirements on firms.
- Requiring unnecessary experience and excessive bonding.
- Specifying only "brand name" products instead of allowing "an equal" product.

- Noncompetitive pricing practices between firms or affiliated companies.
- Noncompetitive awards to consultants on retainer contracts.

PLEASE NOTE: There is one exception to this. HUD is strongly encouraging grantees to use a Green Communities Standard for housing rehabilitation. Due to the newness of the field and the lack of knowledge among contractors and others about Green systems and components, rehabilitation specifications will identify specific products that have been tested and certified as Green.

3.3 Use of Local Businesses; Contracting with Small, Minority, and/or Women-Owned Businesses

Federal regulations, both CDBG and non-CDBG, make it very clear that subrecipients should make every effort to use local business firms and contract with small, minority-owned and/or women-owned businesses in the procurement process. Specifically,

- A subrecipient must take affirmative steps to use small firms, minority-owned firms, women-owned firms, or labor surplus area firms in its CDBG-financed activities (24 CFR 85.36(e) or 84.44(b)). The efforts which a subrecipient should make include:
    - Incorporating such businesses in solicitation lists whenever they are potential sources.
    - Ensuring that such businesses are solicited when identified as potential sources.
    - Dividing procurement requirements, when economically feasible, to permit maximum participation of such businesses.
    - Requiring prime contractors, when subcontracts are let, to take affirmative steps to select such firms.
- In conformance with the requirements of Section 3 of the Housing and Community Development Act of 1968, to the greatest extent feasible, subrecipients must award contracts for work to be performed to eligible business concerns located in or owned by residents of the target area to ensure that the employment and other economic opportunities generated by Federal financial assistance for housing and community development programs shall, to the greatest extent feasible, be directed toward low- and very low-income persons, particularly those who are recipients of governmental assistance for housing (see 24 CFR 570.607(b)).

Subrecipients should note, however, that the desire to award contracts to local firms is not a legitimate excuse for avoiding an open and competitive procurement process.

3.4 Funding Disbursement

The following processes will apply:

- Disbursement of NSP funds will occur only when all of the following conditions have been met:
    - Required environmental review process must be satisfactorily completed.
    - Project closing documents shall reflect a project completion date acceptable to the City of Modesto and the recipient of the NSP funds. The NSP Agreement will

outline the payment of the NSP funds, (e.g., how the funds will be disbursed, i.e., prorate share, etc.). The NSP Agreement must contain provisions for the timing of NSP fund disbursements.

- City staff must complete all Disaster Recovery Grant Reporting (DRGR) system set up procedures.
- For rental activities the rehabilitation of the properties must be conducted by the development team and a City Rehabilitation Specialist will inspect the unit at different stages of the rehabilitation process until completion of the project.
- All progress payments will be issued for work complete-to-date. No requests or payment(s) will be approved for work not completed. No requests will be approved for payment for any work completed that was not a part of the original contract or an approved by the City of Modesto Change Order. Change orders should be requested only for unforeseen problems and/or emergencies, not for upgrades.

- Retain age will be released within thirty (30) days after the final inspection is approved and upon City's receipt of all completion documentation.

- For rental activities, the following completion documentation will be required prior to City's release of funds:

  - Certification of release of liens
  - Hazard insurance
  - Certificate of Occupancy issued by local jurisdiction, if applicable
  - Certification of final inspection.

- For homebuyer activities, the following completion documentation will be required prior to City's release of funds:

  - Certification in release of liens
  - Hazard Insurance
  - Certification of Occupancy issued by local jurisdiction, if applicable, and
  - Certification of final inspection.

- If any NSP-funded project has an available balance after acquisition and rehabilitation completion, The City of Modesto will deobligate those funds and reallocate such balance of NSP funds to other eligible activities according to City's adopted NSP allocation process. The City of Modesto must ensure that all NSP funds are obligated within 18 months after the execution of the grant agreement (date of our agreement with HUD or by September 20, 2010.

3.5 Contractor Requirem ents

All general contractors working on all NSP-funded developments must have an active license issued by the California Contractor's Licensing Board (CSLB) as applicable and meet all requirements of contractors in the state of California. Contractors may not "share" a license. That is, the City of Modesto will not allow one contractor to work from another contractor's license. All City of Modesto NSP-funded projects must have a general contractor that is properly licensed by the California State Contractor's Licensing Board. Any questions regarding licensing issues

and a list of licensed contractors may be directed to the State Licensing Board at the following address:

Contractors State License Board
9821 Business Park Drive
Sacramento, CA 95827
Phone (800) 321-CSLB

Any contractor or subcontractor who has been debarred by any entity or had a contractor license suspended by any entity within the previous twelve (12) months will be prohibited from participating in the NSP. All general contractors working on all NSP-funded developments must obtain one of the following: (1) a payment and performance bond; or (2) an Irrevocable Letter of Credit in the amount of the construction contract.

Note: Construction contracts for rehabilitation projects $25,000 or under will not be required to obtain a payment and performance bond or an irrevocable letter of credit.

CHAPTER 4.0: OTHER FEDERAL REQUIREMENTS

NSP awardees and funded projects must adhere to all applicable other Federal requirements as outlined in 24 CFR part 570, HERA, ARRA, and NSP guidance from HUD. Key requirements are summarized below.

4.1 Equal Opportunity and Fair Housing

The state shall not exclude any organization or individual from participation under any program funded in whole or in part by NSP funds on the grounds of age, disability, race, creed, color, national origin, familial status, religion, or sex.

The following federal requirements as set forth in 24 CFR 5.105(a), Nondiscrimination and Equal Opportunity, are applicable to NSP projects:

Federal Requirements	
Fair Housing Act 24 CFR 100	Executive Order 11246, as amended (Equal Employment Opportunity Programs) 41 CFR 60
Executive Order 11063, as amended (Equal Opportunity in Housing) 24 CFR 107	Section 3 of the Housing and Urban Development Act of 1968[1] 24 CFR 135
Title VI of the Civil Rights Act of 1964 (Nondiscrimination in Federal Programs) 24 CFR 1	Executive Order 11625, as amended (Minority Business Enterprises)
Age Discrimination Act of 1975 24 CFR 146	Executive Order 12432, as amended (Minority Business Enterprises)
Section 504 of the Rehabilitation Act of 1973 24 CFR 8	Executive Order 12138, as amended (Women's Business Enterprise)[2]

In addition to the above requirements, all NSP participants must ensure that their Equal Opportunity and Fair Housing policies related to activities funded by NSP are consistent with the current Consolidated Plan adopted by their jurisdiction or the State Consolidated Plan.

4.2 Affirmative Marketing

Any entity applying for NSP funds must adopt affirmative marketing procedures and requirements for all NSP-assisted housing and submit the affirmative marketing plan with the NSP application. The affirmative marketing plan and requirements for NSP-assisted housing must be approved by the City of Modesto prior to any NSP funds being committed to a development.

Affirmative marketing requirements and procedures must include ALL of the following:

- Methods for informing the public, owners, and potential tenants about fair housing laws and the policies of the local program;
- A description of what owners and/or the program administrator will do to affirmatively market housing assisted with NSP funds A description of what owners and/or the program administrator will do to inform persons not likely to apply for housing without special outreach;

1 Section 3 requires that the employment and other economic opportunities generated by federal financial assistance for housing and community development programs shall, to the greatest extent feasible, be directed toward low and very low income persons, particularly those who are recipients of government assistance for housing.

2 Executive Orders 11625, 12432, and 12138 require that participating jurisdictions and local programs must prescribe procedures acceptable to HUD for a minority outreach program to ensure the inclusion, to the greatest extent possible, of minorities and women entities owned by minorities and women in all contracts. Local programs must also develop acceptable policies and procedures if their application is approved by the City of Modesto.

- Maintenance of records to document actions taken to affirmatively market NSP-assisted units and to assess marketing effectiveness
- A description of how efforts will be assessed and what corrective actions will be taken when requirements are not met.

4.3 Environmental Review

In implementing NSP, the environmental effects of each activity must be assessed in accordance with the provisions of the National Environment Policy Act of 1969 and HUD's regulations at 24 CFR Part 58.

The City of Modesto, as the NSP grantee, will be responsible for carrying out environmental reviews for approved projects/programs. The City must request the release of funds (RROF) from HUD for any developments carried out by other types of entities. The City reserves the right to require a Phase I Environmental Study as part of the environmental review process. Applicants/awardees of NSP funds may NOT execute contracts for purchase of properties that may be funded with NSP until receiving written authorization from the City of Modesto to do so.

4.4 Flood Plains/Wetlands

NSP funds may generally not be invested in housing located in an area identified by the Federal Emergency Management Agency (FEMA) as having special flood hazards. The City of Modesto discourages developments located in special flood hazard areas but, in some instances and with written permission from the City, houses located in a flood plain may be assisted. It is the responsibility of the applicant to evaluate any remedies to remove any properties from the flood plain and ensure the feasibility of the proposed plan. The City of Modesto is willing to consider the proposed remedy and must approve the proposal in writing prior to approval of any NSP allocation. The community must be currently participating in the National Flood Insurance Program, and flood insurance must be obtained and maintained on the NSP-assisted property for the full period of affordability.

4.5 Lead-Based Paint Requirements

The Lead-Based Paint Regulations described in 24 CFR Part 35 require that lead hazard evaluation and reduction activities be carried out for all developments constructed before 1978 and receiving NSP assistance. Applications for rehabilitation funds for existing buildings constructed prior to 1978 must include a lead hazard evaluation, by appropriate lead-certified personnel. The application must also include detailed lead hazard reduction plan, in accordance with the regulations, and separately identify within the rehabilitation budget, the costs associated with reduction of lead hazards in accordance with the regulation and guidelines. All NSP fund allocations will be contingent upon the applicant agreeing to complete lead hazard reduction, evidenced by a clearance report performed by appropriate lead-certified personnel. In a development where NSP funds will be used on only a portion of the units, the lead-based paint requirements apply to ALL units and common areas in the development.

4.6 Labor Standards

Davis-Bacon wage compliance and other federal laws and regulations pertaining to labor standards apply to all construction and rehabilitation contracts that are financed in whole or in part with NSP funds for residential property consisting of eight (8) or more NSP-assisted units. Davis-Bacon and related laws include the following:

Davis-Bacon and Related Acts (40 USC 276a-276a-7)
Contract Work Hours and Safety Standards Act (40 USC 327-333)
Copeland (Anti-Kickback) Act (18 USC 874; 40 USC 276c)
Fair Labor Standards Act of 1938, as amended (29 USC 201, et seq.)

The construction bids and contract for any NSP-assisted activity must contain the applicable wage provisions and labor standards. Davis-Bacon does not apply to projects using solely volunteer labor or to sweat equity projects. The City of Modesto will monitor all developments subject to Davis-Bacon requirements to ensure compliance with all applicable regulations.

4.7 Debarment and Suspension

The City of Modesto will require participants in lower-tier transactions covered by 24 CFR 24 to certify that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from any entity from a federally funded transaction.

Any participant that remains on a debarred or suspended condition shall be prohibited from participation in the City of Modesto NSP as long as they are classified in this manner.

4.8 Relocation

NSP funds are intended ONLY for use in purchasing/improving properties that have been abandoned and foreclosed. As such, most properties are expected to be vacant at the time of appraisal and offer to acquire. Should there be residents in any foreclosed property considered for NSP assistance, potential awardees must follow the residential anti-displacement and relocation plans in effect and outlined in the State's approved Consolidated Plan and all applicable Uniform Relocation Assistance and Real Property Acquisition Act (URA) of 1970 provisions. Applicable regulations can be found at 49 CFR Part 24.

4.9 Audit

The City of Modesto requires that non-profit recipients expending more than $500,000 in Federal awards in a given fiscal year have an audit conducted in accordance with Generally Accepted Accounting Principles (GAAP) and the Single Audit Act Amendments of 1996 (31 U.S.C. 7501-7507) and revised OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations."

4.10 Reporting Requirements

The City of Modesto is required to submit quarterly performance reports to HUD no later than thirty (30) days following the end of each quarter, beginning 30 days after the completion of the first full calendar quarter after grant award (i.e., August 1, 2009) and continuing until all funds are expended and the program is closed out. Accordingly, all NSP awardees will be required to submit during the projects process documentation to demonstrate their performance information to the City of Modesto by established deadlines conducive for the City to meet its reporting requirements. The required information will include, but not be limited to, the following:

- Project name
- Project activity
- Project location
- NSP Eligible use
- CDBG national objective
- Budgeted funds
- Expended funds
- Funding source
- Total amount of any non-NSP funds
- Numbers of properties and housing units assisted
- Beginning and ending dates of activities
- Numbers of low, moderate, and middle-income persons or households benefiting
- Demographic data for households benefiting

To collect the data elements and to meet its reporting requirements, the City of Modesto will use the online DRGR system to report on its NSP funds to HUD. When it submits the report to HUD, the City of Modesto will post a copy of the NSP DRGR report on the City's website for the public to review.

4.11 Program Income

Program Income (24 CFR 570.503(a), (b)(3) and (7), and 570.504)

The term "program income" means any gross income received by the subrecipient that was directly generated from the use of NSP or CDBG funds (24 CFR 570.500(a)). This includes, but is not limited to:

- Proceeds from the sale or long-term lease of real property purchased or improved with CDBG funds.
- Proceeds from the disposition of equipment purchased with CDBG funds.
- Gross income from the use or rental of property acquired by the grantee or subrecipient with CDBG funds, less the costs incidental to the generation of such income.
- Gross income from the use or rental of property owned by the grantee or subrecipient that was constructed or improved with CDBG funds, less any costs incidental to the generation of such income.
- Payments of principal and interest on loans made using CDBG funds.
- Proceeds from the sale of loans made with CDBG funds.
- Proceeds from the sale of obligations secured by loans made with CDBG funds.
- Interest earned on program income, pending the disposition of such program income.
- Funds collected through special assessments made against properties owned and occupied by households not of low- and moderate-income, where such assessments are used to recover part or all of the CDBG portion of a public improvement.

Program income does not include (except for funds in lump-sum drawdown accounts), the interest earned on cash advances from the grantee or funds held in a revolving loan fund account. Such interest must be returned to the grantee for remittance to HUD.

When income is generated by an activity that is only partially assisted with CDBG funds, the income must be prorated to reflect the percentage of CDBG funds used to determine the portion that is program income.

The written agreement between the subrecipient and the grantee will specify whether any program income received by the subrecipient is to be returned to the grantee or retained by the subrecipient for use in carrying out CDBG activities.

If the program income is to be retained by the subrecipient, the written agreement will also specify what CDBG-eligible activities the subrecipient may undertake with the program income.

The receipt and expenditure of program income must be recorded by the subrecipient as part of its records of financial transactions.

When a subrecipient retains program income, such income must be used for any authorized activity before drawing down additional grant funds from the grantee, except in the case of a revolving fund. In the case of program income in a revolving fund, the subrecipient must use the program income for the activity for which the revolving fund was established, before drawing down additional grant funds for that activity.

At the expiration of the Subrecipient Agreement, any program income on hand or subsequently received by the subrecipient must be returned to the grantee.

4.12 Monitoring

During the period of affordability, the City of Modesto will perform on-site compliance and monitoring inspections of all single-family and multi-family developments utilizing NSP funds to determine compliance with the applicable regulations and requirements outlined in this manual and NSP regulations.

Section 9 - Neighborhood Stabilization Program 2 Policy and Procedure (NSP 2)

MODESTO

CALIFORNIA

EQUAL HOUSING OPPORTUNITY

City Of Modesto
Neighborhood Stabilization Program (NSP2)
Policies and Procedures

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CHAPTER 1.0: INTRODUCTION

1.1 Introduction

In early February 2010, the City of Modesto received a $25 million grant award under the American Recovery and Investment Act of 2009 (ARRA). This grant award recognized the significant impact of the housing crisis on both the nation and local communities such as Modesto. The grant will be utilized to reduce the number of foreclosed and/or abandoned properties within the City. There are four primary activities associated with the grant award.

- The first activity utilizes $10.5 million to purchase and rehabilitate 100 foreclosed/abandoned properties from targeted census tracts within the community. Properties purchased through this program will be resold or rented to individuals and families at or below 120% of the area median income.

- The second major activity has $6 million dedicated to the purchase/rehab of 40 foreclosed and/or abandoned residential properties to house emancipated foster and homeless youth between the ages of 18-28. As proposed, the Housing Authority will purchase and rehabilitate foreclosed and/or abandoned properties which will be managed by the Housing Authority, which will partner with other agencies to provide permanent supportive housing and supportive services to individuals and families. Of the $6 million total, $4.75 million will serve those populations at or 50% of the area median income with 25% serving those populations at or below 80% of the area median income.

- Under the third activity, the City of Modesto has collaborated with the Stanislaus Community Assistance Project (SCAP) to provide $6 million in funding for the development, acquisition and rehabilitation of 35 foreclosed and/or abandoned homes to house individuals with special needs such as mental health issues, chronic disabilities, HIV/AIDS, prison re-entry candidates, and income-eligible seniors. Of the $6 million total, $1.5 million will be used to provide housing for individuals and families at or below 50% of the area median income.

- The fourth activity is the 25% set-aside funds to be used by the Housing Authority of Stanislaus County, SCAP and other non-profits for the purchase and rehabilitation of properties for individuals and families at or below 50% of the area median income. In general, the City will use the NSP2 grant to buy and repair foreclosed and/or abandoned residential properties.

This Policy and Procedures Manual provides an overview of the City's policies and procedures as they pertain to NSP2 and step-by-step guidance on the implementation of NSP2 projects.

This Manual is not intended to be a substitute for NSP2 regulations, but as a supplement to them. It is not exhaustive regarding all considerations affecting the use of NSP2 funds. While careful consideration and due care has been used in developing the Manual, it is not a replacement for consultation with HUD NSP2 specialists to ensure correct interpretation of policies and regulations.

The City of Modesto reserves the right to implement additional policies as needed.

1.2 Purpose of the Neighborhood Stabilization Program

The primary purpose of NSP2 is to provide funding which can be utilized to acquire and rehabilitate foreclosed properties that might otherwise become sources of abandonment and blight within our community.

Through an approved pool of non-profit and for-profit developers, the City of Modesto' NSP2 program provides loans to purchase foreclosed or abandoned homes and to rehabilitate, resell, or rent homes to income-eligible participants in order to stabilize neighborhoods and stem the decline of house values in neighboring homes. The City of Modesto has designed its programs into four main areas: Acquisition and Rehabilitation; Housing Assistance to Emancipated Foster and Homeless Youth; Special Needs Housing; and the 25% Set-Aside.

1.3 General Requirements of NSP2

1.3.1 Allocation of Funds

Administration: NSP2 funds committed to City of Modesto will be allocated in accordance with the City's Grant Application and Award. In addition, the City may spend up to ten percent (10%) of its NSP2 allocation and 10% of any program income for administrative and planning expenses.

25% Set-Aside: NSP2 requires that not less than twenty-five percent (25%) of the total NSP2 funds allocated to the City be utilized to provide permanent housing for households with incomes at or below fifty percent (50%) of the AMI. The City of Modesto will allocate these funds to the Housing Authority of the County of Stanislaus and SCAP for the purchase and rehabilitation of properties for individuals and families.

Timeliness: The City is required to ensure that 50% of all NSP2 funding is spent within 18 months and that all remaining funds be spent within 36 months following the execution of the NSP2 grant agreement with HUD, which occurred in February 2010. Therefore, the City of Modesto reserves the right to award funds to projects that are "ready to go" and to further adjust contracted amounts based upon actual performance and progress to spend the funds within the initial 18 months of the grant agreement.

1.3.2 Eligible Applicants

NSP2 funding will be made available city-wide to non-profit organizations, for-profit organizations, developers, and City-designated Community Housing Development Organizations ("CHDOs").

Eligible applicants are entities responsible for the NSP2 application, project development, project implementation, and accountability for use of all NSP2 funds. The eligible applicants must adhere to required compliance and monitoring of all NSP2 activities for the full applicable affordability period. The City of Modesto will allocate NSP2 funds to the approved eligible applicants as outlined in the NSP2 Program Agreement.

1.3.3 Eligible Activities

For purposes of implementing the NSP2, an abandoned property is defined as one in which all of the following conditions apply:

- Mortgage or tax foreclosure proceedings have been initiated for that property,

- No mortgage or tax payment have been made for the property owner for at least ninety (90) days, and

- The property has been vacant for at least ninety (90) days.

For purposes of implementing NSP2, a foreclosed property is defined as a property that, under state or local law, has completed the mortgage or tax foreclosure process and is currently owned by the lender or mortgagee. A foreclosure is not considered complete until after the property title has been transferred from the former owner under a foreclosure proceeding or transfer in lieu of foreclosure.

The following are the eligible activities under the City of Modesto NSP2:

NSP2-Eligible Uses	**Correlated Eligible Activities From the CDBG Entitlement Regulations**
(A) Establish financing mechanisms for purchase and redevelopment of foreclosed upon homes and residential properties, including such mechanisms as soft-seconds, loan loss reserves, and shared equity loans for low- and moderate-income home buyers	As part of an activity delivery cost for an eligible activity as defined in 24 CFR 570.206. Also, the eligible activities listed below to the extent financing mechanisms are used to carry them out.
(B) Purchase and rehabilitate homes and residential properties that have been abandoned or foreclosed upon, in order to sell, rent, or redevelop such homes and properties	• 24 CFR 570.201 (a) Acquisition;(b) Disposition; (i) Relocation , and (n) Direct homeownership assistance (as modified below); • 570.202 eligible rehabilitation and preservation activities for homes and other residential properties (HUD notes that rehabilitation may include counseling for those seeking to take part in the activity

The activities undertaken by the City of Modesto under the NSP2 program meet the NSP2 National Objective of providing assistance to "low-, moderate-, and middle-income households" (abbreviated as LMMH). For the purposes of NSP2/CDBG only, an activity may meet the Housing and Economic Recovery Act (HERA) low- and moderate income national objective if the assisted activity:

- Provides or improves permanent residential structures that will be occupied by a household whose income is at or below 120 percent of area median income (abbreviated as LMMH);

- Serves an area in which at least 51 percent of the residents have incomes at or below 120 percent of area median income (LMMA);

- Creates or retains jobs for persons whose household incomes are at or below 120 percent of median income (LMMJ); or

- Serves a limited clientele whose incomes are at or below 120 percent of area median income (LMMC).

1. 4 City of Modesto Responsibilities

The City of Modesto, as a HUD grantee, has oversight and implementation responsibility for all NSP2 activities:

- Providing financial mechanisms to housing developer partners to purchase foreclosed properties from REO lenders and servicers;
- Providing funds to housing developer partners to rehabilitate acquired properties;
- Providing financial assistance to qualified homebuyers to acquire and rehabilitate foreclosed properties.

The City is also responsible for meeting the NSP2 requirement that not less than 25% of the City's NSP2 funds, approximately $6+ million, be used to house individuals or families whose incomes do not exceed 50 percent of area median income.

To assure success, the City of Modesto is committed to effective management practices. These include: 1) supporting cooperative, problem-solving relationships; 2) working toward continuous improvement in regulatory compliance and timely program performance; 3) maintaining open and frequent communications among all participants; and, 4) focusing on preventing problems, rather than fixing them later.

1.5 Summary of Principal Regulations Governing NSP2/CDBG Administrative Systems

Title XII of Division A of the American Recovery and Reinvestment Act (ARRA) of 2009 (Public Law 111-5, approved February 17, 2009)) (Recovery Act) and Sections 2301-2304 of the Housing and Economic Recovery Act of 2008 (Public Law 110-289 (July 30, 2008)) (HERA).

The program established pursuant to Section 2301-2304 of HERA is known as the "Neighborhood Stabilization Program" or "NSP". The term "NSP2" refers to the second appropriation of NSP funds provided under the Recovery Act. Unless HERA states otherwise, the grants are to be considered Community Development Block Grant (CDBG) funds. The grant program under Title XII is commonly referred to as the Neighborhood Stabilization Program (NSP2). The key regulations that form the basic administrative requirements of the NSP2/CDBG entitlement programs are summarized here to acquaint the City with the sources of the various standards described in the Operations Manual.

Regulations are developed in response to, or in fulfillment of, Federal statutes that govern the CDBG Entitlement program, both those specific to the NSP2 and CDBG programs and those addressing other "cross-cutting" Federal laws or policies that apply to the these programs (e.g., National Environmental Policy Act, Americans with Disabilities Act, Davis-Bacon Act).

The basic program regulations governing management and financial systems for the CDBG programs are contained in 24 CFR Part 570, Subparts J and K. They are applicable both to grantees and subrecipients in the public and private sectors:

- Subpart J (24 CFR 570.500–570.513) addresses general responsibilities for grant administration, including the applicability of uniform administrative requirements,

provisions of Subrecipient Agreements, program income, use of real property, record keeping and reporting, and closeout procedures.

- Subpart K (24 CFR 570.600–570.613) deals with other program requirements of the CDBG program, including civil rights; labor standards; environmental standards; flood insurance; relocation; displacement; acquisition; employment and contracting opportunities; lead-based paint; use of debarred, suspended, or ineligible contractors; uniform administrative requirements and cost principles; and conflicts of interest.

In addition to the basic regulations of the CDBG program contained in 24 CFR Part 570, there are three other categories of requirements that affect the administrative systems and procedures subrecipients must have in place to receive support:

- Federal regulations governing administrative and audit requirements for grants and cooperative agreements (governmental subrecipients) for which HUD has oversight responsibilities.

- Administrative circulars from the Office of Management and Budget (OMB) and Department of the Treasury governing cost principles, administrative systems, fiscal procedures, and audit requirements for grantees and subrecipients.

- Executive Orders from the Office of the President implementing various equal employment opportunity and environmental policies.

The applicability of these administrative requirements depends upon the public or private status of the organization receiving funds. For subrecipients that are private, non-profit organizations, the key regulations defining administrative requirements are:

- 24 CFR Part 84 "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-profit Organizations" 2: These regulations implement OMB Circular A-110 and specify standards relative to cash depositories, bonding and insurance, retention and custodial requirements for records, financial management systems, monitoring and reporting on performance, property management, and procurement.

- OMB Circular A-122 "Cost Principles for Non-profit Organizations": A publication of OMB, this document establishes principles for determining costs that are allowed to be charged to Federal grants, contracts, and other agreements with non-profit organizations (except educational institutions). The principles are designed to ensure that the Federal Government will bear its fair share of costs except where restricted or prohibited by law.

- OMB Circular A-133 "Audits of States, Local Governments and Non-profit Organizations": This circular defines audit requirements for both governments and non-profits receiving Federal funds. The document addresses mandated frequency and scope of audits; allow ability of audit costs, and the process of auditor selection. The above referenced sections of Title 24 regulations and OMB circulars may be accessed at the HUD Web site at http://www.hudclips.org/cgi/index.cgi.

1. 6 Acquisition of Properties Using NSP2 Funds

1.6.1 Acquisition, Sales Contracts, and Obligations

The City of Modesto must have executed sales contract for specific properties for funds to be considered obligated. Options or other non-binding instruments are not acceptable.

1.6.2 Appraisals and Discount Requirements

Properties acquired using NSP2 funds shall be appraised in conformity with the appraisal requirements of the Uniform Relocation Act (URA) at 49 CFR 24.103 by a licensed appraiser within sixty (60) days prior to an offer to purchase the property. Further guidance may be found at:

> http://www.hud.gov/offices/cpd/communitydevelopment/programs/neighborhoodspg/docs/appraisal_guidance.doc.

The market appraised value of properties is established based on a review of available data and shall be made by a person knowledgeable of and with experience in property valuation that the City determines is qualified to make the valuation.

NSP2 requires that properties acquired using NSP2 program funding be purchased **at a discount of at least 1% below the current market appraised value of the home or property**. The City of Modesto will require documentation to ensure the discount requirement is met including the address, appraised value, purchase offer amount, and discount amount for each property.

The discount value calculation may take into account the likely carrying costs of the mortgagee if it were to NOT sell the property to the applicant. Carrying costs may include: taxes, insurance, maintenance, marketing, overhead and interest.

1.6.3 Voluntary Transactions and Tenants

ALL NSP2-assisted property acquisitions must be voluntary acquisitions. Taking of property through eminent domain proceedings is NOT permitted. The Uniform Relocation Act requires that notices are provided to property owners even those considered to be voluntary transactions. The notices can be found at: http://www.hud.gov/offices/cpd/library/relocation/NSP2/index.cfm. URA and Section 104(d) and 5305(a)(11) of Title I of the Housing and Community Development Act of 1974, as amended, and the implementing regulations at 24 CFR Part 570.496(a) (the Barney Frank Amendment) govern the permanent displacement as well the temporary relocation of tenants in properties funded by NSP2.

For more information, refer to http://www.hud.gov/offices/cpd/library/relocation/NSP2/index.cfm. In addition, ARRA includes additional provisions protecting the rights of property owners and "bona fide" tenants.

1.6.4 Tenant Rights and Protections

The following requirements apply to any foreclosed upon dwelling or residential real property that was acquired by the initial successor in interest pursuant to the foreclosure after February 17, 2009 and was occupied by a *bona fide* tenant at the time of foreclosure.

The initial successor in interest in a foreclosed upon dwelling or residential real property shall provide a notice to vacate to any *bona fide* tenant at least 90 days before the effective date of such notice. The initial successor in interest shall assume such interest subject to the rights of any *bona fide* tenant, as of the date of such notice of foreclosure:

(i) under any *bona fide* lease entered into before the notice of foreclosure to occupy the premises until the end of the remaining term of the lease, except that a successor in interest may terminate a lease effective on the date of sale of the unit to a purchaser who will occupy the unit as a primary residence, subject to the receipt by the tenant of the 90-day notice under this paragraph; or

(ii) without a lease or with a lease terminable at will under State law, subject to the receipt by the tenant of the 90-day notice under this paragraph, except that nothing in this section shall affect the requirements for termination of any Federal- or State-subsidized tenancy or of any State or local law that provides longer time periods or other additional protections for tenants.

In the case of any qualified foreclosed housing in which a recipient of assistance under Section 8 of the United States Housing Act of 1937 (42 U.S.C 1437f) (the "Section 8 Program") resides at the time of foreclosure, the initial successor in interest shall be subject to the lease and to the housing assistance payments contract for the occupied unit. Vacating the property prior to sale shall not constitute good cause for termination of the tenancy unless the property is unmarketable while occupied or unless the owner or subsequent purchaser desires the unit for personal or family use.

If a public housing agency is unable to make payments under the contract to the immediate successor in interest after foreclosure, due to (A) an action or inaction by the successor in interest, including the rejection of payments or the failure of the successor to maintain the unit in compliance with the Section 8 Program or (B) an inability to identify the successor, the agency may use funds that would have been used to pay the rental amount on behalf of the family to 1) pay for utilities that are the responsibility of the owner under the lease or applicable law, after taking reasonable steps to notify the owner that it intends to make payments to a utility provider in lieu of payments to the owner, except prior notification shall not be required in any case in which the unit will be or has been rendered uninhabitable due to the termination or threat of termination of service, in which case the public housing agency shall notify the owner within a reasonable time after making such payment; or 2) for the family's reasonable moving costs, including security deposit costs.

A lease or tenancy shall be considered *bona fide* only if: (i) the mortgagor under the contract is not the tenant; (ii) the lease or tenancy was the result of an arm's length transaction; and (iii) the lease or tenancy requires the receipt of rent that is not substantially less than fair market rent for the property.

The City of Modesto will maintain documentation of its efforts to ensure that the initial successor in interest in a foreclosed upon dwelling or residential real property has complied with the requirements under Sections K.2.a.and K.2.b.

If the City of Modesto determines that the initial successor in interest in such property failed to comply with such requirements, the City may not use NSP2 funds to finance the acquisition of such property unless it assumes the obligations of the initial successor in interest specified in Section K.2.a.and K.2.b. If the City of Modesto elects to assume such obligations, it must provide the relocation assistance required pursuant to 24 CFR 570.606 to tenants displaced as a result of

an activity assisted with NSP2 funds and maintain records in sufficient detail to demonstrate compliance with the provisions of that section.

The recipient of any grant or loan made from NSP2 funds may not refuse to lease a dwelling unit in housing with such loan or grant to a participant under the Section 8 Program because of the status of the prospective tenant as such a participant.

This section shall not preempt any Federal, State or local law that provides more protections for tenants.

1.6.5 Energy Efficiency

To the extent feasible, the City of Modesto will strongly encourage grantees to incorporate modern, green building, and energy-efficiency improvements in all NSP2 activities to provide for long-term affordability and increased sustainability and attractiveness of housing and neighborhoods.

CHAPTER 2.0: CITY OF MODESTO NSP2 ACTIVITIES

2.1 Acquisition and Rehabilitation - $10,500,000

2.1.1 Summary

The acquisition and rehabilitation activity will benefit individuals and families whose incomes do not exceed 120 percent of Median Area Household Income (MAI), adjusted for family size. The City of Modesto will partner with developers through a Request for Qualifications (RFQ) to acquire and rehabilitate an estimated 100 foreclosed and/or vacant residential properties in order to resell or rent properties to persons that are at or below 120% of the area median income (AMI). This program will allow for additional affordable rental/homeownership housing in the target area census tracts within the City.

This activity can be carried out within the approved greatest need area and will be subject to ensuring compliance with CDBG regulation 24 CFR 570.202.

2.1.2 Activity Purpose

Acquisition and rehabilitation of foreclosed or abandoned properties located in areas of "greatest needs" as defined by HUD:

Foreclosed: A property "has been foreclosed upon" under HUD regulations "at the point that, under state or local law, the mortgage or tax foreclosure is complete. HUD generally will not consider a foreclosure to be complete until after the title for the property has been transferred from the former homeowner under some type of foreclosure proceeding or transfer in lieu of foreclosure, in accordance with state or local law.

Abandoned: Under HUD regulations "a home is abandoned when mortgage or tax foreclosure proceedings have been initiated for that property, no mortgage or tax payments have been made by the property owner for at least 90 days and the property has been vacant for at least 90 days."

2.1.3 Eligible Properties

- Existing single-family, duplex or condominiums;
- Properties built prior to 1978 may be subject to lead based paint requirements;
- Units must be acquired at 1% below market-appraised value;
- All units must be appraised in accordance to URA appraisal standards at 24.103.

2.1.4 Income Limits

The income limit is 120% of the Median Area Household Income, adjusted for family size. These limits are adjusted annually. In FY 2010, the income limits for 120% of HUD Area Median Income are:

1 person household	2 person household	3 person household	4 person household	5 person household	6 person household	7 person household	8 person household
$50,000	*$57,100*	*$64,250*	*$71,400*	*$77,100*	*$82,000*	*$88,550*	*$94,250*

2.1.5 Affordability Covenants

HOME regulations will be followed in determining all affordability covenants per 24 CFR 92.252 (e)(f). The affordability period for this activity is 25 years.

2.1.6 Property Requirements

- Property must meet applicable local codes, standards, and ordinances (at a minimum HQS).

- Properties are purchased by for-profit and non-profit developers who have been qualified by a review sub-committee of the Citizens' Housing & Community Development Committee (CH&CDC).

- Properties purchased under the program must meet NSP2 definitions for foreclosed or abandoned residential properties.

- Property acquisition price may not exceed 150% of the area median sales price per (DataQuick) and preference will be given to those properties at or below 100% of the area median sales price.

- Regulations established to rehab the homes must meet Public Housing Standards or local codes whichever is greater, cap set at $100,000 for rehabilitation.

  Note: Exceptions to the $100,000 rehab cap are reviewed on a case-by-case basis and are approved based on the recommendation of the review sub-committee of the CH&CDC and the City of Modesto NSP Development Team.

- If the units become rental units, a management plan has to be in place to ensure appropriate maintenance and adherence to regulations.

2.1.7 Procurement

- Issue Request for Qualifications on March 15, 2010, to establish list of qualified developers that are either for-profit or non-profit and experienced in housing. Must meet RFQ requirements including City of Modesto insurance requirements.
- Issue Request for Qualifications on March 15, 2010, to establish list of qualified appraisers. Must meet the following requirements:
    - Fee appraiser must be state licensed or FIRREA certified
    - Use procurement to select contracted appraisers

2.1.8 Timelines:

- Must complete a minimum of one hundred (100) units;
- Spend 50% of the $25,000,000 in funding by February 11, 2012;
- Spend 100% of all funds by February 11, 2013;
- To meet the 50% requirement, $10,500,000 will need to be spent by February 11, 2012.

2.1.9 Monitoring

- Please Refer to Section 4.14 for complete monitoring policies and procedures

2.1.10 Loan Terms for For-Profit Organizations (Rental Properties Only)

- The City of Modesto adopted the recapture option based on HOME regulations so that the remaining funding is repaid when the property is sold.

- If the equity gain is in excess of $50,000, utilize an equity share clause to have 10% due back to the City minus the initial amount that the developer contributed.

- Defer first five years of the loan. In year six, 3% interest begins only on the acquisition proportion of the loan, which will be amortized for 35 years of a 40-year loan.

- Defer the rehabilitation proportion of the loan for 15 years. In year 16, 3% interest begins only on the rehabilitation proportion of the loan which will be amortized for 24 years to conclude at the same time the acquisition proportion of the loan is due.

- Reasonable closing cost will be included in the loan.

- For-Profit organizations are required to leverage 20% of the total loan amount.

- At the sole discretion of the City, in the event the affordability covenant is fulfilled at the end of the twenty five-year term, the rehabilitation portion of the loan will be forgiven if the property is sold to a qualifying low-income household.

2.1.11 Loan Terms for Non-Profit Organizations (Rental Properties Only)

- Recapture clause to have the remaining balance paid upon sale of the property if the affordability covenant is not met with 0% interest for the first 5 years and 3% interest for years 6 on.

- Affordability period based on amount borrowed based on HOME regulations.

- No payments due, if affordability period is met, the loan is turned into a grant and forgiven.

- Reasonable closing cost will be included in the loan.

2.1.12 Homeownership (Resale Properties Only)

- New appraisal is required after rehabilitation work by developer is complete.

- Upon second escrow closing, developer is eligible for developer fee.

- For all properties except properties located in census tracts within the Airport Revitalization Strategy Area, the developer fee is:

    - $10,000 per property, **or**
    - $15,000 per property if property is determined to meet the "blight" definition per Federal regulation and as determined through and acceptable third-party home inspection summary report.

- For Airport Neighborhood properties, the developer fee is:

    - $15,000 per property, **or**

    - $20,000 per property if property is determined to meet the HUD "blight" definition and as determined through an acceptable third-party home inspection summary report.

- Developer Fee procedure:

    - Step 1 – Determine location of Property (Airport vs. Scattered).

    - Step 2 – Once the second appraisal is received by City staff to signify completion of rehabilitation and to set the sales price, the total rehabilitation amount is measured as a percentage of the initial appraised value to determine if the property is "potentially blighted". If the percentage of rehab value vs. initial appraisal is greater than the average at the time of sale then the property is deemed "potentially blighted".

    - Step 3 – The rehabilitation staff assigned to a specified property states their opinion of the property at the time of purchase in regards to the property being deemed "potentially blighted".

- Step 4 – If the actual rehabilitation amount (final) for the property is greater than the average of actual rehabilitation for all completed properties at that time the property is deemed "potentially blighted".

- Step 5 – If the property meets any two of the three criteria outlined in steps 2-4 the developer will receive the higher Developer Fee allocation for their property location upon the sale of the property to a qualified home buyer.

- The obligations of the developer towards the acquisition and the rehabilitation loans are released when transferred (either fully or partially) to the new buyer at the close of escrow.

- Closing costs, new appraisal costs, and developer fees are considered program costs and are not included in either of the developer loans.

BLIGHTED STRUCTURE: A structure is blighted when it exhibits objectively determinable signs of deterioration sufficient to constitute a threat to human health, safety, and public welfare.

2.1.13 Qualifying Households (Resale Properties Only)

- Homebuyers will meet criteria similar to that established for the City's Homebuyer's Assistance Program, which includes these homebuyer requirements:

  - Must be at or below 120% of the area median income
  - Must reside in or work within the City limits of Modesto

- Home being purchased must have been purchased and rehabilitated using the City's NSP2 funds.

- Must have a minimum FICO credit score of 620.

- Must complete 8 hours of homebuyer counseling through a HUD-approved counseling agency.

- Must commit 1% of the purchase price.

- Homebuyers will have a new loan based on the value established in the second appraisal but not to exceed the total investment in the property (acquisition plus rehabilitation).

- Maximum 30-year loan period (available in 5-year increments).

- Monthly payment may not exceed 30% of qualifying income and total debt to income ratio cannot exceed 43% per FHA standards.

- Homebuyers are "qualified" for homes up to a certain value as established by their qualifying income.

2.1.14 Loan Documentation Requirements

- Developer Purchase Agreement
- Rehabilitation Budget and Timeline

- Preliminary Title report
- Home Inspection Report
- Pest Inspection Report including Pest Report Clearance
- Lead Base Paint Report (when applicable)
- Property Appraisal
- Payable Commissions Report
- Natural Hazard Reports (when applicable)

2.1.15 City of Modesto Prepared Loan Documents

- Deed of Trust
- Promissory Note (Purchase)
- Promissory Note (REHAB)
- Regulatory Agreement
- Loan Agreement

2.1.16 Rehabilitation Requirements and Procedures

The City of Modesto provides all approved NSP2 Developers with the "Developer's Toolbox" (a CD containing copies of all pertinent NSP2 information needed to effectively participate in the program which include copies of all rehabilitation codes, compliance manuals, and additional technical assistance resources/materials).

All of the programs utilizing rehabilitation funding will have to adhere to current Housing Rehabilitation Policies.

- **Contractor Requirements:**

  All general contractors working on all NSP2-funded developments must have an active license issued by the California Contractor's Licensing Board (CSLB) as applicable and meet all requirements of contractors in the state of California. Contractors may not "share" a license. That is, the City of Modesto will not allow one contractor to work from another contractor's license. All City of Modesto NSP2-funded projects must have a general contractor that is properly licensed by the California State Contractor's Licensing Board. Any questions regarding licensing issues and a list of licensed contractors may be directed to the State Licensing Board at the following address:

  Contractors State License Board
  9821 Business Park Drive
  Sacramento, CA 95827
  Phone (800) 321-CSLB

  Any contractor or subcontractor who has been debarred by any entity or had a contractor license suspended by any entity within the previous twelve (12) months will be prohibited from participating in the NSP2. All general contractors working on all NSP2-funded developments must obtain one of the following: (1) a payment and performance bond; or (2) an Irrevocable Letter of Credit in the amount of the construction contract.

  Note: The City of Modesto has complete discretion to permit and approve any and all processes in connection with the construction/improvement of the property. (Section 54 of the Loan Agreement)

Note: Per guidance from HUD, construction contracts for individual rehabilitation projects for $100,000 or less are not required to obtain a payment and performance bond or an irrevocable letter of credit.

- **Construction Requirements:**

  - Construction Standards: All NSP Rehabilitation Projects are required to adhere to the State of California Code of Regulations Title 24, Part 11 "California Green Building Standards Code" as outlined by the California Building Standards Commission. (http://www.documents.dgs.ca.gov/bsc/CALGreen/2010_CA_Green_Bldg.pdf)

    Note: These standards are effective as of January 1, 2011

  - Energy Efficiency Standards: All NSP Rehabilitation Projects are required to adhere to the State of California Code of Regulations Title 24, Part 6 "2008 Building Energy Efficiency Standards for Residential and Non-Residential Buildings" as outlined by the California Energy Commission. (http://www.documents.dgs.ca.gov/bsc/CALGreen/2010_CA_Green_Bldg.pdf)

    Note: These standards are effective as of January 1, 2010. Any updates are noted in the "2008 Building Energy Efficiency Standards – Compliance Manual" effective 2Q-2010. (http://www.energy.ca.gov/2008publications/CEC-400-2008-016/CEC-400-2008-016-CMF-REV1.PDF)

  - CA SB 183 Compliance: **Effective July 1 2011**, the Carbon Monoxide Prevention Act of 2010 (SB 183) Mandates that all single family dwellings with fossil-fuel burning appliances, fireplace, or attached garage that are designated for human occupancy must have installed a Carbon Monoxide Detector.

  - Initial Renovator Certification Compliance: All parties involved in the Rehabilitation Portion of NSP2 (developer, general contractor/project supervisor, and city staff) must attend and complete the EPA/HUD Model Renovator Training Course (also referred to as Initial Renovator Training Course) and Provide the City of Modesto with a copy of the Certificate of Completion with a valid EPA Accreditation # to be placed in the developer's Master File.

    * For Additional Lead-Based Paint information refer to Section 4.5 or http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=f07a90b05d8e4481e1f462a217a2b789&rgn=div5&view=text&node=40:30.0.1.1.13&idno=40#40:30.0.1.1.13.3

- **Rehabilitation Procedures:**

  - Prior to starting the rehabilitation process on a NSP2 property, the Developer and General Contractor (GC) or Project Supervisor (PS) must meet with designated City rehabilitation staff at the designated property to go over the following items:

    a. Proposed Scope of Work
    b. 3rd Party Home Inspection
    c. Preliminary Rehabilitation Budget

d. All necessary permits have been pulled/identified
e. Complete Property Walk-through

- Once these items have been deemed satisfactory, the Preliminary Inspection Authorization Form is signed by both City rehabilitation staff and the approved Developer representative signifying that the walk-through is complete and the property is ready to begin rehabilitation.

- Hiring of Subcontractors and General Laborers: NSP2 Developers are encouraged to hire locally within the City of Modesto. A preference is placed on using labor from the City of Modesto first, Stanislaus County second.

  * For additional information refer to Section 4.6: Labor Standards and Section 4.3: Section 3 Compliance.

- During the rehabilitation of the property, City of Modesto rehabilitation staff will perform random walk-through of the properties to ensure that they are being completed in a timely manner.

- Developers are encouraged to provide the City of Modesto with reimbursement invoices on a regular basis. Once an invoice is received it results in a mandatory inspection by City of Modesto rehabilitation staff of the property for which the items are being billed. This inspection is meant to ensure that the items being called out for reimbursement have in fact been utilized and installed.

  * For more information on Fund Reimbursement refer to Section **3.4 Funding Disbursement.**

- Once rehabilitation is complete the Developer is required to arrange for two separate inspections and must submit a final invoice to the City of Modesto for reimbursement of all outstanding funds associated with that property.

- First, Building Inspection must evaluate the property and ensure that all items were properly permitted and are complete.

- Second, City rehabilitation staff meets with the designated Developer representative and performs a final walk-through of the property. When City staff has completed the walk-through and is satisfied with the finished product, the "Final Inspection Property Release Form" is signed by both City staff and the Developer representative signifying that both parties agree that rehabilitation is complete and the property is released to the Developer for occupancy.

- Note: If City staff does not find the final walk-through to be sufficient they may recommend that additional improvements to be made in order to meet all safety requirements or ensure that the property is fully up to code. If this occurs they will require an additional walk-through before signing the final release.

- Once the Final Invoice is submitted and reimbursement is required rehabilitation funds will be held back by the City according to the terms in the Loan Agreement with funds to be disbursed to borrower, contractor/supplier for work completed as documented by progress inspections.

* For complete reimbursement procedures refer to section **3.4 Funding Disbursement**

2.1 Emancipated Foster and Homeless Youth - $6,000,000

2.2.1 Summary

This activity is dedicated to the purchase/rehab of 40 foreclosed and/or abandoned residential properties to provide housing and supportive services for emancipated foster and homeless youth between the ages of 18-28. The Housing Authority of Stanislaus County will purchase and rehabilitate the foreclosed and/or abandoned properties which will be managed by the Housing Authority, which will partner with other agencies to provide permanent supportive housing and supportive services to individuals and families. Of the $6 million, $4.75 million will serve those populations at or 50% of the area median income with 25% serving those populations at or below 80% of the area median income.

This activity can be carried out in those areas of greatest need and will be subject to ensuring compliance with CDBG regulation 24 CFR 570.202.

2.2.2 Purpose

Acquisition and rehabilitation of foreclosed or abandoned properties in the target area census tracts within the City.

2.2.3 Eligible Properties

- Existing single-family, duplex or condominiums.
- Properties built prior to 1978, may be subject to Lead Base Paint requirements.
- Units must be acquired at 1% below market-appraised value.
- All units must be appraised in accordance to URA appraisal standards at 24.103.

2.2.4 Income Limits

The income limit is 50% of the area median income with 25% serving those populations at or below 80% of the area median income.

2.2.5 Affordability Covenants

HOME regulations will be followed in determining all affordability covenants per 24 CFR 92.252 (e)(f). The affordability period for this activity is 25 years.

2.2.6 Property Requirements

- Property must meet applicable local codes, standards, and ordinances (at a minimum HQS).
- Management plan has to be in place to ensure maintenance and adhere to all regulations.

2.2.7 Monitoring

- Please Refer to Section 4.14 for complete monitoring policies and procedures

2.2.8 Loan Terms

- Recapture clause to have the remaining balance paid upon sale of the property if the affordability covenant is not met with 0% interest for the first 5 years and 3% interest for years 6 on.
- Affordability period based on amount borrowed based on HOME regulations.
- No payments due, if affordability period is met, the loan is turned into a grant and forgiven.
- Reasonable closing cost will be included in the loan.

2.2.9 Loan Documentation Requirements

- Developer Purchase Agreement
- Rehabilitation Budget and Timeline
- Preliminary Title report
- Home Inspection Report
- Pest Inspection Report
- Lead Base Paint Report (when applicable)
- Property Appraisal
- Payable Commissions Report
- Natural Hazard Reports (when applicable)

2.2.10 City of Modesto Prepared Loan Documents

- Deed of Trust
- Promissory Note (Purchase)
- Promissory Note (REHAB)
- Regulatory Agreement
- Loan Agreement

2.2.11 Rehabilitation Requirements

* Please refer to Section 2.1.16.

2.3 Special Needs Program - $6,000,000

2.3.1 Summary

The City of Modesto has partnered with the Stanislaus Community Assistance Project (SCAP) to provide $6 million in funding for the development, acquisition and rehabilitation of 35 foreclosed and/or abandoned homes to house individuals with special needs such as mental health issues, chronic disabilities, HIV/AIDS, prison re-entry candidate, and income-eligible seniors. Of the $6 million, $1.5 million will be used to provide housing for individuals and families at or below 50% of the area median income.

2.3.2 Activity Purpose

Acquisition and rehabilitation of foreclosed or abandoned properties in the target area census tracts within the City.

2.3.3 Eligible Properties

- Existing single-family, duplexes or condominiums.
- Properties built prior to 1978, may be subject to lead-based paint requirements.
- Units must be acquired at 1% below market-appraised value.
- All units must be appraised in accordance to URA appraisal standards at 24.103.

2.3.4 Income Limits

The income limit is 120% of Median Area Household Income, adjusted for family size; $1.5 million will need to be used to provide housing for individuals and families at or below 50% of the area median income.

2.3.5 Affordability Covenants

HOME regulations will be followed in determining all affordability covenants per 24 CFR 92.252 (e)(f). The Affordability Period for this activity is 25 years.

2.3.6 Property Requirements

- Property must meet applicable local codes, standards, and ordinances (at a minimum HQS).
- Management plan has to be in place to ensure maintenance and adhere to all regulations.

2.3.7 Monitoring

- Please Refer to Section 4.14 for complete monitoring policies and procedures

2.3.8 Loan Terms

- Recapture clause to have the remaining balance paid upon sale of the property if the affordability covenant is not met with 0% for the first 5 years and 3% interest for years 6 on.
- Affordability period based on amount borrowed based on HOME regulations.
- No payments due, if affordability period is met, the loan is turned into a grant and forgiven.
- Reasonable closing cost will be included in the loan.

2.3.9 Loan Documentation Requirements

- Developer Purchase Agreement
- Rehabilitation Budget and Timeline
- Preliminary Title report
- Home Inspection Report
- Pest Inspection Report
- Lead Base Paint Report (when applicable)
- Property Appraisal
- Payable Commissions Report
- Natural Hazard Reports (when applicable)

2.3.10 City of Modesto Prepared Loan Documents

- Deed of Trust
- Promissory Note (Purchase)
- Promissory Note (REHAB)
- Regulatory Agreement
- Loan Agreement

2.3.11 Rehabilitation Requirements

* Please refer to Section 2.1.16.

CHAPTER 3.0: PROCUREMENT AND CONTRACTING

3.1 Introduction

The Department of Housing and Urban Development (HUD) has established that procurement requirements for the National Stabilization Program (NSP2) will follow Community Development Block Grant (CDBG) requirements. CDBG procurement requirements are outlined in 24 CFR 84.40-48.

Local governments and subrecipient entities are required to adhere to all applicable procurement requirements in the selection and award of contracts for goods and services. Therefore, all solicitation of bids for goods and services to be paid with NSP2 funds must be conducted openly and competitively.

3.2 General Procurement Provisions

The standards and procedures for procurement are intended to ensure that supplies, equipment, construction and other services acquired in whole or in part with Federal funds are:

- Obtained as efficiently and economically as possible.
- Procured in a manner that provides, to the maximum extent practical, open and free competition.

Solicitations must clearly explain all requirements that the bidder must fulfill in order for his or her bid to be evaluated. Solicitations for goods and services must be based on a clear and accurate description of the material, product, or service to be procured, and cannot contain features which unduly restrict competition. Some of the situations considered to be restrictive of competition include, but are not limited to:

- Placing unreasonable qualifying requirements on firms.
- Requiring unnecessary experience and excessive bonding.
- Specifying only "brand name" products instead of allowing "an equal" product.
- Noncompetitive pricing practices between firms or affiliated companies.
- Noncompetitive awards to consultants on retainer contracts.

PLEASE NOTE: There is one exception to this. HUD is strongly encouraging grantees to use a Green Communities Standard for housing rehabilitation. Due to the newness of the field and the lack of knowledge among contractors and others about "green" systems and components, rehabilitation specifications will identify specific products that have been tested and certified as "green".

3.3 Use of Local Businesses; Contracting with Small, Minority, and/or Women-Owned Businesses

Federal regulations, both CDBG and non-CDBG, make it very clear that subrecipients should make every effort to use local business firms and contract with small, minority-owned and/or women-owned businesses in the procurement process. Specifically,

- A subrecipient must take affirmative steps to use small firms, minority-owned firms, women-owned firms, or labor surplus area firms in its CDBG-financed activities (24 CFR 85.36(e) or 84.44(b)). The efforts which a subrecipient should make include:

    - Incorporating such businesses in solicitation lists whenever they are potential sources.
    - Ensuring that such businesses are solicited when identified as potential sources.
    - Dividing procurement requirements, when economically feasible, to permit maximum participation of such businesses.
    - Requiring prime contractors, when subcontracts are let, to take affirmative steps to select such firms.

- In conformance with the requirements of *Section 3 of the Housing and Community Development Act of 1968,* to the greatest extent feasible, subrecipients must award contracts for work to be performed to eligible *business concerns located in or owned by residents of the target area* to ensure that the employment and other economic opportunities generated by Federal financial assistance for housing and community development programs shall, to the greatest extent feasible, be directed toward low- and very low-income persons, particularly those who are recipients of governmental assistance for housing (see 24 CFR 570.607(b)).

Subrecipients should note, however, that the desire to award contracts to local firms is *not* a legitimate excuse for avoiding an open and competitive procurement process.

3.4 Funding Disbursement

The following processes will apply:

- Prior to the disbursement of NSP2 funds for the payment of developer submitted invoices the following conditions must be met:

- Required environmental review process must be satisfactorily completed.

- Project closing documents consisting of a Loan Agreements, Deed of Trust Regulatory Agreements, and Promissory Notes must be fully executed and reflect a project completion date acceptable to the City of Modesto and the recipient of the NSP2 funds (Approved Developer). The NSP2 Loan Agreements will outline the payment of the NSP2 funds, (e.g., how the funds will be disbursed, i.e., prorate share, etc.). The NSP2 Agreements must contain provisions for the timing of NSP2 fund disbursement.

- City staff must complete all Disaster Recovery Grant Reporting (DRGR) system set up procedures for this specific project/property.

- Developer must have all insurance current and active.

- Developer must have a completed and valid W-9 IRS form provided to the City of Modesto Accounts Payable Division to establish an active Vendor Code allowing for the issuance of checks payable to the Developing Agency.

Invoice Submittal & Reimbursement:

- Invoices are submitted to City of Modesto NSP Development Team for processing, with staff from the Accounts Payable Division copied for timeline purposes.

- Once the NSP Development Team receives the invoices and begins the verification process. All invoiced items pertaining to the rehabilitation of an NSP property must be reviewed by an administrative staff of City of Modesto NSP Development Team and a rehabilitation staff. This process consists of two steps:

    - Administrative staff: All invoice items will be cross-checked against provided back-up information for accuracy of dollar amounts and consistency with initial developer established property budget.

    - Rehabilitation staff: All invoice items are cross-checked against provided back-up information and the property is inspected to ensure that invoiced items have been properly installed and are accounted for on the property.

- **Note:** All progress payments will be issued for work complete-to-date. No requests or payment(s) will be approved for work <u>not</u> completed. No requests will be approved for payment for any work completed that was not a part of the original contract or an approved by the City of Modesto Change Order. Change orders should be requested only for unforeseen problems and/or emergencies, not for upgrades.

- **Note:** City staff has set an internal budget adjustment of 10% for all properties undergoing rehabilitation to accommodate any unforeseen items not covered by the

recommended 15% developer contingency. Once a project exceeds the 10% threshold a Project Change Order Explanation form is filled out by City staff. This form contains a detailed budget breakdown of all individual categorized budget items that exceed 50% of their initial allocation. This document includes a detailed description of all rehabilitation staff requests that may have caused an increase in cost. Each overage/invoice is evaluated on a case-by-case basis.

- Once both signatures are acquired, City staff prepares a check request which is verified by the Deputy Director or a designated signee and processes the request with Accounts Payable. A copy of the original request along with a copy of the invoice and back-up information is kept in the working file for the specified property.

- Once the check is released, the City of Modesto requires a designated representative of the Developer to be present and sign the NSP Check-Log as verification that they have received the check in person.

- Final Invoice Procedures: Once the property has completed rehabilitation retained funds will be released within thirty (30) days after the final inspection is approved and upon City's receipt of all completion documentation (utilizing the process outlined above).

For all activities, the following project completion documentation will be required prior to City's Final release of funds:

- Certification of release of liens (If deemed necessary by the City of Modesto based on either developer or contractor performance).
- Hazard insurance
- Certificate of Occupancy issued by local jurisdiction, if applicable
- Fully Executed Final Inspection Property Release Form.

For homebuyer activities, the following completion documentation will be required prior to City's final release of funds:

- Certification in release of liens
- Hazard Insurance
- Certification of Occupancy issued by local jurisdiction, if applicable, and
- Fully Executed Final Inspection Property Release Form

If any NSP2-funded project has an available balance after acquisition and rehabilitation is completed, the City of Modesto will de-obligate those funds and reallocate such balance of NSP2 funds to other eligible activities according to City's adopted NSP2 allocation process. The City of Modesto must ensure that all NSP2 funds are obligated within 18 months after the execution of the grant agreement (date of City's agreement with HUD or by September 20, 2010).

CHAPTER 4:0: OTHER FEDERAL REQUIREMENTS

NSP2 awardees and funded projects must adhere to all applicable other Federal requirements as outlined in 24 CFR part 570, HERA, ARRA, and NSP2 guidance from HUD. Key requirements are summarized below.

4.1 Equal Opportunity and Fair Housing

The state shall not exclude any organization or individual from participation under any program funded in whole or in part by NSP2 funds on the grounds of age, disability, race, creed, color, national origin, familial status, religion, or sex.

The following federal requirements as set forth in 24 CFR 5.105(a), Nondiscrimination and Equal Opportunity, are applicable to NSP2 projects:

Federal Requirements	
Fair Housing Act 24 CFR 100	Executive Order 11246, as amended (Equal Employment Opportunity Programs) 41 CFR 60
Executive Order 11063, as amended (Equal Opportunity in Housing) 24 CFR 107	Section 3 of the Housing and Urban Development Act of 1968[1] 24 CFR 135
Title VI of the Civil Rights Act of 1964 (Nondiscrimination in Federal Programs) 24 CFR 1	Executive Order 11625, as amended (Minority Business Enterprises)
Age Discrimination Act of 1975 24 CFR 146	Executive Order 12432, as amended (Minority Business Enterprises)
Section 504 of the Rehabilitation Act of 1973 24 CFR 8	Executive Order 12138, as amended (Women's Business Enterprise)[2]

In addition to the above requirements, all NSP2 participants must ensure that their Equal Opportunity and Fair Housing policies related to activities funded by NSP2 are consistent with the current Consolidated Plan adopted by their jurisdiction or the State Consolidated Plan.

4.2 Affirmative Marketing

Any entity applying for NSP2 funds must adopt affirmative marketing procedures and requirements for all NSP2-assisted housing and submit the affirmative marketing plan with the NSP2 application. The affirmative marketing plan and requirements for NSP2-assisted housing must be approved by the City of Modesto prior to any NSP2 funds being committed to a development.

Affirmative marketing requirements and procedures must include ALL of the following:

- Methods for informing the public, owners, and potential tenants about fair housing laws and the policies of the local program;
- A description of what owners and/or the program administrator will do to affirmatively market housing assisted with NSP2 funds A description of what owners and/or the program administrator will do to inform persons not likely to apply for housing without special outreach;

- Maintenance of records to document actions taken to affirmatively market NSP2-assisted units and to assess marketing effectiveness;

- A description of how efforts will be assessed and what corrective actions will be taken when requirements are not met.

4.3 Section 3

Section 3 requires that the employment and other economic opportunities generated by federal financial assistance for housing and community development programs shall, to the greatest extent feasible, be directed toward low and very low income persons, particularly those who are recipients of government assistance for housing, in addition to business concerns owned/operated by low-income persons.

* For a complete overview of Section 3 policies and procedures please refer to the City of Modesto Section 3 Compliance Guide, or visit the HUD Section 3 website at: http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/section3/section3

4.4 Minority and Women-Owned Businesses

Executive Orders 11625, 12432, and 12138 require that participating jurisdictions and local programs must prescribe procedures acceptable to HUD for a minority outreach program to ensure the inclusion, to the greatest extent possible, of minorities and women entities owned by minorities and women in all contracts. Local programs must also develop acceptable policies and procedures if their application is approved by the City of Modesto.

* For more information refer to Section 3.3

4.5 Environmental Review

In implementing NSP2, the environmental effects of each activity must be assessed in accordance with the provisions of the National Environment Policy Act of 1969 and HUD's regulations at 24 CFR Part 58.

The City of Modesto, as the NSP2 grantee, will be responsible for carrying out environmental reviews for approved projects/programs. The City must request the release of funds (RROF) from HUD for any developments carried out by other types of entities. The City reserves the right to require a Phase I Environmental Study as part of the environmental review process.

Applicants/awardees of NSP2 funds may NOT execute contracts for purchase of properties that may be funded with NSP2 until receiving written authorization from the City of Modesto to do so.

4.6 Flood Plains/Wetlands

NSP2 funds may generally not be invested in housing located in an area identified by the Federal Emergency Management Agency (FEMA) as having special flood hazards. The City of Modesto discourages developments located in special flood hazard areas but, in some instances and with written permission from the City, houses located in a flood plain may be assisted. It is the responsibility of the applicant to evaluate any remedies to remove any properties from the flood

plain and ensure the feasibility of the proposed plan. The City of Modesto is willing to consider the proposed remedy and must approve the proposal in writing prior to approval of any NSP2 allocation. The community must be currently participating in the National Flood Insurance Program, and flood insurance must be obtained and maintained on the NSP2-assisted property for the full period of affordability.

4.7 Lead-Based Paint Requirements

The Lead-Based Paint Regulations described in 24 CFR Part 35 require that lead hazard evaluation and reduction activities be carried out for all developments constructed before 1978 and receiving NSP2 assistance. Applications for rehabilitation funds for existing buildings constructed prior to 1978 must include a lead hazard evaluation, by appropriate lead-certified personnel. The application must also include detailed lead hazard reduction plan, in accordance with the regulations, and separately identify within the rehabilitation budget, the costs associated with reduction of lead hazards in accordance with the regulation and guidelines. All NSP2 fund allocations will be contingent upon the applicant agreeing to complete lead hazard reduction, evidenced by a clearance report performed by appropriate lead-certified personnel. In a development where NSP2 funds will be used on only a portion of the units, the lead-based paint requirements apply to ALL units and common areas in the development.

4.8 Labor Standards

Davis-Bacon wage compliance and other federal laws and regulations pertaining to labor standards apply to all construction and rehabilitation contracts that are financed in whole or in part with NSP2 funds for residential property consisting of eight (8) or more NSP2-assisted units. Davis-Bacon and related laws include the following:

- Davis-Bacon and Related Acts (40 USC 276a-276a-7)
- Contract Work Hours and Safety Standards Act (40 USC 327-333)
- Copeland (Anti-Kickback) Act (18 USC 874; 40 USC 276c)
- Fair Labor Standards Act of 1938, as amended (29 USC 201, et seq.)

The construction bids and contract for any NSP2-assisted activity must contain the applicable wage provisions and labor standards. Davis-Bacon does not apply to projects using solely volunteer labor or to sweat equity projects. The City of Modesto will monitor all developments subject to Davis-Bacon requirements to ensure compliance with all applicable regulations.

4.9 Debarment and Suspension

The City of Modesto will require participants in lower-tier transactions covered by 24 CFR 24 to certify that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from any entity from a federally funded transaction. Any participant that remains on a debarred or suspended condition shall be prohibited from participation in the City of Modesto NSP2 as long as they are classified in this manner.

4.10 Relocation

NSP2 funds are intended ONLY for use in purchasing/improving properties that have been abandoned and foreclosed. As such, most properties are expected to be vacant at the time of appraisal and offer to acquire. Should there be residents in any foreclosed property considered for NSP2 assistance, potential awardees must follow the residential anti-displacement and relocation

plans in effect and outlined in the State's approved Consolidated Plan and all applicable Uniform Relocation Assistance and Real Property Acquisition Act (URA) of 1970 provisions. Applicable regulations can be found at 49 CFR Part 24.

4.11 Audit

The City of Modesto requires that non-profit recipients expending more than $500,000 in Federal awards in a given fiscal year have an audit conducted in accordance with Generally Accepted Accounting Principles (GAAP) and the Single Audit Act Amendments of 1996 (31U.S.C. 7501-7507) and revised OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations."

4.12 Reporting Requirements

The City of Modesto is required to submit quarterly performance reports to HUD no later than thirty (30) days following the end of each quarter, beginning 30 days after the completion of the first full calendar quarter after grant award (i.e., August 1, 2009) and continuing until all funds are expended and the program is closed out. Accordingly, all NSP2 awardees will be required to submit during the projects process documentation to demonstrate their performance information to the City of Modesto by established deadlines conducive for the City to meet its reporting requirements. The required information will include, but not be limited to, the following:

- Project name
- Project activity
- Project location
- NSP2 Eligible use
- CDBG national objective
- Budgeted funds
- Expended funds
- Funding source
- Total amount of any non-NSP2 funds
- Numbers of properties and housing units assisted
- Beginning and ending dates of activities
- Numbers of low, moderate, and middle-income persons or households benefiting
- Demographic data for households benefiting

To collect the data elements and to meet its reporting requirements, the City of Modesto will use the online DRGR system to report on its NSP2 funds to HUD. When it submits the report to HUD, the City of Modesto will post a copy of the NSP2 DRGR report on the City's website for the public to review.

4.13 Program Income (24 CFR 570.503(a), (b)(3) and (7), and 570.504)

- The term "program income" means any gross income received by the subrecipient that was directly generated from the use of NSP2 or CDBG funds (24 CFR 570.500(a)). This includes, but is not limited to:
    - Proceeds from the sale or long-term lease of real property purchased or improved with CDBG funds.
    - Proceeds from the disposition of equipment purchased with CDBG funds.

- Gross income from the use or rental of property acquired by the grantee or subrecipient with CDBG funds, less the costs incidental to the generation of such income.
- Gross income from the use or rental of property owned by the grantee or subrecipient that was constructed or improved with CDBG funds, less any costs incidental to the generation of such income.
- Payments of principal and interest on loans made using CDBG funds.
- Proceeds from the sale of loans made with CDBG funds.
- Proceeds from the sale of obligations secured by loans made with CDBG funds.
- Interest earned on program income, pending the disposition of such program income.
- Funds collected through special assessments made against properties owned and occupied by households not of low- and moderate-income, where such assessments are used to recover part or the entire CDBG portion of a public improvement.

- Program income does not include (except for funds in lump-sum drawdown accounts), the interest earned on cash advances from the grantee or funds held in a revolving loan fund account. Such interest must be returned to the grantee for remittance to HUD.
-
- When income is generated by an activity that is only partially assisted with CDBG funds, the income must be prorated to reflect the percentage of CDBG funds used to determine the portion that is program income.
-
- The written agreement between the subrecipient and the grantee will specify whether any program income received by the subrecipient is to be returned to the grantee or retained by the subrecipient for use in carrying out CDBG activities.
-
- If the program income is to be retained by the subrecipient, the written agreement will also specify what CDBG-eligible activities the subrecipient may undertake with the program income.
- The receipt and expenditure of program income must be recorded by the subrecipient as part of its records of financial transactions.
-
- When a subrecipient retains program income, such income must be used for any authorized activity before drawing down additional grant funds from the grantee, except in the case of a revolving fund. In the case of program income in a revolving fund, the subrecipient must use the program income for the activity for which the revolving fund was established, before drawing down additional grant funds for that activity.
-
- At the expiration of the Subrecipient Agreement, any program income on hand or subsequently received by the subrecipient must be returned to the grantee.

4.14 Monitoring

During the period of affordability, the City of Modesto will perform annual on-site compliance and monitoring inspections of all single-family and multi-family developments utilizing NSP2 funds to determine compliance with the applicable regulations and requirements outlined in this manual and NSP2 regulations.

- This monitoring will consist of the following:
  - All participating NSP Developers
  - All NSP Rental Properties
  - All NSP Re-Sale Properties

- Developers will be notified of their monitoring date and time through a formal letter no less than 2 weeks prior to the date of monitoring. The letter contains information notifying the developer as to which program is being monitored, which properties are being reviewed, and the type of monitoring being conducted.
    - Type of monitoring is dependent on which program component is being monitored by City of Modesto Staff. Types of monitoring are as follows:
        - "Windshield" Inspection - Upon sale of the property to a qualified buyer, notification of annual inspection and guarantee of general property upkeep is agreed to by the buyer for the life of the affordability covenant.
            - A "Windshield" inspection is done annually to ensure that the exterior of the home is adequately maintained and that the property does not become blight to the neighborhood. This 10 point visual inspection is done by a City of Modesto housing inspector.
            - Upon completion, any egregious concerns are turned over to the Neighborhood Preservation Unit and the property will be served with a Notice of Violation.
        - Physical Monitoring - Every property shall be physically inspected by city staff on an annual basis for property damage, code violations, and maintenance issues and concerns (primarily Rental Properties).
            - The Developer/Property management firm informs the current tenant of the time and date of the city inspection.
            - A City of Modesto housing inspector does a full 145 point walkthrough of the facility and grounds. For multi-unit properties HOME guidelines are followed and 20% of the units are reviews (rounded up).
            - The property is given a Pass/Fail/Concern check on all 145 points of the inspection. Once completed, the inspector determines if any of the deficiencies are severe enough for a FAIL result on the property as a whole or if the item is a "Concern" to reinsert at the next monitoring.
            - A carbon copy of the inspectors report is given to the accompanying staff member or developer representative. If the items that are discovered are easily remedied, and the developer says that they will fix the items immediately, a 2 week period of time will be allowed before an unresolved finding is recorded.
        - Developer File Monitoring:
            - Developers are expected to annually provide to City Staff a completed "Rental Housing Project Compliance Report" (City of Modesto Monitoring Form 2-A) prior to staff conducting a monitoring session. Form 2-A is a program summary containing all pertinent data for the monitoring and serves as a starting point for data verification.
            - Developer monitoring will be conducted at the developer's place of business or at the City of Modesto (optional).
            - Monitoring Form 1-A: Developer Compliance (File Monitoring), is a checklist utilized by the City of Modesto to verify developer specific information and documentation dealing with:
                - Program Compliance
                - Rental Compliance

        - Monitoring Form 1-C: Acquisition & Rehab (File Monitoring), is a checklist utilized by the City of Modesto to verify property specific information and documentation dealing with
            - Property Acquisition
            - Construction/Rehabilitation
            - Property Financials
    - NSP Rental Property Monitoring:
        - Developers are expected to annually provide to City Staff a completed "Recertification Packet" for every tenant at the time of lease renewal. This information will be used in conjunction with Monitoring Form 2-A to provided a basis for monitoring of the developer's tenant files. The "Recertification Packet" consists of:
            - Part V Income Certification (Section 8 method)
            - Household Characteristics form
        - Monitoring Form 1-B: Tenant Compliance & Verification (File Monitoring), is a checklist utilized by City of Modesto Monitoring Staff to verify that the developer is complying with program guidelines for rent and occupancy.
- Monitoring Follow-Up
    - When both the Physical and File Monitoring have been completed, staff will draft one of 2 letters and send them to the developer stating the results of the findings: Finding Letter or Clearance Letter. As clarification, a "finding" is an element which does not comply with a federal or state statute or regulation; whereas a "concern" represents a potential finding or a program deficiency that should be improved before it leads to a finding.
        - Finding Letter
            - This letter notifies the developer that one or more serious issues were uncovered during the course of monitoring. It will identify whether the finding was discovered during the Physical Monitoring or the File Monitoring, the nature of the finding and the remedy available.
            - The developer has 30 days to respond to the City of Modesto with their corrective actions at which point an additional inspection will be done within a reasonable timeline.
        - Clearance letter
            - This letter informs the developer that there were no findings discovered during the monitoring and their property has been cleared for 1 year.
            - If there are any concerns that were discovered during the monitoring, the letter will disseminate the details. Any concerns will be inspected at the next monitoring, and staff will determine if the concern had graduated to a finding.

Section 10 -Neighborhood Stabilization Program 2 Homebuyers Program Policy and Procedure (NSP 2)

MODESTO
CALIFORNIA

City of Modesto City Council Approved by Resolution 2012-119

*These policies supersede any previously adopted policies and are subject to review and revision by the City of Modesto Housing Rehabilitation Loan Committee.

EQUAL HOUSING OPPORTUNITY

City of Modesto
Procedures for the Neighborhood Stabilization Program 2 (NSP2)
Homebuyer's Program

Program Description

The Neighborhood Stabilization Program2 (NSP2) is funded by the U.S. Department of Housing and Urban Development (HUD) to assist program eligible low/moderate/middle income (LMMI) homebuyers to purchase selected homes within the city limits of Modesto. The homes available for purchase are previously foreclosed and vacant homes, purchased and rehabilitated by City approved developers to create "move-in ready" homes.

The sales price of the homes will be determined by an appraisal required after the property repairs have been completed. Homebuyers will assume the existing loan made to the developer by the City of Modesto. The loan will be a 30-year fixed rate mortgage at the rate of 3%. Homebuyers may select terms of less than 30 years. The monthly payment will include money for the payment of taxes and insurance, referred to as impounds.

HUD requires the Neighborhood Stabilization Program funding to be expended where continued affordability of the home is ensured. The City loan requires that the homebuyer occupy the home as their primary residence for a minimum of 25 years, referred to as the Affordability Period. The homebuyer will not be allowed to rent the home during the Affordability Period.

If the homebuyer sells, transfers title, rents, or fails to occupy the home during the Affordability Period, the homebuyer must pay the City a portion of the net equity in the home, referred to as "recapture." This is in addition to the principal and interest owed on the City loan. If the homebuyer sells, transfers, rents, or fails to occupy the home during the first 12 months of the Affordability Period, the homebuyer must pay off the City loan and the City is entitled to 50% of the net equity. The City's share will decrease 2% per year, until year 25. After the end of the 25-year Affordability Period, the City will no longer be entitled to any portion of the equity of the home, only any remaining principal and interest owed on the City loan.

Even if the homebuyer is able to pay off the City loan prior to the end of the Affordability Period, the City's recapture of net equity will remain in effect until the end of the 25-year Affordability Period.

Applicant Program Eligibility Requirements

Applicant(s) must meet the following eligibility requirements:

- The household's annual income must be between 50% and 120% of the Area Median Income (AMI). This is adjusted for family size for Modesto (See income limits).
- Applicant(s) must live within the City of Modesto limits for the past six (6) consecutive months, or been employed in the City of Modesto limits for the past (6) months.
- Head of household's and co-head(s) of household's credit score must be 620 or higher.
- Applicant(s) must contribute a minimum initial investment of 1% of the sales price of the home to the transaction and must be the applicant's own funds.
- No household member may have title to any other property.
- Applicant(s) must complete an eight (8) hour homebuyer counseling class from a HUD-approved housing counseling agency.
- Applicant(s) must occupy the property as their principal residence.
- Applicant(s) must have a satisfactory history of employment, no foreclosure, short sale of a property, or open bankruptcy during the last three years.
- Applicant(s) must meet U.S. residency requirements.

Determining Program Eligibility

- The interested homebuyer will contact the City of Modesto Parks, Recreation and Neighborhoods Department at 577-5451.
- Staff will explain program guidelines and requirements and ask the potential homebuyer a series of questions that relate to program eligibility. Based on preliminary information, staff will estimate the loan amount the applicant(s) (potential homebuyer) could be eligible for.
- If the applicant wishes to proceed and appears to meet program eligibility requirements, staff will mail the applicant an intake package for completion. The package will include an intake application form and a checklist of required documents that must be returned with the intake application.

If City receives an incomplete intake package, the applicant is notified of the missing documentation. The intake package will not be processed until all required documents are received by the City.

After the City receives the completed intake form and required documents, staff will determine the applicant(s) program eligibility as follows:

- Does the applicant meet the residency requirements?
- Is the current household income between 50% and 120% of Median Area Income based on household size?
- Does the applicant(s) appear to have a satisfactory employment history?

- Does applicant have proof of the required 1% participant contribution on deposit?
- Is any member of the household currently on title to any other property?

Staff will contact one of the two City approved Loan Agents to obtain a credit report on the applicant(s) to ensure the applicant(s) meet the required credit score of 620 or higher. The credit report will contain credit scores for Equifax, Experian, and TransUnion. The middle credit score must be 620 or higher to be eligible for the program. If the credit report indicates an existing mortgage loan, or if the credit report indicates a foreclosure, short sale, or bankruptcy within the last three years, the applicant(s) will be considered ineligible. A letter of explanation will be mailed to the applicant. If staff determines the applicant(s) will benefit from credit counseling, staff will refer the applicant(s) to a HUD approved credit counseling agency.

After the applicant has passed the pre-screening process for eligibility, staff will contact the designated City approved Loan Agent to begin the loan pre-qualification process.

Loan Agent Loan Pre-qualification Process

The City will forward the designated Loan Agent a copy of the intake package. The Loan Agent will assign the intake package to a loan representative. The loan representative will contact the applicant and request copies of any documents not submitted in the City intake package. The loan representative will schedule a time to meet with the applicant to complete the loan application and answer any questions either may have.

The application package will include:

- Loan Application (Fannie Mae form 1003)
- Borrower's Certification and Authorization
- Servicing Disclosure Statement
- Federal ECOA
- Customer Identification Verification and AKA
- IRS 4506
- Fair Lending Notice
- Consumer Caution and Home Ownership Counseling Notice
- California Credit Score Notice
- Credit Score Disclosure
- Disclosure of Credit Score Information
- Patriot Act Information Disclosure
- Addendum to Loan Application (domestic partnership disclosure)
- Mortgage Loan Disclosure Statement
- Truth in Lending (TIL)
- Good Faith Estimate (GFE)
- Receipts for TIL and GFE, both federal and state forms

After the property is selected:

- Lead Based Paint Disclosure, if property built prior to 1978 (cannot be completed until the property has been identified)

Within the allowable time, the Loan Representative will send the applicant the Truth in Lending, Good Faith Estimate, GFE, other disclosures requiring signatures, and the City approved cover letter.

The disclosure of fees is the responsibility of the Loan Agent and not limited to the following information:

- No mortgage insurance
- No flood cert or insurance required on any NSP properties
- No appraisal (appraisal will have been completed by developer to establish the sales price)
- Escrow and title fees applicable to escrow company
- The only recording charge will be for the Grant Deed-the City is exempt from a recording fee for the Deed of Trust and Covenants, Conditions, and Restrictions document.
- Property taxes (loans closing after November 1 must have December 10 installment paid; loans closing after March 1 must be the April 10 installment paid)
- Hazard Insurance
- Impounds
- The buyer will contribute 1% of the sales price of the home which will go toward the closing costs. The remaining fees will be paid by the seller, including a one-year home warranty.

The Loan Agent will process the loan application, using standard Federal Housing Administration (FHA) requirements and best practices. The credit package will be submitted to the Loan Agent's FHA certified underwriter for approval, without a property address. The underwriter will determine the applicant's home purchasing power. Under the NSP2 program guidelines, the monthly housing ratio, including principal, interest, taxes, insurance, homeowner's dues, should not exceed 30% of the household's qualifying income. The total debt to income ratio should not exceed 43% of the household's qualifying income. If there are compensating factors available to the FHA underwriter under FHA guidelines, exceptions can be made. The FHA underwriter may consult with the City regarding any underwriting flexibility allowed under FHA guidelines.

Note: The household's qualifying income may be less than the household's total income that is used to determine eligibility. For example, the co-head of household may have a sporadic employment history. Although the co-head of household may have current income that must be included for eligibility purposes, this income may be disqualified by the underwriter for loan pre-qualification or approval purposes.

If the FHA underwriter denies the credit approval, the Loan Agent will notify the City. A letter will be sent to the applicant with the reason for denial. A copy of the denial letter must be forwarded to the City.

If approved by the FHA underwriter, the Loan Agent will issue the standard pre-qualification letter to the applicant(s) and send a copy to the City. The letter must state the loan conditions and loan terms, including the 25-year Affordability Period.

Homebuyer's Class

If the applicant has not already attended a homebuyer's class, the applicant(s) must attend an 8-hour homebuyer counseling class from a HUD certified agency. The applicant is responsible for the class fee, if any is charged by the agency. The agency will issue the applicant a Certificate of Completion for the class and the applicant must submit a copy of the Certificate of Completion to the Lender and the City.

Selecting a Home

The price of the home will be the lesser of the after rehabilitation appraised value or the project cost. The project cost is the acquisition cost of the property and the rehabilitation costs.

After the applicant has received the Loan Agent's pre-qualification letter and received a Certificate of Completion for the 8-hour homebuyer's class, the applicant may contact City staff to be given a list of homes available for purchase within their pre-qualified price range. The home listing(s) will indicate the sales price or estimated sales price, description of home and amenities, etc.

When the applicant wishes to view a home(s), the applicant will contact City staff to schedule a viewing of the property (ies). Homes will be available on a first come, first serve basis for any applicant who has been pre-screened by the City, pre-qualified by the City approved loan agents AND completed the 8-hour homebuyer counseling class. After viewing a property, the applicant will be given 24-48 working hours to decide if they wish to purchase the home.

If the repairs to the home are not complete and the buyer wishes the City to "hold" the property for them, the buyers must sign a *Statement of Interest* form and return it to the City, along with a $500 check payable to the City of Modesto. Only one property at the time can be reserved by a homebuyer. The Statement of Interest form and check must be received by the City prior to the established deadline. If the deadline has passed and the applicant does not wish to purchase the home, the home will become available to the next applicant pre-qualified for the home.

If all repairs to the home are complete when the buyer views and decides to purchase the property, the City will facilitate a purchase contract to be signed by the buyer and

seller. At the time of contract signing, the buyer must submit a check for 1% of the purchase price of the home, less any deposit already paid to the City of Modesto. The City will forward any City held deposit to the escrow/title company.

Terms of the contract are non-negotiable and are as follows:

- The sales price will be pre-determined.
- The buyer's contribution will be 1% of the sales price. The buyer's good faith deposit of $500 will be credited towards the 1% contribution and the remaining deposit must be paid into escrow. All funds will be held by the escrow company and applied to costs at closing.
- The seller will provide a termite clearance, not more than 90 days old.
- If the home was built prior to 1978, the seller will provide a copy of the lead based paint clearance.
- The buyer will receive a one year warranty paid by the seller. The seller paid cost will be paid through City financing of the property.
- Closing costs in excess of 1% of the sales price of the home will be paid by the seller. The seller paid cost will be paid through City financing of the property.
- The City will utilize the same escrow/title company that was used on the first purchase of the property, resulting in cost savings.
- The transaction closing date will be no more than 45 days after the acceptance of the contract.

The buyer will receive one-year Comprehensive Plus Plan home warranty from Fidelity National Home Warranty at the close of escrow. It is the responsibility of the buyer to know what coverage the home warranty will include. Additional warranty coverage for items not included in the Comprehensive Plus Plan may be eligible for purchase, at the buyer's expense. The buyer should consult Fidelity National Home Warranty at 1-800-862-6837 for additional information. Buyers will be responsible for any home repairs not covered by the warranty, or after expiration of the warranty.

The City encourages all homebuyers to have a home inspection completed by a qualified home inspector prior to purchasing the property. Home inspection companies can be found in the phone book under "Home Inspection Services." The buyer must pay out-of-pocket for the home inspection, but the cost can be refunded to the buyer at the close of escrow, not to exceed $400.

Final Loan Approval

The accepted sales contract, appraisal, property inspections, etc, will be sent to the Loan Agent. The Loan Agent will obtain the preliminary title report from the pre-determined escrow/title company.

The Loan Agent will contact the buyer if updated documents are needed, such as updated pay stubs, and update the loan file with any necessary information. The file, along with appraisal, preliminary title report, and other applicable property information, will be re-submitted to the FHA underwriter for final approval. The underwriter will

determine any conditions that must be met prior to the documents being signed, or prior to loan closing.

The Loan Agent will prepare and send the standard loan approval letter to the buyer. The letter must state the loan conditions and loan terms, including the 25-year Affordability Period.

If the underwriter does not approve the loan, but recommends an exception not allowable under FHA best practices, the underwriter can recommend that the loan be approved.

All loans must be submitted to the Housing Rehabilitation Loan Committee for approval. The Loan Agent must submit information must be to the City and City staff will prepare the committee agenda report.

If the loan is denied by the underwriter or the loan committee, a denial letter will be sent to the buyer and a copy will be submitted to the City. The City will notify the Seller, and the home will come available to other pre-qualified applicants.

Closing

The Loan Agent will prepare the loan documents on behalf of the City of Modesto and under the City's name. The Promissory Note, Deed of Trust Loan Agreement, Declaration of Conditions, Covenants and Restrictions will be prepared by the City and sent to the Loan Agent. The Loan Agent shall provide final Lenders Instructions and all other loan documents as determined by the Loan Agent. :

The Loan Agent shall prepare and send the Lender Instructions to the local escrow/title company.

All prior to document conditions must be cleared before the buyer executes the loan documents.

Loan Agent shall have the buyer sign the loan documents at their office to ensure that the buyer understands the owner occupancy requirement and the terms of the 25-year Affordability Period.

It may take five to six working days from the time the documents are signed by the buyer until the loan is ready to close. The City documents must be returned to the City of Modesto for review and signatures in the following order: Parks, Recreation and Neighborhoods Department, Risk Manager, City Attorney, City Manager, and City Clerk. After the documents are signed by City staff, an electronic file of the loan documents will be sent to the Loan Agent for funding. The original Deed of Trust and Declaration of Conditions, Covenants and Restrictions will be sent directly to the local escrow/title company. The original Promissory Note and Loan Agreement will be retained by the City of Modesto.

After the Loan Agent has verified all of the required documents have been completed and verified all funding conditions, the Loan Agent's assigned funder will notify City staff that the loan is ready to fund. The City will also verify that escrow/title is ready for funds. The City shall fund by check or wire.

Post-Closing

After the escrow/title company receives the funds, the documents will be recorded with the Stanislaus County Recorder on the following day. The escrow agent shall:

- Notify Loan Agent, developer and City staff that documents were recorded.
- Send Final HUD 1 and certification of recorded documents to the City.
- Return any excess funds to the City of Modesto via delivery to 1010 Tenth Street, Suite 4300, Modesto.
- Prepare checks for fees for Loan Agent, vendors, such as insurance companies, service providers, etc.
- Prepare check for impounds payable to Community Reinvestment Fund (CRF), 801 Nicollet Mall, Suite 1700 West, Minneapolis MN 55402 c/o of City of Modesto.

The City will prepare and transmit the Loan Servicing Set-Up Sheet to CRF and send the impound check to CRF for processing. A copy of the following documents must be submitted to CRF:

- Copy of Promissory Note
- Final HUD or record of impound amounts
- Impound analysis
- Copy of property insurance

The City will send the buyer a letter indicating the loan has been sent to CRF for servicing.

After post-closing reconcilement the Loan Agent will send the buyer's loan file to the City. The Loan Agent will keep copies of any information necessary for the follow-up of the Lender Loan Title Policy.

City staff will prepare the financial file containing the original loan documents and deliver to City Finance Department. Finance will prepare the accounting entries for the loan and the financial file will be held with other financial files, currently in the Parks, Recreation and Neighborhoods Department. The original recorded documents and the Lender Title Policy will be added to the financial file upon receipt. The working file will be held by the Parks, Recreation and Neighborhoods Department.

The Loan Agent will be responsible for receipt and review of the Loan Title Policy (LTP) within 45 days of closing. If the City receives the LTP directly from the escrow/title company, the City will forward the LTP to the Loan Agent for review. The Loan Agent will verify the accuracy of the LTP and submit it to the City with a cover sheet.

Section 11 -Neighborhood Stabilization Program 3 Policy and Procedure (NSP 3)

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City of Modesto City Council Approved by Resolution 2011-41 on February 8, 2011

*These policies supersede any previously adopted policies and are subject to review and revision by the City of Modesto Housing Rehabilitation Loan Committee.

EQUAL HOUSING OPPORTUNITY

1. NSP3 Grantee Information

NSP3 Program Administrator Contact Information	
Name (Last, First)	Ramirez, Hugo
Email Address	hramirez@modestogov.com
Phone Number	209-577-5368
Mailing Address	P.O. Box 642, Modesto, CA 95353

2. Areas of Greatest Need

Map Submission

The map generated using the HUD NSP3 Mapping Tool for Preparing Action Plan website is included as an attachment. **(Neighborhood ID: 3290649)**

Data Sources Used to Determine Areas of Greatest Need

Describe the data sources used to determine the areas of greatest need.

Modesto

Metropolitan area data for the first half of 2010 indicate that Modesto is the third hardest hit (i.e., third highest foreclosure rate) in the U.S. and the hardest hit in California (RealtyTrac). Also according to this source, 2 of every 3 homes sold in the Modesto metropolitan area in 2010 have been either foreclosed upon or are "short sale" properties. Since the fall of 2006, 21,000 Modesto metropolitan area properties have been lost to foreclosure; approximately 1 in every 8 homes (ForeclosureRadar).

Other realities of the economic recession in Modesto include a 16.4% unemployment rate as of August 2010 – a 1.1 percentage point rise from August 2009 and much higher than the national average of 9.6% as of August 2010 (Bureau of Labor Statistics' Current Employment Statistics [CES] Survey).

Modesto also has an astoundingly high rate of poverty. An analysis of the country's 100 largest metropolitan areas, based on recently released data from the 2009 American Community Survey (ACS) indicates that the economic recession is exacerbating the climbing poverty trend in Modesto where the poverty rate is among the highest in the U.S. at 19% – a 3.6 percentage point rise from 2007 to 2009 (Brookings Institution analysis of 2007, 2008, and 2009 American Community Survey data).

Areas of Greatest Need

Neighborhood Stabilization Program 3 (NSP3) Need Score is calculated using the following data:
1) Unemployment change from March 2005 to March 2010;
2) Rate of A) low cost, high leverage loans; B) high cost, high leverage loans; and C) high cost, low leverage loans from 2004-2007; and
3) Fall in home value since peak.
Sources: U.S. Census, U.S. Postal Service (USPS), U.S. Bureau of Labor Statistics (BLS) Local Area Unemployment Statistics, Federal Housing Finance Agency (FHFA) Home Price Index, Home Mortgage Disclosure Act (HMDA), Mortgage Bankers Association, RealtyTrac.

The Airport Neighborhood located in (and composing most of) census tract 21.00, one of the City of

Modesto's 14 low-income census tracts (i.e., census tracts with median household incomes that do not exceed 50% of broader Area Median Income [AMI]), scored the highest possible NSP3 Need Score of 20. While 13 of the City of Modesto's 14 low-income census tracts scored 20, the Airport Neighborhood demonstrated to have the highest in the following risk indicators:
A) Percentage of residential addresses vacant 90 or more days (13.7%);
B) Combined percentage of residential addresses vacant 90 or more days and residential addresses classified as no-stat (16.7%); and
C) Estimated percentage of delinquent mortgages (25.7%).
These data are presented in attached tables.

Determination of Areas of Greatest Need and Applicable Tiers

Describe how the areas of greatest need were established and whether a tiered approach is being utilized to determine the distribution of funding.

Satisfying the "Deep" or "Strict" Targeting Requirement of NSP3

The determination of the area of greatest need is informed by the rich data available, as well as the recognition that NSP3 funding is insufficient to make the desired impact in a larger geographic area. Land banking, acquisition and rehabilitation, redevelopment, and demolition activities will be integrated into a comprehensive revitalization strategy to reverse key indicators of persistent and extremely high: 1) unemployment and underemployment; 2) vacancy and abandonment; and 3) blight.

Modesto is a geographically expansive city and while high rates of foreclosure and vacancy are, unfortunately, not unique to the Airport Neighborhood, the substantial leveraging of resources – public and private, as well as social (resident leadership and broader community commitment to the neighborhood) – is quite extraordinary. Planned and potential leveraging opportunities include: collaboration with Stanislaus County Department of Planning and Community Development (NSP3) and Redevelopment Agency (Housing Set-Aside) activities in the neighborhood; both City of Modesto and Stanislaus County will collaborate with the Housing Authority of the County of Stanislaus, which will serve as subrecipient (developer and land bank operator); partnerships with financial institutions for Community Reinvestment Act (CRA) activities; and positioning this highly coordinated NSP3 project to be more competitive for YouthBuild, Choice Neighborhood, and other federal grant opportunities.

The economic reality of the Airport Neighborhood is quite distinct from the economic realities in other neighborhoods in Modesto. In addition to the high rate of foreclosure, the degree of blight and abandonment in the Airport Neighborhood is extremely high, as is evident in the data presented in the attached tables and analyses.

Unlike NSP1 and NSP2, NSP3:
1) Has been designed to address the unique needs of the Airport Neighborhood through NSP activities that go beyond acquisition and rehabilitation;
2) Will leverage substantial resources through unprecedented collaboration with Stanislaus County and its NSP3 and Redevelopment Agency activities;
3) Will expand the production capacities of the three major development partners: City of Modesto, Stanislaus County, and the Housing Authority of the County of Stanislaus; and

4) Will create extraordinary opportunity for public-private partnership for the benefit of the residents of the Airport Neighborhood, including vicinity hiring to the maximum extent feasible. Recognizing the importance of an engaged community in an effective land banking project, NSP3 will create a dedicated position that will carry out several critical functions consistent with the delivery of NSP3 activities, including: liaising with residents and other stakeholders; facilitating vicinity hiring to the maximum extent feasible; and pursuing leveraging opportunities, both public and private. This position will help maintain the momentum of commitment in the neighborhood.

3. Definitions and Descriptions

Definitions

Term	Definition
Blighted Structure	A structure is blighted when it exhibits objectively determinable signs of deterioration or abandonment to constitute a threat to human health, safety, and/or public welfare; and/or its appearance is inconsistent with the surrounding landscape.
Affordable Rents	Consistent with the U.S. Department of Housing and Urban Development (HUD) definition of affordable housing, the City defines affordable rents (including utilities) as costing no more than 30% of a household's gross monthly income.

Descriptions

Term	Definition
Long-Term Affordability	Continued affordability will be ensured through a restrictive affordability period and will be in effect for a period based on the level of assistance consistent with the HOME Investment Partnerships Program regulations of up to 20 years (24 CFR 92.252(a), (c), (e) and (f), and 92.254) and will require covenants to be recorded on the properties with housing end uses. If other sources of funds are used for housing development, covenants longer in duration may be recorded on these properties. Properties for sale will at all times be occupied as the principal residence of the owner and will not be rented, leased, or sold. The covenants and restrictions will run with the land and will be binding on future owners of the property. The City will monitor the properties for owner occupancy, income qualification, and other requirements as applicable on an annual basis. Note: This affordability relates to individuals or families whose incomes do not exceed 120% of Area Median Income (AMI) or, for units originally assisted with funds under the requirements of section 2301(f)(3)(A)(ii) of the original statute of NSP (Housing and Economic Recovery Act of 2008), to remain affordable to individuals and families whose incomes do not exceed 50% of AMI.

Housing Rehabilitation Standards	The City will apply HUD's Housing Quality Standards (HQS) to all rehabilitation activities. HQS consists of the following 13 performance requirements: 1) sanitary facilities; 2) food preparation and refuse disposal; 3) space and security; 4) thermal environment; 5) illumination and electricity; 6) structure and materials; 7) interior air quality; 8) water supply; 9) lead-based paint; 10) access; 11) site and neighborhood; 12) sanitary conditions; and 13) smoke detectors. Additionally, the City will rely on its highly experienced building inspection unit to ensure compliance with rigorous state and local building codes. Note: California Building Code (California Code of Regulations, Title 24, Part 2), effective January 1, 2011, exceeds federal green standards.
Affordable Rental Housing Preference	City of Modesto will establish procedures to create preferences for the development of affordable rental housing with NSP3 funds. This will be achieved through partnership with the Housing Authority of the County of Stanislaus (subrecipient).
Vicinity Hiring	City of Modesto will update its Section 3 certification process to require contractors make good faith efforts to provide to the maximum extent feasible, opportunities to local residents and business concerns and, specifically, promote NSP3 vicinity hiring in the Airport Neighborhood.

Additional Definitions and Descriptions

Term	Definition
Foreclosed Upon	1. The property is at least 60 days delinquent on its mortgage and the owner has been notified; or 2. The property owner is 90 days or more delinquent on tax payments; or 3. Under state or local law, foreclosure proceedings have been initiated or completed; or 4. Foreclosure proceedings have been completed and title has been transferred to an intermediary aggregator or servicer that is not an NSP grantee, subrecipient, developer, or end user.
Abandoned	1. No mortgage or tax payments have been made by the property owner for at least 90 days; or 2. A code enforcement inspection has determined that the property is not habitable and the owner has taken no corrective actions within 90 days of notification of the deficiencies Note: Section 301 of the Uniform Relocation Act (URA), regarding just compensation, does not apply to voluntary acquisitions.
Homes and Residential Properties	Any type of permanent residential dwelling unit, including detached single family structures, townhouses, condominium units, multifamily rental apartments (covering the entire property), and manufactured homes where treated under state law as real estate (not as personal property).

	Residential properties include all of the above plus vacant land that is currently designated for residential use.
End Use or Re-Use	Disposition or ultimate purposing of property in land banking and redevelopment. For example, two adjacent properties are acquired; one property is vacant land, the other has a blighted structure; land bank demolishes blighted structure – end use may be development of affordable housing on these properties or re-use from housing to mixed-use development project with community facility (NSP3 funds are only for residential development activities but may be combined [on a proportional basis] with other funds that allow for non-residential development activities).
Mixed-Use Development	A type of development that combines residential, commercial, and/or office into one development or building. For example, a mixed-use building could have several floors, with the bottom floor dedicated to retail or office and the remaining floors above for apartments or condominiums (NSP3 funds are only for residential development activities but may be combined [on a proportional basis] with other funds that allow for non-residential development activities).
Acquisition and Rehabilitation (NSP Eligible Use B)	Purchase and rehabilitate homes and residential properties that have been abandoned or foreclosed upon, in order to sell, rent, or redevelop such homes and properties.
Land Bank (NSP Eligible Use C)	Establish and operate land banks for homes and residential properties that have been abandoned or foreclosed upon, in order to sell, rent, or redevelop such homes and properties. Operations of a land bank include maintenance expenses, such as project delivery costs eligible under disposition and interim uses that comply with an eligible activity. Land banked property and demolished property are just interim uses for which end uses must be planned (e.g., housing [redeveloped on the property], sale [or donation] of the property as side lots to low-, moderate-, and middle-income [LMMI] neighbors, etc.) Note: Any type of structure (commercial, industrial, and other types in addition to homes and residential structures) that is blighted may be demolished with NSP funds. In general, demolition must have an end use that benefits low-, moderate-, and middle-income (LMMI) persons. Also, if the land bank is a governmental entity, it may also maintain abandoned or foreclosed property that it does not own, provided it charges the owner of the property the full cost of the service or places a lien on the property for the full cost of the service.
Redevelopment (NSP Eligible Use E)	Redevelop demolished or vacant properties. This activity allows communities to address the broadest range of property types, as it allows for the acquisition and development of any property type (i.e., properties that were once developed or are surrounded by existing development – undeveloped

	or "greenfield" sites are not permitted). This includes commercial or industrial property in addition to all types of residential properties (need not be abandoned or foreclosed upon). However, it must be vacant. New housing construction is only permitted under this activity. Housing rehabilitation is also permitted.
Additional NSP Eligible Use Considerations	Properties that are eligible to be land banked with unknown end uses, or for which the end use is not imminent, should be considered for land banking activity (assuming that these properties have been foreclosed upon). Unlike land banking activity, properties acquired and improved under redevelopment activity must proceed expeditiously to construction. Note: The City is not required to meet the requirements of 42 U.S.C. 5304(d) as implemented at 24 CFR 42.375, which mandates one-for-one replacement of low- and moderate-income dwellings units that are demolished or converted for activities assisted with NSP funds.

4. Low-Income Targeting

Low-Income Set-Aside Amount

Enter the low-income set-aside percentage in the first field. The field for total funds set aside will populate based on the percentage entered in the first field and the total NSP3 grant.

Identify the estimated amount of funds appropriated or otherwise made available under the NSP3 to be used to provide housing for individuals or families whose incomes do not exceed 50% of Area Median Income.
Total low-income set-aside percentage (must be no less than 25%): 25.00% Total funds set aside for low-income households = $725,000.00

Meeting Low-Income Target

Provide a summary that describes the manner in which the low-income targeting goals will be met.
At least $725,000 will be used for housing individuals and families whose incomes do not exceed 50% of Area Median Income (AMI). Low-income targeting goals will be met primarily through housing development primarily for the creation of affordable rental opportunities (due to persistently and extremely high unemployment and underemployment), as well as affordable homeownership opportunities to the maximum extent feasible. While the creation of affordable rental opportunities will be highest priority, the City of Modesto also plans to design an innovative and comprehensive homeownership program similar to a lease-to-own program that will provide low-income households with asset-building tools necessary to sustain homeownership. Given the economy of scale of its production capacity and its extensive experience in affordable housing development and program management, the Housing Authority of the County of Stanislaus will develop,

own, operate, and maintain NSP3 properties. As subrecipient, the Housing Authority of the County of Stanislaus engages contractors and, in consultation with the City of Modesto, may engage developers, particularly City of Modesto-designated Community Housing Development Organizations (CHDOs).

5. Acquisition and Relocation

Demolition or Conversion of LMI Units

Does the grantee intend to demolish or convert any low- and moderate-income dwelling units (i.e., ≤ 80% of Area Median Income)?	(Select One)

If yes, fill in the table below.

Question	Number of Units
The number of low- and moderate-income dwelling units—i.e., ≤ 80% of Area Median Income—reasonably expected to be demolished or converted as a direct result of NSP-assisted activities.	10
The number of NSP affordable housing units made available to low-, moderate-, and middle-income households—i.e., ≤ 120% of Area Median Income—reasonably expected to be produced by activity and income level as provided for in DRGR, by each NSP activity providing such housing (including a proposed time schedule for commencement and completion).	8
The number of dwelling units reasonably expected to be made available for households whose income does not exceed 50% of Area Median Income.	7

6. Public Comment

Citizen Participation Plan

Briefly describe how the grantee followed its citizen participation plan regarding this proposed substantial amendment or abbreviated plan.
City of Modesto ensures that all citizens have equal access to information regarding and sufficient notice of the opportunity to comment on this document. In addition to posting this document on the City's website as the materials are developed, published, and submitted to HUD; and publication of notices soliciting public comment in the largest English- and Spanish-language local newspapers – City staff created opportunities to engage English- and Spanish-speaking residents of the area of greatest need (for the purposes of NSP3) in neighborhood meetings in the Airport Neighborhood to solicit input during the development of this document. Consistent with the U.S. Department of Housing and Urban Development (HUD) Notice of Formula Allocations and Program Requirements for Neighborhood Stabilization Program Formula Grants (Docket No. FR-5447-N-01 [NSP3 Notice]), the City has published this document for no less than 15 calendar days of public comment.

Summary of Public Comments Received.

The summary of public comments received is included as an attachment.

7. NSP Information by Activity

Enter each activity name and fill in the corresponding information. If you have fewer than seven activities, please delete any extra activity fields. (For example, if you have three activities, you should delete the tables labeled "Activity Number 4," "Activity Number 5," "Activity Number 6," and "Activity Number 7." If you are unsure how to delete a table, see the instructions above.

The field labeled "Total Budget for Activity" will populate based on the figures entered in the fields above it.

Consult the NSP3 Program Design Guidebook for guidance on completing the "Performance Measures" component of the activity tables below.

Activity Number 1	
Activity Name	Neighborhood Revitalization Strategy Area (NRSA) NSP3 Project
Uses	Select all that apply: ☐ Eligible Use A: Financing Mechanisms ☒ Eligible Use B: Acquisition and Rehabilitation ☒ Eligible Use C: Land Banking ☒ Eligible Use D: Demolition ☒ Eligible Use E: Redevelopment
CDBG Activity or Activities	24 CFR 570.201 (a) Acquisition (b) Disposition (c) Public facilities and improvements (e) Public services for housing counseling, but only to the extent that counseling beneficiaries are limited to prospective purchasers or tenants of NSP3 properties (i) Relocation (n) Direct homeownership assistance to persons whose incomes do not exceed [120]% of median income. 24 CFR 570.202 Eligible rehabilitation and preservation activities 24 CFR 570.201 (d) Clearance, for blighted structures only 24 CFR 570.205 General administration and planning 24 CFR 570.206 Activity delivery costs (including required homebuyer counseling) may be charged to the particular activity performed above and will not count as general administration and planning costs 24 CFR 570.200(h) Incurrence of pre-award costs

National Objective	(Select One) Low-, Moderate-, and Middle-Income Area Benefit (LMMA), as activities will be carried out in a Neighborhood Revitalization Strategy Area (NRSA); and Low-Income Housing (LH25) for at least 25% of NSP 3 funds that will be used for the purchase and redevelopment of abandoned or foreclosed upon homes or residential properties that will be used to house individuals or families whose incomes do not exceed 50% of Area Median Income (AMI).

Activity Description	Land banking, acquisition and rehabilitation, redevelopment, and demolition activities will be integrated into a comprehensive revitalization strategy to reverse key indicators of persistent and extremely high: 1) unemployment and underemployment; 2) vacancy and abandonment; and 3) blight.
	
	City of Modesto (City) will partner with the Housing Authority of the County of Stanislaus (Housing Authority) in the Neighborhood Revitalization Strategy Area (NRSA) NSP3 Project (Project). Stanislaus County (County) will also partner with the Housing Authority to carry out its NSP3 project in the NRSA. This City-County collaboration will bring the NRSA comprehensive plan to scale and will position the NRSA to more effectively secure other federal, state, and private foundation funds for a more robust public-private partnership.
	
	All properties will be purchased at a minimum discount of 1% from the current market-appraised value of the property. The current market-appraised value means the value of a property that is established through an appraisal made in conformity with the appraisal requirements of the Uniform Relocation Act (URA) at 49 CFR 24.103 and completed within 60 days prior to an offer made for the property.
	
	<u>Activities</u>
	
	- Acquisition of eligible properties under land banking, acquisition and rehabilitation, and redevelopment activities;
	- Rehabilitation of eligible properties under land banking, acquisition and rehabilitation, and redevelopment activities;
	- Land banking operations will include: maintenance of land-banked properties, property management of rental units (note: City is required by statute to establish procedures to create preferences for the development of affordable rental housing with NSP3 funds); maintenance of its geographic and market information systems; and carrying out ongoing community engagement activities (e.g., outreach, education, consultation, etc.);
	- Demolition of eligible properties under land banking, acquisition and rehabilitation, demolition, and redevelopment activities;
	- Development of eligible properties under land banking, acquisition and rehabilitation, and redevelopment activities for eligible end uses
	  o Create affordable rental opportunities
	  o Create affordable homeownership opportunities

	o Stimulate community and economic development opportunities consistent with larger NRSA Plan through potential mixed-use development (NSP3 funds are only for residential development activities but may be combined with other funds that allow for non-residential development activities) o Reverse the physical decline of properties The City's efforts in the Airport Neighborhood have helped foster a critical mass of leadership and commitment around community and economic development in the neighborhood. The City has been working diligently since the HUD approved its proposal to designate the Airport Neighborhood a Neighborhood Revitalization Strategy Area (NRSA) on January 27, 2009. The Airport Neighborhood is uniquely located near the vibrant downtown; to the west, neighbors the world's largest family-owned winery and largest exporter of California wine, E & J Gallo Winery and Gallo Glass Company headquarters and large-scale facilities, respectively; to the north, neighbors one of Modesto's oldest and most affluent neighborhoods, La Loma Neighborhood; to the east neighbors the local airport; and to the south, neighbors the Tuolumne River and the Tuolumne River Regional Park system. The NRSA created an opportunity for these neighbors to partner with the residents of the Airport Neighborhood for the revitalization of their neighborhood. An engaged community is critical to the success of a land banking and redevelopment project. The City's approach involves building relationships with and among residents to build a sense of community and cultivate effective and sustainable leadership. A community is only as strong as its members' capacities to care for one another. Community capacity-building is place-based and empowers residents to build a sense of community, identify issues that matter most to them, and develop and implement strategies for addressing these issues. As part of the larger NRSA plan, the Project will further foster a sense of ownership of the neighborhood among its residents. Community input will inform the development of project policies, goals, outreach procedures, evaluation, etc. The Project will promote openness, transparency, and dialogue among residents and between residents and their government. Project will also solicit input from other key stakeholders (e.g., people who work in the area, businesses that operate in the area, faith- or community-based organizations that serve the area, property owners that do not live in the area, etc.) in evaluating properties for land banking and redevelopment activities. Furthermore, the Project will to the maximum extent feasible create term employment opportunities for residents of the neighborhood through vicinity hiring.

Location Description	In order to optimally leverage City of Modesto and Stanislaus County NSP3 funds and Redevelopment Housing Set-Aside funds (20% of tax increments must be used by redevelopment agencies to increase and improve affordable housing for low- and moderate-income individuals and families), NSP3 activities will be targeted in the Neighborhood Revitalization Strategy Area (see map). Northern boundary: Yosemite Boulevard Eastern boundary: Empire Avenue / Tioga Drive Southern boundary: Hillside Drive / Tuolumne River Western boundary: South Santa Rosa Avenue / South Santa Cruz Avenue Note: The boundaries of the project (i.e., census tract 21.00) extend slightly beyond the above-indicated boundaries. However, most activities will be concentrated within the boundaries indicated above. While County unincorporated area of the Airport Neighborhood is located within the County's Redevelopment Area, City area of the Airport Neighborhood is not located within the City's Redevelopment Area. City is preliminarily planning an expansion of its Redevelopment Area into the City area of the Airport Neighborhood, in order to maximize use of its Redevelopment Housing Set-Aside funds.	
Budget	**Source of Funding**	**Dollar Amount**
	Acquisition and Rehabilitation (NSP Eligible Use B)	$690,662
	Land Bank (NSP Eligible Use C)	$1,195,379
	Demolition (NSP Eligible Use D)	$79,691
	Redevelopment (NSP Eligible Use E)	$690,662
Total Budget for Activity		**$2,656,394.00**
Performance Measures	Housing Units (50% AMI or below): 7 Housing Units (50-120% AMI): 8 Instances of Demolition: 10 Estimated number of properties needed to make an impact in identified target area (20% of REO in past year): 15	
Projected Start Date	May 2011 (Note: start and end dates will be determined by date HUD signs grant agreement.)	
Projected End Date	May 2014	
Responsible Organization	**Name**	Housing Authority of the County of Stanislaus
	Location	1702 Robertson Road Modesto, CA 95351
	Administrator Contact Info	Borgwardt, Don

		Housing Development and Construction Supervisor (209) 557-2008 dborgwardt@stancoha.org Fagan, Bill Executive Director (209) 557-2015 bill@stancoha.org

Section 22 - Conflict of Interest

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Section 3 Compliance Packet Overview

Contractors, subcontractors, developers, and sub-recipients interested in participating in a City of Modesto housing or community development project that utilizes HUD administered Federal financial assistance must first read through this packet in its entirety.

A completed (and certified if deemed necessary) copy of this packet must be submitted along with each new bid or Request for Qualifications response to specific City of Modesto projects or programs. For information specific to the designated project, primarily project scope of work, deadlines, and funds available please refer to the application for that specific project.

City of Modesto project bids and RFQ's can be found at the following link:
http://www.planetbids.com/Modesto/bidsearchform.cfm?StateID=52

Any additional questions or information can be directed to:

Division Main Line: **(209) 577-5245**
Division E-mail: **Housing@modestogov.com**
Mailing Address: **City of Modesto**
Parks, Recreation, & Neighborhoods Dept.
Recreation & Neighborhood Services Division
Suite 4300
PO Box 642
Modesto, CA. 95353

City of Modesto Urban Development and the Purpose of Section 3:
Section 3 of the Housing and Urban Development Act of 1968, as amended (12 U.S.C. 1701u) (Section 3) requires that the City of Modesto ensure that employment and other economic/business opportunities generated by HUD financial assistance "**to the greatest extent feasible**" are directed to public housing residents and other low-income persons, particularly recipients of government housing assistance, and business concerns that provide economic opportunities to low-and very-low income persons.

The City of Modesto Housing Division currently administers several sources of federal financial assistance including Federal Block Grants, as well as both AARA and HERA funds. Each of these funding sources are administered through the United States Department of Housing and Urban Development (HUD) and are allocated to the City of Modesto through HOME funds, Community Development Block Grants (CDBG), and the Neighborhood Stabilization Program (NSP) funding rounds 1-3.

Section 3 applies to specific activities being funded through the above mentioned financial assistance programs including housing rehabilitation (including the reduction and abatement of lead-based paint hazards, but excluding routine maintenance, repair, and replacement), housing construction, and other public construction projects.

Section 3 Beneficiaries:

Section 3 directly benefits the following:

- **Section 3 Resident**: A public housing resident/resident of the City of Modesto who qualifies as a low-income person. Based on HUD definitions a low-income person is one whose household does not exceed 80% of the Area Median Income (AMI) for Stanislaus County. These numbers are based on a fiscal year breakdown and are updated annually. Refer to Exhibit E for the current HUD AMI breakdown for Stanislaus County.
- **Section 3 Business Concern**: Any business that is
  - 51% or more owned by City of Modesto Section 3 Residents; or
  - Whose permanent full-time employees consist of at least 30% current City of Modesto Section 3 residents, or were Section 3 residents within the first 3 years of employment with said company; or
  - Able to provide evidence of a commitment to subcontract in excess of 25% of the dollar award for all subcontracts to business concerns that meet the two previous conditions/requirements in this paragraph.

Section 3 employment opportunities generated by HUD financial assistance for community development projects may include, but are not limited to, management and administrative jobs, architectural, engineering or related professional services required to prepare plans, drawings, specifications, or work write-ups; and jobs directly related to administrative support of these activities (e.g. construction manager, relocation specialist, payroll clerk, etc.), in addition to both general and specialized labor duties. In some cases workplace training on general skills and procedures may be available.

- A **New Hire** under Section 3 is considered any Section 3 Resident hired as a full-time employee for permanent, temporary, or seasonal employment opportunities.

Section 3 Thresholds:

Section 3 opportunities are triggered once specific monetary thresholds are met:

1. A direct recipient of HUD administered funds, in this case the City of Modesto, has designated or invested a minimum of **$200,000** for an eligible activity or project involving housing construction, rehabilitation, or other public construction.
    a. If this allocation or investment results in the City of Modesto needing "new hires" for this specific activity, to the greatest extent feasible a minimum of 30% of these new hires must be "Section 3 Residents".
    b. 10% of the total dollar amount of all Section 3 covered contracts for construction/rehabilitation work to the greatest extent feasible shall be awarded by the City of Modesto to "Section 3 Businesses Concerns"
    c. 3% of the total dollar amount of all non-construction Section 3 covered contracts to the greatest extent feasible will be awarded by the City of Modesto to "Section 3 Business Concerns".
2. A general contractor or subcontractor who enters into a construction/rehabilitation agreement with the City of Modesto in excess of **$100,000** to complete a specific project must comply with Section 3 requirements
    a. If a contract results in the contractor/subcontractor needing "new hires" for this specific project, to the greatest extent feasible a minimum of 30% of these new hires must be "Section 3 Residents".
    b. Section 3 covered contracts DO NOT include contracts issued for the purchase or materials, supplies, or equipment, unless installation is involved.
    c. Multiple contracts awarded to one contractor/subcontractor under and eligible activity for separate and distinct projects are not cumulative.

Section 3 Contracting Policy and Procedure:

In compliance with the Section 3 requirement the City of Modesto has amended its existing Procurement Policy and adopted a Section 3 Contracting Policy/Procedure that is included in all procurements generated for use with HUD funding.

All contractors, business concerns, developers, and sub-recipients seeking to work on or within programs being funded by HUD are required to complete certifications as acknowledgment of the Section 3 contracting and employment provisions prior to submitting bids/proposals to the City of Modesto. Such certifications shall be adequately supported with appropriate documentation as referenced in the required form.

- Approved contractors are required to notify sub-contractors of their responsibilities under Section 3 including, but not limited to, incorporating the Section 3 clause into their subcontracting agreements.
- Approved contractors are required to maintain proper records/documentation to show that they have to the greatest extent feasible tried to utilize area Section 3 residents as trainees and employees
    - Examples of Records/Reports
        - Copies of advertisements for training/employment

- Lists of Section 3 Residents who applied or otherwise expressed an interest in training/employment
- Copies of solicitations or Requests for Proposals (RFP)
- Documentation of pre-construction conferences
- Records of bid evaluations and selections
- Correspondence or other documentation related to Section 3 grievances
- Photographic evidence of displayed signs
- Copies of letters to community organizations
- Copies of notifications of awards to grantees and contractors
- Copies of business affirmative action plans, including records of solicitation mailing lists, direct solicitation of bids or proposals
- Evidence of affirmative steps to include Section 3 business concerns; such as dividing total work requirements into small sub-tasks, joint ventures between a large business and a Section 3 business concern, and limiting competition to Section 3 business concerns pursuant to HUD regulations at 24 CFR Part 963.

Accepted Forms of Outreach:

All Section 3 contractors are expected to utilize the following approaches in an effort to recruit Section 3 residents or business concerns.

- Advertising in local media
- Prominently placing a notice of Section 3 commitments under Section 3 at the project site or other places where applications for training and employment are taken
- Contacting local job training centers, employment service agencies, and community organizations,
- Developing on-the-job training opportunities or participating in job training programs

It is recommended that contractors keep a list of Section 3 residents who apply on their own or by referral for available positions.

- The City of Modesto will work with approved developers, contractors, and sub-recipients to maintain an accessible list of qualified Section 3 residents and business concerns for future projects.

EXHIBIT A

SECTION 3 FAQ

1. **What is Section 3?**
   Section 3 is a provision of the Housing and Urban Development Act of 1968, which recognizes that HUD funds are typically one of the largest sources of federal funding expended in communities through the form of grants, loans, entitlement allocations and other forms of financial assistance. Section 3 is intended to ensure that when employment or contracting opportunities are generated because a covered project or activity necessities the employment of additional persons or the awarding of contracts for work, preference must be given to low- and very low-income persons or business concerns residing in the community where the project is located.

2. **What does the term "Section 3 resident" mean?**
   A "section 3 resident" is: 1) a public housing resident; or 2) a low- or very low-income person residing in the metropolitan area or Non-metropolitan County in which the Section 3 covered assistance is expended.

3. **What does the term Section 3 Business Concern mean?**
   Section 3 business concerns are businesses that can provide evidence that they meet one of the following:
   a. 51 percent or more owned by Section 3 residents; **or**
   b. At least 30 percent of its fully time employees include persons that are currently Section 3 residents, or within three years of the date of first employment with the business concern were Section 3 residents; **or**
   c. Provides evidence, as required, of a commitment to subcontract in excess of 25 percent of the dollar award of all subcontracts to be awarded to business concerns that meet the qualifications in the above two paragraphs.

4. **How does Section 3 differ from the Minority Business Enterprise/Women Business Enterprise programs?**
   Section 3 is both race and gender neutral. The preferences provided under this regulation are based on income-level and location. The Section 3 regulations were designed to encourage recipients of HUD funding to direct new employment and contracting opportunities to low-income residents, and the businesses that employ these persons, within their community regardless of race and/or gender.
   Please contact HUD's Office of Small and Disadvantaged Business Utilization at 202-708-1428, to learn more about these programs.

5. **How is "low-income" determined?**
   The term "low-income" is used in the Section 3 regulation to include both low- and very low-income individuals. Local income levels can be obtained online at: http://www.huduser.org/DATASETS/il.html.

6. **What is a "new hire"?**
   A new hire means a full-time employee for a new permanent, temporary, or seasonal position that is created during the expenditure of Section 3 covered financial assistance.

7. **What is a Section 3 covered project?**
   A Section 3 covered project involves the construction or rehabilitation of housing

(including reduction of lead-based paint hazards), or other public construction such as street repair, sewage line repair or installation, updates to building facades, etc.

8. **Who is considered a recipient of Section 3 funding?**
   A recipient is any entity which receives Section 3 covered assistance, directly from HUD or from another recipient. It does not include contractors or any ultimate beneficiary under the HUD program to which Section 3 applies.

9. **Is a non-profit organization considered a "business" for the purposes of Section 3?**
   Yes. A non-profit organization is a legitimate business. The non-profit organization must meet the criteria of a Section 3 business concern as defined in 24 CFR Part 135.5 in order to receive Section 3 preference.

10. **What is a Service Area?**
    The Service area is the geographical area in which the persons benefiting from the Section 3 covered project reside. The Service Area shall not extend beyond the unit of local government (the City of Modesto) in which the Section 3 covered financial assistance is expended.

11. **What are funding thresholds and how do they apply to Section 3 covered financial assistance?**
    Funding thresholds are minimum dollar amounts that trigger Section 3 requirements. There are **no thresholds for Public Housing Authorities (PHAs).** The requirements of Section 3 apply to all PHAs regardless of the amount of assistance received from HUD.
    The requirements of Section 3 apply to recipients of Housing and Community Development assistance that invest $200,000 or more into projects/activities involving housing construction, rehabilitation, or other public construction.

12. **What dollar threshold amounts apply to contractors/subcontractors?**
    All contracts (or subcontracts) funded with Public and Indian Housing assistance (regardless of the dollar amount or the type of contract) is subject to the requirements of Section 3.
    With respect to recipients of Housing and/or Community Development funding, all contractors (or subcontractors) receiving covered funds in excess of $100,000 to complete projects involving housing construction, rehabilitation, or other public construction are required to comply with the requirements of Section 3.

13. **Does Section 3 apply to other State/local laws?**
    Compliance with Section 3 shall be achieved to the greatest extent feasible, and consistent with local laws and regulations.

14. **Does Section 3 require that the expenditure of HUD financial assistance result in the creation of training, employment, and contracting opportunities?**
    Recipient agencies are not required to create jobs or contracts for Section 3 residents and business concerns simply for the sake of creating them. Section 3 requires that **when** employment or contracting opportunities are generated because a project or activity undertaken by a recipient of covered HUD financial assistance necessitates the employment of additional personnel through individual hiring or the awarding of contracts, the recipient must give preference in hiring to low- and very low- income persons and/or businesses owned by these persons or

that substantially employ these persons.

15. **Are Section 3 residents or business concerns guaranteed employment or contracting opportunities under Section 3?**
No. Section 3 residents must demonstrate that they meet the qualifications for new employment opportunities created as a result of the expenditure of covered assistance.
Section 3 business concerns must submit evidence to the satisfaction of the party awarding the contract to demonstrate that they are responsible firms and have the ability to perform successfully under the terms and conditions of the proposed contract.

16. **Are recipients and contractors required to provide long- term employment opportunities, and not simply seasonal or temporary employment?**
Recipients and contractors are required, to the extent feasible, to direct all employment opportunities to low- and very low-income persons- including seasonal and temporary employment opportunities.
Employment goals are based on "new hires", which is defined as full-time employees for permanent, temporary or seasonal employment opportunities.
Recipients and contractors are encouraged to provide long-term employment. They may count a Section 3 resident employee for three years to meet the business criterion that at least 30 percent of the permanent, full-time employees are Section 3 residents.

17. **When might a recipient agency be exempt from the requirements of Section 3?**
If Section 3 covered assistance is awarded and the recipient has no need for additional employees or trainees, or the recipient has no need to contract for work, then the Section 3 requirements are not triggered. However, the recipient agency must still submit a Section 3 Annual Summary report (HUD form 60002), in accordance with 24 CFR § 135.90.

18. **Does preference to a Section 3 business mean that the business should be selected if it meets the technical requirements of the bid, regardless of bid price?**
No. As provided in 24 CFR 85.36(b) (8), contract awards shall only be made to responsible contractors possessing the ability to perform under the terms and conditions of the proposed contract. The determination that a prospective contractor is responsible must include consideration of the firm's compliance with technical and public policy requirements.
Preference to Section 3 business concerns means that a recipient's or contractor's procurement procedures include methods to provide preference to Section 3 business concerns. Accordingly, if a Section 3 business concern is a responsible bidder, but their bid price is slightly higher than a non-Section 3 firm, the recipient agency can give preference to the Section 3 business in an effort to meet its numerical goals annually.

19. **What types of new employment opportunities are covered by Section 3?**
For Public and Indian Housing (PIH) Programs, all employment opportunities generated by the expenditure of development, operating, and modernization assistance, including management and administrative jobs, technical, professional, construction and maintenance jobs; and jobs at all levels.
For Housing and Community Development Programs, all employment opportunities arising in connection with housing rehabilitation (including reduction and abatement of lead-based paint hazards), housing construction, or other public construction project (i.e., management and administrative jobs, technical, professional, and construction and non-construction jobs; and jobs at all levels).

20. Who is required to submit Section 3 reports?
Each recipient of Section 3 covered HUD financial assistance shall submit an annual report to the Assistant Secretary for the purpose of determining the effectiveness of Section 3 (HUD form 60002). Section 3 summary reports are required even if the recipient agency did not undertake any activities that triggered the requirements.

21. Who can file a complaint when the requirements of Section 3 are not met?
Any Section 3 resident or Section 3 business (or authorized representative) seeking employment, training or contracting opportunities generated by Section 3 covered assistance may file a complaint using *form HUD 958*.

22. Where are Section 3 complaints filed?
Effective November 2007, Section 3 complaints must be filed at the appropriate FHEO Regional Office in which the violation occurred. Please visit www.hud.gov/offices/fheo to obtain the address and telephone number for FHEO regional offices.

23. Is there a time limit for filing a Section 3 complaint?
Yes. Section 3 complaints must be filed no later than 180 days from the date of the action or omission upon which the complaint is based.

EXHIBIT B

Section 3 Clause:

All Section 3 contracts shall include the following clause (referred to as the Section 3 Clause).

A. The work to be performed under this contract is subject to the requirements of section3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u (Section 3). The purpose of Section 3 is to ensure that employment and other economic opportunities generated by HUD assistance or HUD assisted projects covered by Section 3, shall, to the greatest extent feasible, be directed to low-and very low-income persons, particularly persons who are recipients of HUD assistance for housing.

B. The parties to this contract agree to comply with HUD's regulations in 24 CFR part 135, which implement Section 3. As evidenced by their execution of this contract, the parties to this contract certify that they are under to contractual or other impediment that would prevent them from complying with the part 135 regulations.

C. The contractor agrees to send to each labor organization or representative or workers with which the contractor has a collective bargaining agreement or other understanding, if any, a notice advising the labor organization or worker's representative of the contractor's commitments under this Section 3 Clause, and will post copies of the notice in conspicuous places at the work site where both employees and applicants for training and employment positions can see the notice. The notice shall describe the Section 3 preference, shall set forth minimum number and job titles subject to hire, availability of apprenticeship and training positions, the qualifications for each; and the name and locations of the person(s) taking applications for each of the positions; and the anticipated date the work shall begin.

D. The contractor agrees to include the Section 3 clause in every subcontract subject to compliance with regulations in 24 CFR part 135, and agrees to take appropriate action, as provided in an applicable provision of the subcontract or in this section 3 clause, upon a finding that the subcontractor is in violation of the regulations in 24 CFR part 135. the contractor will not subcontract with any subcontractor where the contractor has notice or knowledge that the subcontractor has been found in violation of the regulations in 24 CFR part 135.

E. The contractor will certify that any vacant employment positions, including training positions, that are filled (1) after the contractor is selected but before the contract is executed, and (2) with persons other than those to whom the regulations of 24 CFR part 135 require employment opportunities to be directed, where not filed to circumvent the contractor's obligations under 24 CFR part 135.

F. Noncompliance with HUD's regulations in 24 CFR 135 may result in sanctions, termination of this contract for default, and debarment or suspension from future HUD assisted contracts.

G. With respect to work performed in connection with Section 3 covered Indian housing assistance, section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e) also applies to the work to be performed under this contract. Section 7(b) requires that to the greatest extent feasible (i) preference and opportunities for training and employment shall be given to Indians, and (ii) preference in the award of contracts and subcontracts shall be given to Indian organizations and Indian-owned Economic Enterprises. Parties to this contract that are subject to the provisions of Section 3 to the maximum extent feasible, but not in derogation of compliance with section 7(b).

EXHIBIT C

CITY of MODESTO

Bidder/Contractor's Confirmation

Company Name: _____

Address: _____ Primary Contact: _____

_____ Contact # : _____

Project Title: _____ Proj. #:_____

Federal Funding Source: _____

I _____, as an official representative of _____
(designated representative) (Company Name)

Do hereby certify that I have read and understand the Section 3 compliance guide and clearly understand the utilization requirements to the above cited project. I agree to comply with all said Section 3 requirements and understand that failure to comply will be clearly documented and may result in the following sanctions: cancellation, termination, or suspension in whole or in part of this contract at the sole discretion of the City of Modesto. I have read and understand the portion of this document designated as the Section 3 Clause (also found in 24 CFR 135) and neither the project nor the company are under any contractual restrictions or other disabilities which would prevent the company from complying with said requirements.

Signature of Representative: _____ Date: _____

Title: _____

CITY of MODESTO

EXHIBIT D

SECTION 3: ESTIMATED WORKFORCE BREAKDOWN

This form is to be completed by the contractor during the bidding/RFQ process

Company Name: _____

Address: _____ Primary Contact: _____

_____ Contact # : _____

Project Title: _____ Proj. #: _____

JOB CATEGORY	TOTAL ESTIMATED POSITIONS NEEDED FOR PROJECT	TOTAL POSITIONS OCCUPIED BY PERMANENT EMPLOYEES	NUMBER OF POSITIONS NOT OCCUPIED	NUMBER OF POSITIONS TO BE FILLED WITH SECTION 3 RESIDENTS
Administrative Staff:				
- Professionals				
- Technicians				
- Office/Clerical				
- Other Admin Staff				
Construction by Trade:				
-				
-				
-				
-				
-				
-				
-				
- Trainees				
- Other				

* **Section 3 Resident**: Public housing resident of the City of Modesto who qualifies as a low-income person. HUD defines a low-income person as one whose household income does not exceed 80% of the median income for the region, with adjustments for family size.

CITY of MODESTO

EXHIBIT E

SECTION 3: ACTUAL WORKFORCE BREAKDOWN

This form is to be completed by the contractor at the completion of the reporting period or the completion of the project (whichever comes first).

Company Name: _____

Address: _____ Primary Contact: _____

_____ Contact # : _____

Project Title: _____ Proj. #: _____

PART I: EMPLOYMENT AND TRAINING

JOB CATEGORY	TOTAL ESTIMATED POSITIONS NEEDED FOR PROJECT	TOTAL POSITIONS OCCUPIED BY PERMANENT EMPLOYEES	ACTUAL NUMBER OF NEW HIRES	ACTUAL NUMBER OF POSITIONS FILLED WITH SECTION 3 RESIDENTS
Administrative Staff:				
- Professionals				
- Technicians				
- Office/Clerical				
- Other Admin Staff				
Construction by Trade:				
-				
-				
-				
-				
-				
-				
-				
- Trainees				
- Other				

* **Section 3 Resident**: Public housing resident of the City of Modesto who qualifies as a low-income person. HUD defines a low-income person as one whose household income does not exceed 80% of the median income for the region, with adjustments for family size.

PART II: CONTRACTS AWARDED

TYPE OF CONTRACT	TOTAL NUMBER OF THIS TYPE OF CONTRACT	TOTAL APPROX. DOLLAR AMOUNT	TOTAL NUMBER OF CONTRACTS TO SECTION 3 BUSINESSES	TOTAL DOLLAR AMOUNT TO SECTION 3 BUSINESSES
				$
				$
				$
				$
				$
				$
				$

PART III: SUMMARY

Indicate the efforts made to direct the employment and other economic opportunities generated by HUD financial assistance for housing and community development programs, to the greatest extend feasible, toward low- and very low-income persons, particularly those who are recipients of government assistance for housing. (check all that apply)

☐ Attempted to recruit low-income residents through: local advertising media, signs prominently displayed at the project site, contacts with community organizations and public or private agencies operating within the City of Modesto where the project is located.

☐ Participated in a HUD program or other program which promotes the training or employment of Section 3 Residents.

☐ Participated in a HUD program or other program which promotes the award of contracts to business concerns which meet the definition of Section 3 business concerns.

☐ Other:

Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u., mandates that the Department ensure that employment and other economic opportunities generated by its housing and community development assistance program are directed toward low- and very low-income persons, particularly those who are recipients of government assistance for housing. The regulations are found in 24 CFR Part 135. the information will be used by the Department to monitor program recipients' compliance with Section 3, to assess the results of the Department's efforts to meet the statutory objectives of Section 3, to prepare reports to Congress, and by recipients as a self-monitoring tool. The data is entered into a database and will be analyzed and distributed. The collection of information involves recipients receiving Federal financial assistance for housing and community development programs covered by Section 3. The information will be collected annually to assist HUD in meeting its reporting requirements under Section 808 (e)(6) of the Fair Housing Act and Section 916 of the HCDA of 1992. An assurance of confidentiality is not applicable to this form. The Privacy Act of 1974 and OMB Circular A-108 are not applicable. The reporting requirements do not contain sensitive questions. Data is cumulative; personal identifying information is not included.

PART IV: CERTIFICATION

As the designated representative of this company I hereby certify that the information provided within this document is an accurate report of this company's section 3 efforts. I acknowledge and understand that this document must be submitted as back-up documentation for each invoice supplied to the City of Modesto for all Section 3 project fund reimbursement.

Signature of Representative: _____ Date: _____

Title: _____ Company Name: _____

EXHIBIT F

CERTIFICATION FOR BUSINESS CONCERNS SEEKING SECTION 3 PREFERENCE IN CONTRACTING AND DEMONSTRATION OF CAPABILITY

Name of Business _____

Address of Business _____

Type of Business: ☐ Corporation ☐ Partnership ☐ Sole Proprietorship ☐ Joint Venture

Attached is the following documentation as evidence of status:

For Business claiming status as a Section 3 resident-owned enterprise:

☐ Copy of resident lease
☐ Copy of evidence of participation in a public assistance program
☐ Copy of receipt of public assistance
☐ Other evidence _____

For business entity as applicable:

☐ Copy of Articles of Incorporation
☐ Assumed Business Name Certificate
☐ List of owners/stockholders and % ownership of each
☐ Organization chart with names and titles and brief function statement
☐ Certificate of Good Standing
☐ Partnership Agreement
☐ Corporation Annual Report
☐ Latest Board minutes appointing officers
☐ Additional documentation

For business claiming Section 3 status by subcontracting 25 percent of the dollar awarded to qualified Section 3 business:

☐ List of subcontracted Section 3 business(es) and subcontract amount

For business claiming Section 3 status, claiming at least 30 percent of their workforce are currently Section 3 residents or were Section 3 eligible residents within 3 years of date of first employment with the business:

☐ List of all current full-time employees
☐ PHA/IHA Residential lease less than 3 years from day of employment
☐ List of employees claiming Section 3 status
☐ Other evidence of Section 3 status less than 3 years from date of employment

Evidence of ability to perform successfully under the terms and conditions of the proposed contract:

☐ Current financial statement
☐ Statement of ability to comply with public policy
☐ List of owned equipment
☐ List of all contracts for the past two years

_____ (Corporate Seal)

Authorizing Name and Signature

Attested by:_____

EXHIBIT G

RESIDENT EMPLOYMENT OPPORTUNITY DATA

CITY OF MODESTO
ELIGIBILITY FOR PREFERENCE

Eligibility for Preference
A section 3 resident seeking the preference in training and employment provided by this part shall certify, or submit evidence to the recipient contractor or subcontractor, if requested, that the person is a Section 3 resident, as defined in Section 135.5. (An example of evidence of eligibility for the preference is evidence of receipt of public assistance, or evidence of participation in a public assistance program.)

Certification for Resident Seeking Section 3 Preference in Training and Employment

I, _____, am a legal resident of the City of Modesto and meet the income eligibility guidelines for a low- or very-low-income person as published on the reverse.

My permanent address is: _____

_____

I have attached the following documentation as evidence of my status:

- ☐ Copy of lease
- ☐ Copy of receipt of public assistance
- ☐ Copy of Evidence of participation in a public assistance program
- ☐ Other evidence _____

_____ _____
Signature

_____ _____
Print Name Date

SECTION 3 INCOME LIMITS

All residents of public housing developments of the Housing Authority of Stanislaus County, located within the City of Modesto city limits qualify as Section 3 residents. Additionally, individuals residing in the City of Modesto who meet the income limits set forth below, can also qualify for Section 3 status.

A picture identification card and proof of current residency is required.

FY 2012-2013 Eligibility Guideline

Number in Household	Very Low Income (50% AMI)	Low Income (80% AMI)
1 individual	$21,700	$34,750
2 individuals	$24,800	$39,700
3 individuals	$27,900	$44,650
4 individuals	$31,000	$49,600
5 individuals	$33,500	$53,600
6 individuals	$36,000	$57,500
7 individuals	$38,450	$61,550
8 individuals	$40,950	$65,500

Section 23 - SECTION 3: COMPLIANCE

MODESTO
CALIFORNIA

EQUAL HOUSING
OPPORTUNITY

CITY of MODESTO

CONFLICT OF INTEREST PROVISIONS
SUMMARY OF RULES FOR CITY OF MODESTO HUD SPONSORED PROGRAMS

I. Introduction

The City of Modesto (CITY), as grantee, administers a variety of programs sponsored and funded by United States Department of Housing and Urban Development (HUD Programs) including Community Development Block Grant (CDBG) Emergency Solution Grant (ESG) Neighborhood Stabilization Program (NSP 1, NSP 2 and NSP 3), HOME Investment Partnerships Program (HOME), Community Development Block Grant Recovery (CDBG-R) and Homelessness Prevention and Rapid Re-housing Program (HPRP), (hereinafter referred to as "HUD sponsored program(s)" and/or "HUD funded program(s)"). All such programs are governed by conflict of interest rules to prevent (1) undue influence in decision making process and (2) financial gain or other benefit from the expenditure of HUD grant funds. Conflict of interest rules apply to CITY and those persons and organizations it contracts with in relation to HUD grant funds.

This memorandum seeks to provide a summary of controlling conflict of interest rules applicable to covered persons. For purposes of this summary, "covered person" includes (1) employees, agents, consultants, officers and elected and appointed officials of (a) CITY or (b) persons/organizations seeking or receiving HUD grant funds from CITY, which includes subgrantees, subrecipients, for-profit and non-profit developers, contractors and subcontractors (2) who exercise functions or responsibilities with respect to HUD sponsored programs or is in a position to participate in decision-making process or gain inside information with regard to HUD sponsored programs.

II. Purpose.

It is not possible to provide a complete explanation of conflict of interest rules. The intention of this document to provide a general summary of relevant conflict of interest rules to heighten awareness of covered persons to promote the prevention, detection and disclosure of a conflict of interest and/or potential conflict of interest.

Every attempt has been made to provide current information regarding applicable conflict of interest rules. Laws and regulations may change in the future and each covered person is obligated to review applicable rules and provisions and/or seek independent advice to insure compliance.

Each covered person has the affirmative duty to comply with the conflict of interest rule and shall immediately notify the City of Modesto in writing of the existence of the conflict of interest or potential conflict of interest.

III. Recipients or Applicants of HUD Funds From CITY.

Persons/organizations seeking or receiving HUD grant funds from CITY should carefully consider whether any of their activities may give rise to an improper conflict of interest situation. Conflict of interest situations that are not properly addressed can result in:

(1) Loss of HUD funding to a particular program and/or CITY;
(2) voiding of any contract funded or supported by HUD funds from CITY;
(3) disgorging of any financial gain or other benefit received;
(4) abstaining from participating in a decision-making capacity;
(5) termination, resignation or loss of position;
(6) imposition of civil and/or criminal penalties.

Persons/organizations seeking or receiving HUD grant funds from CITY should ask themselves the following questions:

* Are any of my employees or board members:

- a City employee or consultant who participates in decision-making or exercises influence over the decision-making process of CITY HUD sponsored programs as part of their position?

- a member of any committee, commission or board that will approve and/or administer expenditure of HUD grant funds or approve a sponsored project or fund recipient?

- a City Councilmember?

* Are any immediate family members or business associates of my employees or board members?

- a City employee or consultant who participates in decision-making or exercises influence over the decision-making process of CITY HUD sponsored programs as part of their position?

- a member of any committee, commission or board that will approve and/or administer expenditure of HUD grant funds or approve a sponsored project or fund recipient?

- a City Councilmember?

* Will any of my employees or board members receive a financial interest or benefit from HUD grant funds (other than employee salaries or personnel benefits)? Will any immediate family members or business associates of my employees or board members receive a financial interest or benefit from HUD grant funds (other than employee salaries or personnel benefits)?

* To my knowledge, will my program or project have a financial effect on a City official or employee who exercises HUD sponsored program -related functions, or an immediate family member or business associate of such person? For example, will any of these persons be receiving rental payments, other business income, or program services from my program? Or, for example, do any of these persons own real property near the program or project site, and is it likely that my program or project will have an effect on neighboring real property values?

If you can answer "yes" to any of these questions, it is possible that there may be a conflict of interest. You should review the rules below to determine whether an actual conflict situation is raised, and, if so, what action needs to be taken to avoid a violation of the law. You should contact City staff immediately if you suspect that there might be an issue.

Each recipient of HUD grant funds from CITY will be required in its grant contract with the City to warrant and represent, to the best of its knowledge at the time the contract is executed, that they are not aware of any improper conflict of interest circumstances as described below. Also, the contract will obligate contractors to exercise due diligence to ensure that no improper conflict situations occur during the contract. This is a continuing duty and obligates the recipient to monitor for potential conflicts for the term of the grant contract.

A number of federal, state, and City conflict of interest laws will govern activities that are funded with CDBG funds. The following are the major rules summarized here:

* HUD conflict of interest regulations (24 CFR 570.611 and 24 CFR Part 85, Subpart 36).
* The California Political Reform Act (Gov't. Code 87100 to 87500), and implementing regulations (2 CCR 18700 to 18703).
* California Government Code Section 1090, et seq.
* City of Modesto Conflict Disclosure Ordinance (Modesto Municipal Code, Title 2- Administration, Chapter 10 – Conflict Disclosures, Sections 2-10.01 – 2-10.03)

Excerpts from some of these laws and others are included as an attachment to this summary.

IV. City Officials, Their Family or Business Partners Benefiting from HUD Sponsored Projects.

HUD Rule. The HUD conflict of interest rule prohibits any "covered person" associated with the CITY (as defined below) from obtaining a financial interest or benefit from a HUD assisted activity or contract, or the proceeds under any such contract, during that covered person's tenure with the CITY and for one year thereafter. A "covered person" is defined by HUD as any employee, agent, consultant, officer, or elected or appointed official of the City who, with respect to HUD-funded activities under the contract: (a) exercises or has exercised any functions or responsibilities; or, (b) is in a position to participate in a decision-making process; or, (c) is in a position to gain inside information. City staff members or consultants who exercise the above roles or function with respect to the HUD funded activity are considered "covered persons." For purposes of the CITY's HUD funded programs, a "covered person" specifically includes any member of the Modesto City Council, or any member of the City of Modesto Citizens Housing and Community Development Committee (CH&CDC) or any equivalent board, committee or commission of the City of Modesto that reviews and makes recommendations on the funding for the contract, whether or not that Councilmember or director actually participated in the review or recommendation. "Covered person" may also include members of other City boards and commissions, if that board or commission has exercised functions or decision-making with respect to a HUD funded activity.

Under the City's Guidelines, "financial interests or benefits" include, but are not limited to, salaries, consultant fees, commissions, gifts, sales income, rental payments, investment income, or other business income. Program services that may have monetary value to the recipient are also considered a "financial benefit." Thus, for example, a City employee who prepares a contract for expenditure of

HUD grant funds or a City official who sits on a City board that reviews a HUD sponsored funding proposal may not receive rent payments or other income from the contractor while that person remains with the City and for one year after that person leaves the City.

The HUD rule further prohibits anyone with "family or business ties" to the covered public official from receiving a financial interest or benefit. The City's Guidelines define "family ties" to include a spouse, brother, sister, parent or child of the public official, and define "business ties" to mean a general partner or joint venture of a public official.

State Law. State law may prohibit a CITY board member or City employee who has or had a financial interest in a HUD sponsored contract or program activity from participating in the City's decision to fund the program or project.

Financial benefits covered by state law could include indirect effects such as the spillover effects of a HUD sponsored program or project on the value of real property owned by City official that is located near the program or project site. This could be a particular concern for projects or programs that involve the use of HUD grant funds to make significant capital improvements to real property, such as projects involving new construction or substantial rehabilitation of housing or commercial property. This normally affects property owned by a City official within 500 feet of a HUD sponsored project. For property leased by a City official, look to whether the project will either (1) change the City official's use or enjoyment of the leased property, or (2) the project will increase or decrease the official's annual rent by 5%.

Another state law requires that any public official of the City who is an employee or a member of the board of directors of a person or organization receiving HUD grant funds from CITY, even a non-compensated director, should publicly recuse him/herself from participating in any discussions relating to the HUD funded grant-making process. Failure of the person to recuse him/herself before the discussions begin may disqualify the organization's application for funds.

For example, if one of your employees or board members is also a director of a Community Development District Board, she should recuse herself from any of the CDBG board's consideration of CDBG grants. If she does not and the CDBG board awards your organization a grant, your organization will be disqualified from receiving the grant.

V. Interests of persons associated with the contractor.

The HUD rule also addresses financial interests that are held by certain persons associated with a RECIPIENT OF HUD GRANT FUNDS FROM CITY. The HUD rule prohibits any "covered person" associated with the RECIPIENT from obtaining a financial interest or benefit (with the exception of the use of HUD funds to pay salaries and other related administrative and personnel costs) from a HUD assisted activity or contract, or the proceeds under any such contract, during that covered person's tenure with the contractor and for one year thereafter. A "covered person" is defined by HUD as any employee, agent, consultant, officer, or elected or appointed official of the contractor who, with respect to HUD-funded activities under the contract: (a) exercises or has exercised any functions or responsibilities; or, (b) is in a position to participate in a decision-making process; or, (c) is in a position to gain inside information. This rule extends to those with whom the covered person has "family or business ties" (as defined above). This rule would, for example, prohibit certain employees

or directors of a RECIPIENT OF HUD FUNDS FROM CITY from using HUD funds to pay for rent on property owned by that employee or director, as well as family and business associates of that person.

HUD funds/ proceeds should also not be used in any self-dealing transaction within the meaning of the California Corporations Code involving a material financial interest of a director of the contractor, unless such a transaction is expressly permitted or considered valid under the Corporations Code.

VI. Remedies and Sanctions.

City of Modesto HUD grant contracts provide that if a RECIPIENT OF HUD FUNDS FROM CITY fails to make a good faith effort to avoid an improper conflict of interest situation or is responsible for the improper conflict situation, the City may (1) suspend payments of HUD grant funds, (2) terminate the contract, (3) require reimbursement by the recipient to the City or to HUD of any amounts already disbursed, and/or (4) bar future HUD funding of the recipient by the City. In addition, the City may suspend payments or terminate the contract in the event HUD suspends or terminates its grant to the City for conflict of interest reasons, or in the event the City reasonably determines that an improper conflict of interest situation may arise from payments under the contract. This could happen whether or not the recipient is responsible for the conflict of interest situation.

A number of penalties may be imposed or remedies, cures, waivers and exceptions may be pursued in the event an actual conflict of interest exists. Early disclosure of an actual conflict of interest or potential conflict of interest is critical and may influence the penalty imposed and/or remedy sought. The ultimate disposition depends largely on the nature, extent and severity of the conflict. The evaluation of an actual conflict of interest is fact sensitive and each case requires examination on the merits.

VII. Guidance.

If a conflict of interest is identified or suspected, covered person(s) shall immediately provide written notification to City of Modesto, Parks, Recreation and Neighborhoods Department. At minimum the written notification shall include documentation of the following:

- Disclosure of the identity of the covered person(s) involved,
- when and how it was discovered,
- the nature of the conflict of interest,
- the financial interest or benefit derived or to be derived from the City of Modesto HUD sponsored program or funding.

The covered person(s) shall cooperate fully with City of Modesto staff and promptly provide any additional information requested by City of Modesto to evaluate the conflict of interest.

The City of Modesto will evaluate the circumstances of the conflict of interest and notify HUD of its findings, and if applicable, a request that HUD grant an exception to the conflict of interest regulations. The factors to be considered by HUD in acting upon a request for an exception are outlined on page 7 of this Summary.

CITY of MODESTO

ATTACHMENT TO SUMMARY OF CONFLICT OF INTEREST RULES FOR CITY OF MODESTO HUD SPONSORED PROGRAMS EXCERPTS FROM RELEVANT LAWS

All third-party agreements funded under The City of Modesto Community Development Block Grant (CDBG) Program, Emergency Solutions Grant (ESG) Program, Community Development Block Grant Recovery (CDBG-R), Homelessness Prevention and Rapid Re-housing Program (HPRP), the HOME Investment Partnerships Program (HOME), and Neighborhood Stabilization Programs (NSP1, NSP2 and NSP3) and Homelessness Prevention and Rapid Re-Housing Program (HPRP), (hereinafter referred to as "HUD sponsored program(s)" and/or "HUD funded program(s)"), are governed by the conflict of interest provisions of the United States Department of Housing and Urban Development (HUD), the United States Office of Management and Budget (OMB), the State of California, and the City of Modesto

1. **HUD PROVISION**

The primary HUD regulations that may have application to a City of Modesto HUD sponsored program are found in the Title 24 of the Code of Federal Regulations, Housing and Urban Development and in particular, 24 CFR 84.44, 24 CFR 85.36, 24 CFR 570.489 (h) and 24 CFR 570.611.

The conflict of interest provisions of the Community Development Block Grant (CDBG) Regulations (24 CFR 570.611) reads in substance as follows:

(b) *Conflicts prohibited.* The general rule is that no persons described in paragraph (c) of this section who exercise or have exercised any functions or responsibilities with respect to CDBG activities assisted under this part, or who are in the position to participate in a decision making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from a CDBG-assisted activity, or have a financial interest in any contract, subcontract, or agreement with respect to a CDBG-assisted activity, or with respect to the proceeds of the CDBG-assisted activity, either for themselves or those with whom they have business or immediate family ties, during their tenure or for one year thereafter.

(c) *Persons covered.* The conflict of interest provisions of paragraph (b) of this section apply to any Person who is an employee, agent, consultant, officer, or elected official or appointed official of the Recipient, or of any designated public agencies, or of subrecipients that are receiving funds under This part.

The conflict of interest provision stated appears and is part of the Agreement for Community Development and or Emergency Solutions Grant Services, CDBG-R, HPRP, NSP1, NSP2, NSP3, and HOME Program Agreements between the City of Modesto and community development corporations. In addition, the City has also given assurance that it, *"... shall incorporate or cause to be incorporated, in all such contracts or subcontracts a provision prohibiting such interest pursuant to the purposes of this agreement."*

This provision would preclude persons who are employed by the City of Modesto or who are officers or public officials of the City and who exercise functions or responsibilities with respect to the CDBG, ESG, CDBG-R, HPRP, NSP1, NSP2, NSP3 and HOME programs from deriving any financial benefit from contracts or subcontracts funded through the HUD sponsored programs during their office or employment and for one year thereafter.

Members of The Citizens Housing and Community Development Committee (CH&CDC) are public officials within this definition since they are an integral and officially recognized component in the decision-making processes of the HUD sponsored programs. As a component of the citizen participation process, the Mayor receives input from the CH&CDC on the City's Block Grant Program.

If members of the CH&CDC were to receive compensation through a HUD sponsored programs contract or subcontract they would be in conflict of interest. They would have to divest themselves of that financial interest and if they desired to receive a financial interest from a HUD sponsored programs -funded contract or subcontract in the future, they would have to have been off the CH&CDC for at least one year before being eligible to receive such a HUD sponsored programs -funded financial interest. It city employees who exercised any functions or responsibilities with respect to the CDBG program were to receive compensation through a HUD sponsored programs -funded contract or subcontract they would be in conflict of interest. They would have to divest themselves of that financial interest and, if they desired to receive a financial interest from a HUD sponsored programs -funded contract in the future, they would have to have been separated from their City job for at least one year prior to receiving such an interest.

The provisions set forth in 24 CFR 570.611 (d) provide for HUD consideration of waivers to its conflict of interest provisions on a case-by-case basis. Full public disclosure of the conflict is required together with an opinion by the City Attorney that the financial interest for which the exception is sought would not violate state or local law. HUD would then make a determination on whether to grant the requested waiver taking the following factors into consideration:

1. Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project which would otherwise not be available;
2. Whether an opportunity was provided for open competitive bidding or negotiation;
3. Whether the person affected is a member of a group or class of low or moderate income persons intended to be the beneficiaries of the assisted activity, and the exception will permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class;
4. Whether the affected person has withdrawn from his or her functions or responsibilities, or the decision-making process with respect to the specific assisted activity in questions;
5. Whether the interest or benefit was present before the affected person was an employee, agent, consultant, officer or official covered by the conflict of interest provisions;
6. Whether undue hardship will result either to the recipient or the person affected when weighed against the public interest served by avoiding the prohibited conflict; and
7. Any other relevant considerations.

2. OMB CIRCULAR A-102 PROVISION

The OMB conflict of interest provision set forth in Circular A-102, "Uniform Requirements for Assistance to State and Local Governments," Attachment 0, "Procurement Standards', is applicable to, "... *the procurement of supplies, equipment, construction and services for Federal assistance programs."* Paragraph 7, Code of Conduct prohibits the City's employees, officers and agents from participating in the selection or in the award or administration of a contract supported by Federal funds if a conflict of interest, real or apparent, would-be involved. A conflict arises when

a. The employee, officer or agent
b. Any member of his immediate family;
c. His or her partner, or
d. An organization which employs, or is about to employ, any of the above, has a financial or other interest in the firm selected for award.

This provision is less stringent than the HUD conflict of interest provision, and would simply require that the affected individual disclose his or her financial interest and abstain from participating in discussions or actions regarding the selection, award or administration of a contract.

3. STATE OF CALIFORNIA PROVISION

The State's conflict of interest provisions are contained in the Government Code. Section 8'7100 of that code prohibits a public official from using his/her official position to influence a decision in which he or she knows or has reason to know he or she has a financial interest Government Code Section 87100 reads as follows:

No public official at any level of State or local government shall make, participate in making or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest.

Governmental Code Section 82048 defines public official as, *every member, "... officer, employee, or consultant of a State or local* agency. "CH&CDC members are public officials within this definition since they are an integral and off officially recognized component in the decision-making processes of the City's Community Development Block Grant Program.

Government Code Section 87103 provides that an official has a financial interest in a decision if it is reasonably foreseeable that the decision will have a material effect on the official or on a member of the official's immediate family on:

(a) a business in which the official has an investment worth $1,000 or more;
(b) real property in which the official has an interest worth $1,000 or more;
(c) any source of income of $250 or more received during the prior 12 months;
(d) a business in which the official is a director, officer, partner, trustee, employee or has a management position ;
(e) the donor of a gift to the official of $250 or more received during the prior 12 months.

Government Code Section 1090 prohibits City officers and employees from being financially interested in any contract made by them in their official capacity or by any body or board of which they are members.

Conflict of interest statutes in the Government Code may require a public official who has a conflict of interest due to a financial interest to (1) disclose the interest and abstain from participating in any decision-making process that would affect the interest and/or (2) resign from his/her position on the board, commission or other body of which he/she is a member. Depending on the nature, extent and severity of the violation imposition of civil and/or criminal penalties are possible.

4. CITY OF MODESTO PROVISION

The City's conflict of interest provisions, which are found in Modesto's Charter Title 2 Chapter 10, provides:

Section 2-10.01

It is the intention of the City Council to require disclosure of every individual financial interest in every agreement of any kind that requires City Council approval and in any development project that comes before the City Council by application for land use approval, so that conflicts of interest that such agreements or applications create for Councilmembers can be more readily determined.

Section 2-10.02:

In furtherance of the purposes of the California Fair Political Practices Act, and the City's "Tin Cup" ordinance, it is the intent of the City Council that the identities of all individuals with a financial interest in every agreement of any kind that requires City Council approval and in land development applications before the City Council be known to the Council and to the public. The following definitions are intended to further this purpose:

(a) Development: Any proposed use of real property, whether existing or to be constructed, which use may require City Council approval either directly, or on appeal from the Planning Commission.

(b) Agreement:

(1) Public works contracts and agreements for goods and services that require Council approval are required by Chapter 3 of Title 8 of the Modesto Municipal Code;

(2) Any other agreements submitted by the City Manager to the City Council for approval and any other application, request for entitlement or approval whatsoever;

(3) Grants of money or non-monetary city assistance to any organization, including but not limited to, non-profit corporations, or not for profit associations who seek such assistance from the City Council for any reason; and

(4) Franchises granted by the City Council as provided for in Article 14 of the City Charter and/or any applicable provision of the Modesto Municipal Code.

(c) Application: Any submission of information required to be made to the City by state law, ordinance, contract or resolution for the purpose of development approval or agreement approval.

(d) Applicant: An applicant is any person who submits an application or on whose behalf an application is submitted.

(e) City Council: The Modesto City Council and the Modesto Redevelopment Agency.

(f) Person: Shall mean any individual, firm, company, partnership, limited liability partnership, limited liability corporation, joint venture, association, proprietorship, club or fraternal organization, joint stock company, domestic or foreign corporation, estate, trust, business trust, receiver, trustee, trustee in bankruptcy, administrator, executor, assignee, syndicate, or any other group or combination acting as a unit whether mutual, cooperative, fraternal, non-profit or otherwise.

(g) Financial Interest: Financial interest means ownership or control over any property, real or personal, tangible or intangible available for use by an applicant including, but not limited to, real property, cash, securities, merchandise, raw materials, finished goods, operating supplies, ordinary maintenance material and parts, accounts receivable and notes and loans receivable, prepaid expenses, collateral used as security for a loan made to the person making an application, long-lived legal rights and competitive advantages developed or acquired by an applicant including, but not limited to, redevelopment agreements as well as other intangible assets and rights. A financial interest may also be an expectation of receipt of gross revenue (before adjustments or deductions for any costs of doing business whatsoever) from a person making an application.

(h) Gross Revenue: The term gross revenue shall include transactions in which a person making an application agrees to pay or to reduce the obligation of another.

Section 2-10.03

(a) No application for any land use approval from the City of any type including, but not limited to, subdivision map approvals, zoning changes, general plan amendments, precise plan approvals, conditional use permits, development agreements, and any other request for approval requiring the submission of information to the City, shall be deemed complete for the purposes of any California law, or ordinance including, but not limited to, the California Permit Streamlining Act, until all persons having any financial interest in the applicant(s) have been identified by name, in particular, individual persons owning or controlling "persons" or entities with financial interests in a person submitting an application, subject to the reasonable discretion of the City's Community Development Director. No application deemed incomplete in this regard by the Community Development Director shall proceed, or be acted upon in any manner by either the Planning Commission or the City Council. To cause such an application to be acted upon by deception or otherwise shall be a violation of this Code and a misdemeanor.

(b) No agreement shall be submitted to the City Council for approval until all persons having any financial interest in the applicant(s) have been identified by name, in particular individual persons owning or controlling "persons" or entities with financial interests in an applicant, subject to the reasonable

discretion of the City department director proposing such approval to the City Council. No application deemed incomplete in this regard by the City department director proposing such approval shall be processed or be acted upon in any manner by the City Council. To cause such an application to be acted upon by deception or otherwise shall be a violation of this Code and a misdemeanor.

(c) In order to implement this section every City department director proposing approval of any application by the City Council shall provide every applicant with an application form for the purpose of disclosing the financial interests required to be disclosed by this section. Each applicant must verify in writing, under penalty of perjury, that the financial interest information provided in such application form is true, correct and complete.

(d) Each applicant shall have a continuing obligation to maintain the truth, accuracy and completeness of the financial interest information provided on the application in accordance with this section until after the final consideration by the City Council of any matter arising out of or relating to the application.

(e) In the event that the City Council finds that an applicant did not exert due diligence and good faith in its maintenance of true, accurate and complete financial interest information in accordance with the requirements of this section, then, and in that event, the application shall be deemed to have been, and treated for all purposes as if it had been, incomplete from the first day it was filed through the date of the finding.

(f) Nothing in this section is intended to imply any obligation on the part of City employees, consultants, volunteers or elected officials to investigate research or otherwise verify the content of any application.

(g) This chapter shall not apply to persons having an aggregate economic interest in an applicant less than two thousand dollars ($2,000.00) at all times prior to final Council determination of the application.

(h) This chapter shall not apply to (1) business entities listed, or meeting the financial criteria for listing on the New York or the Pacific Stock exchanges unless it is reasonably foreseeable that a City Council decision will increase or decrease that entity's gross revenues or expenses by one million dollars ($1,000,000) or more, and (2) business entities granted a waiver by a vote of two-thirds (2/3) of the City Council, sitting in public session.

(i) Each Councilmember and the Mayor shall, at least once annually, in conjunction with their State Fair Political Practices Act disclosure requirements, file with the City Clerk a report setting forth the names and addresses of persons (associates) having a financial interest, as defined herein, in any property, contract, application, expectation of receipt of gross revenue or for profit enterprise or venture, no matter how organized, in which the reporting member has a financial interest. It shall be the further obligation of each member to file with the City Clerk amendments to their annual reports on a quarterly basis to ensure, in so far as possible, that the public is aware of matters coming before the Council in which a Councilmember associate has a financial interest.

(Added by Ord. 3269-C.S., § 1, amended by Ord. 3276-C.S., § 1 effective 1-9-03)

ACKNOWLEDGEMENT AND CERTIFICATION

I have read the foregoing Conflict of Interest Provisions Summary of Rules For City of Modesto HUD Sponsored Programs together with the Attachment To Summary of Conflict of Interest Rules For City of Modesto HUD Sponsored Programs Excerpts From Relevant Laws, and hereby certify that I and or the entity/organization identified below has/have and will continue to comply with all applicable conflict of interest laws, rules and regulations including the obligation to immediately notify the City of Modesto, **in writing**, of the existence or potential conflict of interest in relation to a City of Modesto HUD sponsored program.

DATE:_____

SIGNED:_____

PRINT NAME:_____

TITLE/POSITION:_____

ENTITY/ORGANIZATION:

_____

EQUAL HOUSING
OPPORTUNITY

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-426

Print

RESOLUTION ACKNOWLEDGING AND APPROVING THE EARLY TERMINATION OF A THREE-YEAR AGREEMENT BETWEEN THE CITY OF MODESTO AND THE SAN JOAQUIN INSURANCE AUTHORITY (SJVIA) FOR PARTICIPATION IN GROUP MEDICAL INSURANCE COVERAGE

WHEREAS, the City of Modesto provides its employees with employee and dependent health insurance coverage, and

WHEREAS, the City was faced with large increases from existing medical insurance carriers for 2015 medical plan renewals and sought alternative options, and

WHEREAS, the Employee Benefits Advisory Committee (EBAC) consisting of three (3) representatives from each of the City's bargaining groups reviewed all options and made recommendations to City management regarding health insurance coverage for Plan Year 2015, and

WHEREAS, the SJVIA required a three-year commitment from the City and said it would provide the City a guaranteed pooled rating for that three-year period and, based on past ratings from SJVIA, would have provided the City of Modesto with carrier rate stabilization and flexibility, and

WHEREAS, Resolution No. 2014-353 was adopted on September 23, 2014 entering into a three-year agreement with the SJVIA, and

WHEREAS, on September 20, 2016 the SJVIA presented the City with a tiered pool concept, placing the founding members in a pool with an 11% renewal increase and the remaining twenty-three entities in a second pool with a 26% renewal increase, which went against the intent of the original three-year agreement, and

WHEREAS, during this meeting the City was presented with the option to terminate the three-year agreement early as long as termination notice was received by the SJVIA on or before October 15, 2016, and

WHEREAS, following this meeting the EBAC requested that the City seek alternative options for Plan Year 2017 and during a follow-up EBAC meeting on October 12, 2016 the committee unanimously voted to terminate the agreement early.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby acknowledges and approves the early termination of a three-year agreement between the City of Modesto and the San Joaquin Insurance Authority (SJVIA) for participation in group medical insurance coverage.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of October, 2016, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-427

RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND PETER C. FOY & ASSOCIATES INSURANCE SERVICES, INC. FOR PARTICIPATION IN GROUP MEDICAL INSURANCE COVERAGE FOR AN INITIAL ONE-YEAR PERIOD, WITH OPTION FOR RATE GUARANTEES IN YEARS TWO AND THREE, STARTING PLAN YEAR 2017; CONTINUE DENTAL AND VISION COVERAGE THROUGH THE CITY'S SELF-INSURED PROGRAM FOR PLAN YEAR 2017; AUTHORIZING THE DEPUTY CITY MANAGER TO SERVE AS THE COORDINATOR FOR THE VARIOUS PLANS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE NECESSARY AGREEMENTS, IN A FORM APPROVED BY THE CITY ATTORNEY

WHEREAS, the City of Modesto provides its employees with employee and dependent health insurance coverage, and

WHEREAS, the City was faced with large increases from existing medical insurance carriers for 2017 medical plan renewals and sought alternative options, and

WHEREAS, the Employee Benefits Advisory Committee (EBAC) consisting of representatives from each of the City's bargaining groups reviewed all options and made recommendations to City management regarding health insurance coverage for Plan Year 2017, and

WHEREAS, the City received a proposal from Peter C. Foy and Associates for group medical insurance for an overall rate increase to our Kaiser plans of 9.83% and a decrease of 25.59% to our Premium PPO plan, and

WHEREAS, the City received a rate guarantee from Peter C. Foy and Associates for a zero percent increase for Plan Year 2018 and a not-to-exceed five percent (5%) increase for Plan Year 2019, and

WHEREAS, the EBAC recommended, and City Management agreed, to replace existing medical carriers with Peter C. Foy and Associates, and

WHEREAS, the City's self-insured dental and vision plan designs and administration will remain the same.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves an agreement between the City of Modesto and Peter C. Foy & Associates Insurance Services, Inc. for participation in group medical insurance coverage for an initial one-year period, with option for rate guarantees in years two and three, starting plan year 2017.

BE IT FURTHER RESOLVED that the Council hereby approves the continuation of dental and vision coverage through the City's self-insured programs.

BE IT FURTHER RESOLVED that the Deputy City Manager is hereby authorized to serve as the coordinator for the various plans.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute all necessary agreements relating to employee and dependent health care as set forth herein, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of October, 2016, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-428

RESOLUTION ACCEPTING THE 2016 COPS HIRING PROGRAM (CHP) IN THE AMOUNT OF $1,500,000 FROM THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY ORIENTED POLICING, FOR FUNDING OF TWELVE POLICE OFFICER POSITIONS FOR THREE YEARS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE NECESSARY GRANT DOCUMENTS

WHEREAS, the U.S. Department of Justice, Office of Community Oriented Policing Services (COPS Office), solicited applications for the COPS FY 2016 COPS Hiring Program (CHP) which provides funding directly to law enforcement agencies to hire and/or rehire career law enforcement officers in an effort to increase their community policing capacity and crime prevention efforts, and

WHEREAS, on October 3, 2016, the City of Modesto received notification from the United States Department of Justice, Office of Community Oriented Policing Services (COPS) Office that the City of Modesto will receive funding twelve Police Officer positions, and

WHEREAS, the 2016 CHP grant will cover up to 75 percent of the approved entry-level salary and fringe benefits of each newly-hired and/or rehired, full-time sworn career law enforcement officer over the three-year (36 months) grant period, with a minimum 25 percent local cash match requirement and maximum federal share of $125,000 per officer position over three years, and

WHEREAS, CHP grant funding will be based on each agency's current entry-level salary and fringe benefits for full-time sworn officers and any additional costs for higher than entry-level salaries and fringe benefits will be the responsibility of the grantee agency, and

WHEREAS, the total grant award amount is $4,560,162 for three years (Total federal share is $1,500,000 (32.9%) and there is a required local share of $3,060,162 (67.1%), and

WHEREAS, grantees must retain any COPS-funded officer positions awarded under the COPS grant for a minimum of 12-months following the 36-month federal funding period for each position, and

WHEREAS, the mandatory 12-month retention is estimated at $1,871,124 bringing the total cost to the City of Modesto impact to $4,931,286 over the four years of the grant and retention period, and

WHEREAS, the retained COPS-funded positions should be added to the Police Department's budget with state and/or local funds, over and above the number of locally-funded positions that would have existed in the absence of the grant.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the COPS Hiring Program (CHP) Grant in the amount of $1,500,000, from the U.S. Department of Justice, Office of Community Oriented Policing, to fund twelve Police Officer positions for three years.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the necessary grant documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of October, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-429

RESOLUTION AMENDING THE FISCAL YEAR 2016/2017 OPERATING BUDGET, ESTIMATING REVENUE OF $1,418,182, AND APPROPRIATING FUNDS IN ORGANIZATION 1342-19382 UPON ACCEPTANCE OF THE COPS HIRING PROGRAM GRANT

WHEREAS, the U.S. Department of Justice, Office of Community Oriented Policing Services (COPS Office), solicited applications for the COPS FY 2016 COPS Hiring Program (CHP) which provides funding directly to law enforcement agencies to hire and/or rehire career law enforcement officers in an effort to increase their community policing capacity and crime prevention efforts, and

WHEREAS, on October 3, 2016, the City of Modesto received notification from the United States Department of Justice, Office of Community Oriented Policing Services (COPS) Office that the City of Modesto will receive funding for twelve Police Officer positions, and

WHEREAS, the 2016 CHP grant will cover up to 75 percent of the approved entry-level salary and fringe benefits of each newly-hired and/or rehired, full-time sworn career law enforcement officer over the three-year (36 months) grant period, with a minimum 25 percent local cash match requirement and maximum federal share of $125,000 per officer position over three years, and

WHEREAS, CHP grant funding will be based on each agency's current entry-level salary and fringe benefits for full-time sworn officers and any additional costs for higher than entry-level salaries and fringe benefits will be the responsibility of the grantee agency, and

WHEREAS, the total grant award amount is $4,560,162 for three years (Total federal share is $1,500,000 (32.9%) and there is a required local share of $3,060,162 (67.1%), and

WHEREAS, grantees must retain any COPS-funded officer positions awarded under the COPS grant for a minimum of 12-months following the 36-month federal funding period for each position, and

WHEREAS, the mandatory 12-month retention is estimated at $1,871,124 bringing the total cost to the City of Modesto impact to $4,931,286 over the four years of the grant and retention period, and

WHEREAS, the retained COPS-funded positions will be added to the Police Department's budget with state and/or local funds, over and above the number of locally-funded positions that would have existed in the absence of the grant.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2016/2017 Operating Budget is hereby amended estimating revenue and expenses of $1,418,182 as indicated on the **attached Exhibit A.**

BE IT FURTHER RESOLVED that the Finance Director, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of October, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Necessary Budget Adjustments for COPS Hiring Program Grant

Fund	Cost Center	Account	Amount	
0100	19320	51401	(805,682.00)	Budget Only - Salary Adjustment - New Position
0100	19320	51901	(612,500.00)	Budget Only - Benefit Adjustment - New Position
0100	70100	71342	354,545.00	Transfer Out to Fund 1342
1342	19382	51401	805,682.00	Budget Only - Salary Adjustment - New Position
1342	19382	51901	612,500.00	Budget Only - Benefit Adjustment - New Position
1342	19382	60100	354,545.00	Transfer In from Fund 0100
1342	19382	42040	1,063,637.00	Intergov - Federal - Department of Justice

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-430

Print

RESOLUTION AMENDING THE POSITION ALLOCATION FOR FISCAL YEAR 2016/2017 AS ADOPTED IN THE OPERATING BUDGET TO ALLOCATE TWELVE POLICE OFFICER POSITIONS AS A RESULT OF THE 2016 COPS HIRING PROGRAM GRANT

WHEREAS, a Position Allocation for the City of Modesto was adopted by Modesto City Council on June 28, 2016, as part of the Annual Budget of the City of Modesto for Fiscal Year 2016-2017, and

WHEREAS, the Modesto Police Department received notification on October 3, 2016, of a grant award in the amount of $1,500,000 for the 2016 COPS Hiring Program Grant through the U.S. Department of Justice for the partial funding for twelve (12) entry level Police Officers, and

WHEREAS, the additional Police Officer allocations will be effective the first full pay period following Council adoption, (Pay Period beginning November 1, 2016), and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Position Allocation and the Fiscal Year 2016-17 Operating Budget to increase the total number of sworn Police Officers to 165 from 153.

The foregoing resolution was adopted at a regular meeting of the Council of the City of Modesto held on the 25th day of October, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-431

RESOLUTION AMENDING THE POSITION ALLOCATION FOR FISCAL YEAR 2016-17 AS ADOPTED IN THE POLICE DEPARTMENT OPERATING BUDGET

WHEREAS, a Position Allocation for the City of Modesto was adopted by Modesto City Council on June 28, 2016, as part of the Annual Budget of the City of Modesto for Fiscal Year 2016-2017, and

WHEREAS, the Modesto Police Department was authorized additional allocations through the Fiscal Year 2016-2017 budget modification process, and

WHEREAS, position changes will be effective the first full pay period following Council adoption, (Pay Period beginning November 1, 2016), and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Position Allocation and the Fiscal Year 2016-17 Operating Budget for various departments as follows:

1. Allocate six (6) Police Officers in the Field Operations Division of the Police Department.
2. Allocate two (2) Police Sergeants in the Field Operations Division of the Police Department.
3. Allocate two (2) Police Lieutenants in the Field Operations Division of the Police Department.
4. Allocate one (1) additional Police Officer in the Field Operations Division of the Police Department to achieve 240 sworn staff.

The foregoing resolution was adopted at a regular meeting of the Council of the City of Modesto held on the 25th day of October, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-432

RESOLUTION AMENDING THE PARKING FEE STRUCTURE FOR SINGLE SPACE VEHICLES TO $1 PER HOUR, 24 HOURS PER DAY, AS A PILOT PROGRAM TO DETERMINE THE IMPACT ON EVENING PATRONAGE OF DOWNTOWN BUSINESSES, AND RESCINDING RESOLUTION NO. 2007-359

WHEREAS, Section 3-2.1601 of the Modesto Municipal Code provides that the City Council may from time to time establish and designate municipal off-street parking facilities in the City by resolution of the Council, and

WHEREAS, Section 3-2.1602 of the Modesto Municipal Code provides that the hours and days upon which the operation of off-street parking facilities shall be effective shall be established from time to time by resolution of the Council, and

WHEREAS, Section 3-2.1603 of the Modesto Municipal Code provides that the rates for use of off-street parking facilities shall be established from time to time by resolution of the Council, and

WHEREAS, by Resolution No. 2007-359, Council established the current parking rates, and

WHEREAS, the Healthy Economy Committee met on September 14, 2016 and discussed changing the parking fee structure in an effort to help revitalization of the downtown area and,

WHEREAS, the evening businesses support the recommendation of a one year pilot program that would decrease the evening parking fee rates for all city off-street parking facilities with the understanding that at the end of the one year pilot program, staff will study and report the fiscal impact of the pilot program and

RESCINDED

OCT 3 2017

THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2017-393

WHEREAS, the Healthy Economy Committee, as well as staff, supports the recommendation of the following parking fee structure:

SECTION I. GARAGE PARKING FACILITIES.

(1) The following municipal garage parking facilities are: Eleventh Street Garage (Lot 28) west side of 11th Street between I and J Streets;

(2) Ninth Street Garage (Lot 43) west side of 9lh Street between K and L Streets;

(3) Tenth Street Garage (Lot 44) west side of 11th Street between J and K Streets

(a) Vehicular parking on said parking facilities shall be controlled and regulated as follows:

(1) A $1 per hour, 24 hours per day, 7 days per week (up to a possible daily maximum of $12). Customers entering and exiting between 6 pm and 6 am will have an evening maximum fee of $5 for single space vehicles. The 24-hour period maximum fee will remain at $12 unless validated in accordance with the provisions of Section 3.2.1604.

(2) Flat fee pre-pay entry charges will continue to be utilized for large events for safety and efficiency of ingress and egress in the parking facilities as deemed necessary by the Parking Supervisor.

(3) Replacement of a lost ticket will remain at the daily maximum fee of $12.

(b) The price for validation stamps to be used with the validation system on said garage parking facilities, as provided by Section 3-2.1604 of the Modesto Municipal Code, will remain at $107 for a book of one hundred stamps.

(c) The Parking Supervisor may designate spaces in said garage parking facilities for the free parking of bicycles. When appropriate signs are erected, bicycles may be parked in such areas without charge.

(d) Monthly parking passes may be authorized by the Parking Supervisor at said garage parking facilities when it does not encroach on the needs of commercial parking and/or other parking agreements. The monthly charges for such passes for the three parking garages (Lots 28, 43 and 44) shall be as follows: $60 for 2007, $62 for 2008, $64 for 2009, $66 for 2010, $68 for 2011, $70 for 2012, $72 for 2013, $74 for 2014, $76 for 2015, $78 for 2016, and $80 for 2017.

(e) From time to time, the promoters of special events have the need to use the entire first floor of the Eleventh Street parking garage for their events. The charges for such "buy-out" rentals shall be $225 per 24-hour period or portion thereof.

(f) In order to accommodate patrons who are unable to locate a parking space, a twenty -minute free grace period shall be allowed.

SECTION 2. SURFACE PARKING LOTS.

(a) For the purposes of this section, municipal off-street parking facilities shall continue to be defined as those that are equipped with automated collection devices and/or are staffed. Parking lots described in Section 3 below shall be excluded.

(b) Vehicular parking on said parking facilities shall be controlled and regulated as follows:

(1) $1 per hour, 24 hours per day, 7 days per week (up to a possible daily maximum of $12). Customers entering and exiting between 6 pm and 6 am will have an evening maximum fee of $5 for single space vehicles. The 24-hour period maximum fee

will remain at $12 unless validated in accordance with the provisions of Section 3.2.1604

(2) Flat fee pre-pay entry charges will continue to be utilized for large events for safety and efficiency of ingress and egress in the parking facilities as deemed necessary by the Parking Supervisor.

(c) The price for validation stamps to be used with the validation system on said garage parking facilities, as provided by Section 3-2.1604 of the Modesto Municipal Code, shall be $107 for a book of one hundred stamps.

(d) The Parking Supervisor may designate spaces in said parking facilities for the free parking of bicycles. When appropriate signs are erected, bicycles may be parked in such areas without charge.

(e) Monthly parking passes may be authorized by the Parking Supervisor for any surface parking lot when it does not encroach on the needs of commercial parking. The monthly charges for such passes shall be as follows: \$60\ for 2007; \$62\ for 2008; \$64\ for 2009; \$66\ for 2010; \$68\ for 2011; \$70\ for 2012; \$72\ for 2013; \$74\ for 2014, \$76\ for 2015; \$78\ for 2016; and, \$80\ for 2017.

(f) Recreational Vehicles (RVs) may be allowed to park on surface lots as designated by the Parking Supervisor. The charges per 24- hour period, or portion thereof, shall be \$20.\

(g) Buses and commercial trucks may be allowed to park on surface lots as designated by the Parking Supervisor. The charges per twenty-four hour period, or portion thereof, shall be \$30.\

(h) From time to time, the promoters of special events have the need to use an entire surface lot for their event. The charges for such "buy-out" rentals shall be $550 for the

surface lot at 10th and H (110 spaces), $275 for the surface lot at 9th and I (55 spaces), $210 for the surface lot at 9th and J (42 spaces), $225 for the first floor of the Eleventh Street garage (45 Spaces), and $750 for the Centre Plaza surface lot (150 spaces). In addition, a discount of $1 per space shall be provided at the Centre Plaza lot when the rental of the Centre Plaza lot is in conjunction with an event at the Modesto Centre Plaza. In that case, the rate will be $600, with $75 of that amount going to the Centre Plaza operating fund.

(i) Additional surface parking facilities and/or hours of operation, including weekends, may be authorized by the Parking Supervisor as appropriate to meet parking needs, comply with existing agreements, or allow for collection of fees for special events.

SECTION 3. FREE PARKING LOTS.

(a) The following municipal off-street parking facilities shall be free parking lots:

(1) Lot 13, north side of H Street between 15th and 16th Streets (Modesto Stanislaus Library);

(2) Lot 15, east side of 11th Street between F and G Streets (north of Fire Station #1); and

(3) Lot 16, east side of 11th Street between F and G Streets (south of Fire Station #1).

SECTION 4. DISABLED PERSONS.

Notwithstanding any other provision of this resolution, disabled persons, as defined in Section 22511.5 of the California Vehicle Code, displaying a distinguishing license plate or distinguishing placard issued pursuant to Section 22511.5 of the California Vehicle Code may park free in any of the municipal off-street parking

facilities specified in this resolution, except in reserved parking spaces.

SECTION 5. JURY PARKING.

Persons ordered to appear for jury duty may park exclusively in the municipal off-street parking facility on the east side of 8th Street between K and L streets in compliance with the fees and regulations specified in this resolution.

NOW THEREFORE BE IT RESOLVED by Council of the City of Modesto that it hereby approves amending the parking fee structure for single space vehicles to $1 per hour, 24 hours per day, as a pilot program to determine the fiscal impact to the parking program as well as possible influence on evening patronage of the downtown businesses.

BE IT FURTHER RESOLVED that Resolution No. 2007-359 is hereby rescinded and replaced by this new parking fee structure effective 30 days from the date of the adoption of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of October, 2016, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-433

RESOLUTION ABANDONING SYDNEY STREET SOUTH OF JENNIE STREET (E & J GALLO WINERY)

WHEREAS, a verified application by the E & J Gallo Winery on behalf of Gallo Glass Company and G3 Enterprises requesting the full abandonment of Sydney Street south of Jennie Street was received by the City of Modesto on July 7, 2016, a copy of which is **attached** hereto as **Exhibit A** and shown in **Exhibit B**, and incorporated herein by reference, and

WHEREAS, California Streets and Highways Code Section 8320 et seq. prescribes the procedures to vacate public right-of-way, and

WHEREAS, a title report was submitted with the vacation request which discloses that fee title of the street right-of-way is vested in Gallo Glass and G3 Enterprises, the proponents of the vacation, and

WHEREAS, the proposed vacation has been referred to affected City departments and local utility companies, and no objection to the proposed vacation has been received, and

WHEREAS, Government Code Section 65402(a) requires that prior to vacating a public right-of-way, the Planning Commission shall make a determination as to whether the vacation is consistent with the General Plan, and

WHEREAS, a hearing was held by the Planning Commission on September 12, 2016, in the Tenth Street Chambers, located at 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered

regarding whether the proposed vacation conforms to the City's Urban Area General Plan, and

WHEREAS, by Planning Commission Resolution No. 2016-14, the Planning Commission rendered a report finding that the proposed vacation is in conformance with the Modesto Urban Area General Plan, and

WHEREAS, a duly noticed public hearing was held by the Council of the City of Modesto on Tuesday, October 25, 2016, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, and

WHEREAS, notices no more than 300 feet apart were posted along the line of the proposed right-of-way to be vacated for two successive weeks prior to the hearing, and notice was published in the Modesto Bee for two successive weeks prior to the hearing, per California Streets & Highways Code Sections 8323 and 8322, respectively, and,

WHEREAS, all things and acts necessary to be done as required by California Streets and Highways Code Sections 8300 through 8363: Public Streets, Highways and Service Easements Vacation Law, in order to vacate the subject right-of-way have been done and accomplished,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto finds and determines as follows:

1. The street to be abandoned is not necessary to serve present or future traffic needs in the area.
2. The street to be abandoned is considered a local street and is not designated as collector street or higher in the Circulation Element of the General Plan; therefore, the street abandonment is in conformance with the General Plan.
3. That Environmental Assessment No. EA C&ED 2016-20 determined that the potential environmental effects of the vacation are adequately

addressed within the context of the previously adopted General Plan Master EIR.

BE IT FURTHER RESOLVED that the Council hereby approves the reservation of a ten-foot-wide public utility easement along the Jennie Street frontage of the abandonment area as required by the utility company and the City Engineer or designee.

BE IT FURTHER RESOLVED that the Council hereby orders and declares the abandonment of Sydney Street South of Jennie Street.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of October, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Stephanie Lopez
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Adam Lindgren
ADAM U. LINDGREN, City Attorney

APPROVED AS TO LEGAL DESCRIPTION:

By: Patrick Kelly
Community & Economic Development Department
Planning Division

Exhibit "A"

EXHIBIT A

LEGAL DESCRIPTION
TO VACATE PUBLIC RIGHT-OF-WAY

All that portion of Sydney Street (originally known as Maple Street) as shown on the map of "Grainger's Addition to Modesto", filed in Book 1 of Maps, at Page 17, Stanislaus County Records, lying in a portion of Section 33, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, being more particularly described as follows:

BEGINNING at the northeast corner of Block A as shown on said map; thence south, along the east line of said Block A, a distance of 175.00 feet, to a point on the north line of that portion of Sydney Street vacated by Instrument No. 88069443 of Official Records; thence east, along said north line, a distance of 60.00 feet, to the southwest corner of Lot 23 of Block 1 as shown on said map; thence north, along the west line of said Block 1, a distance of 175.00 feet, to the northwest corner of said Block 1; thence west, a distance of 60.00 feet, to the point of beginning.

Containing a total of 10,500 square feet, more or less.

Reserving an easement for public utilities over and across the northerly 10.00 feet.

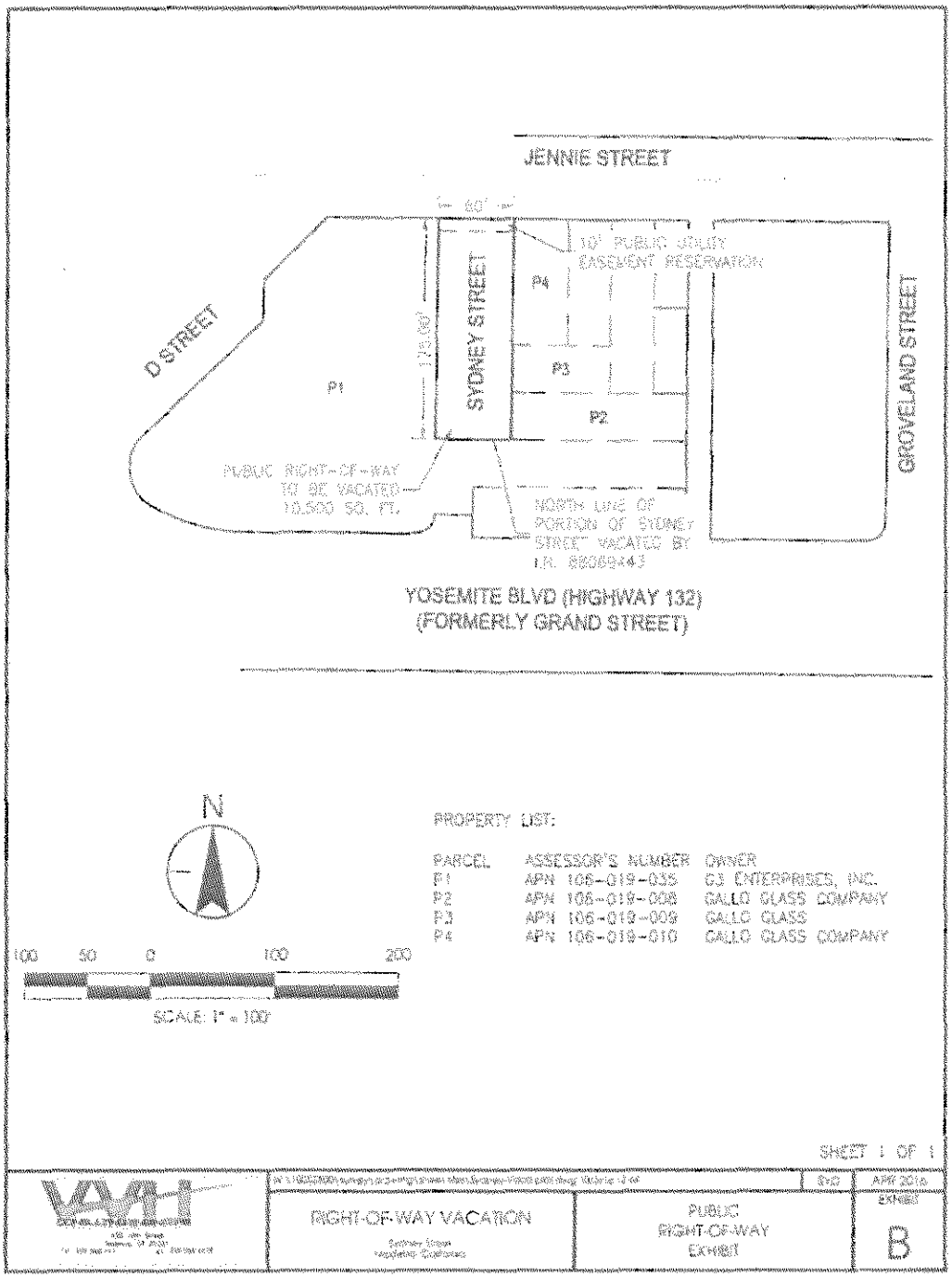
See Exhibit B attached hereto and made a part hereof.

LICENSED LAND SURVEYOR
MICHAEL
HALTERMAN
Exp. 6-30-17
No. 5040
STATE OF CALIFORNIA

3oct16

Exhibit "B"

Vacated Property **Exhibit**



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MODESTO CITY COUNCIL
RESOLUTION NO. 2016-434

RESOLUTION FINDING THAT THE FOLLOWING SUBSEQUENT PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 2007072023): ABANDONMENT OF SYDNEY STREET, SOUTH OF JENNIE STREET (E & J GALLO WINERY)

WHEREAS, on October 14, 2008, the City Council of the City of Modesto certified the Final Master Environmental Impact Report ("Master EIR") (SCH No. 2007072023) for the Modesto Urban Area General Plan, and

WHEREAS, the E & J Gallo Winery has proposed the abandonment of Sydney Street south of Jennie Street, and

WHEREAS, pursuant to Section 21157.1 of the Public Resources Code, the City of Modesto's Community & Economic Development Department prepared an Environmental Assessment Initial Study EA/C&ED 2016-20 ("Initial Study") which analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the report, and

WHEREAS, in accordance with CEQA guidelines beginning on October 5, 2016, the City caused to be published a 20-day notice of the City's intent to make a finding that the subsequent project conforms with the Master EIR, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on October 25, 2016, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed

street abandonment, a copy of which is **attached** hereto as **Exhibit "A"**, and incorporated herein by reference, and based on substantial evidence in the Initial Study makes the following findings:

1. An Initial Study was prepared by the City of Modesto that analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the report.

2. The subsequent project will have no additional significant effect on the environment, as defined in subdivision (d) of Section 21158 of the Public Resources Code, that was not identified in the Master EIR.

3. No new or additional mitigation measures or alternatives are required.

4. The subsequent project is within the scope of the project covered by the Master EIR.

5. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

6. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community & Economic Development Director is hereby authorized and directed to file a notice of approval or determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of October, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT A

Initial Study

EA/C&ED 2016-20

City of Modesto

Finding of Conformance to General Plan Master EIR:

Initial Study Environmental Checklist
C&ED No. 2016-20

For the proposed:

ABD-16-001
Abandonment of 175-Ft of Right-of-Way of Sydney Street south of Jennie Street

Prepared by:
City of Modesto
Community & Economic Development Department
Planning Division

August 15, 2016

Updated: September 2013

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City of Modesto
Master EIR Initial Study Environmental Checklist

I. PURPOSE

CEQA allows for the limited environmental review of subsequent projects under the City's Master Environmental Impact Report ("Master EIR" or "MEIR"). This Initial Study Environmental Checklist ("Initial Study") is used in determining whether the Abandonment of 175-ft Right-of-Way of Sydney Street south of Jennie Street ("Street Abandonment") is "within the scope" of the project analyzed in the Modesto Urban Area General Plan Master EIR (SCH# 2007072023) (Public Resources Code section 21157.1). When the Initial Study supports this conclusion, the City will issue a finding of conformance.

A subsequent project is "within the scope" of the Master EIR when:

1. it will have no additional significant effects on the environment that were not addressed as significant effects in the Master EIR; and

2. no new or additional mitigation measures or alternatives are required.

"Additional significant effects" means a project-specific effect that was not addressed as a significant effect in the Master EIR. [Public Resources Code Section 21158(d)]

The determination must be based on substantial evidence in the record. "Substantial evidence" means facts, reasonable assumptions predicated upon facts, or expert opinion based on facts. It does not include speculation or unsubstantiated opinion. (CEQA Guidelines Section 15384)

II. PROJECT DESCRIPTION

A. Title: ABD-16-001—Abandonment of 175-ft Right-of-Way of Sydney Street south of Jennie Street

B. Address or Location: Sydney Street south of Jennie Street, NE Corner of Block "A" of the Grainger Addition to the City of Modesto, Book 1 of Maps at Page 17, Stanislaus County Records.

C. Applicant: E&J Gallo Winery (Drew Layland); 600 Yosemite Blvd., Modesto, CA 95354

D. City Contact Person: Katharine Martin, Associate Planner

Project Manager: Katharine Martin, Associate Planner
Department: Community and Economic Development, Planning Division
Phone Number: 209-577-5465
E-mail address: kamartin@modestogov.com

E. Current General Plan Designation(s): Redevelopment Planning District (RPD)

F. Current Zoning Classification(s): Neighborhood Commercial (C-1) Zone; Light Industrial (M-1) Zone; Professional Office (P-O) Zone

G. Surrounding Land Uses:

North: Medium-High Density Residential (R-3) Zone; State of California Department of Motor Vehicles (DMV) office

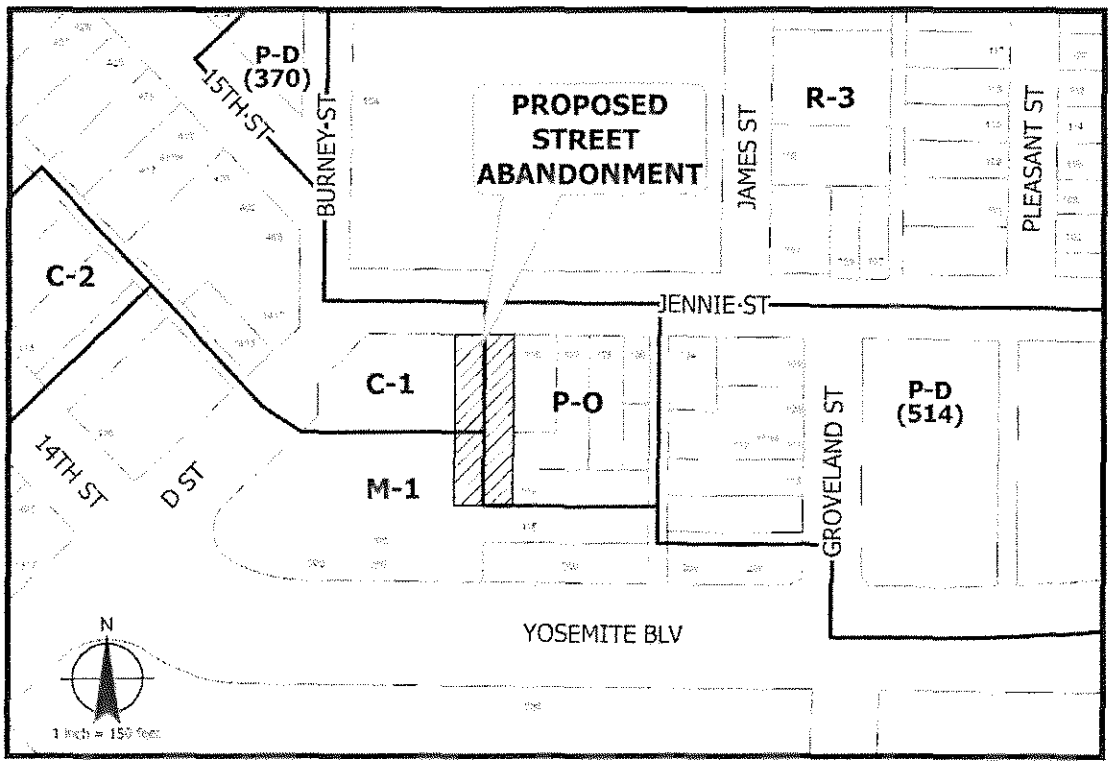
South: Light Industrial (M-1) Zone; Gallo Winery operations buildings

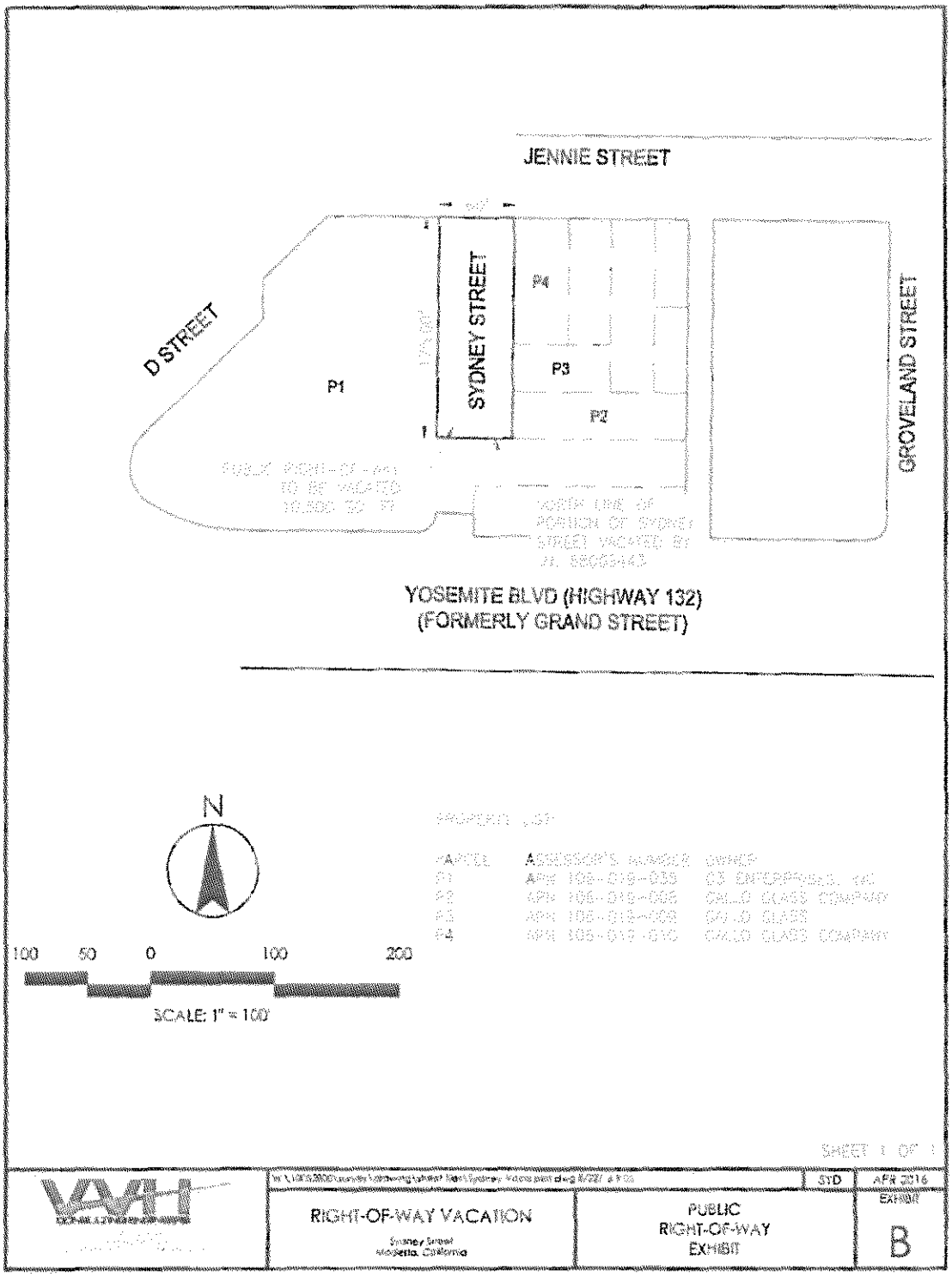
East: Professional Office (P-O) Zone; Gallo Winery operations building, vacant land

West: Neighborhood Commercial (C-1) Zone; AG Science Center administrative office

H. Project Description, including the project type listed in Section II.C (Anticipated Future Projects) of the Master EIR (Attach additional maps/support materials as needed for complete record):

Applicant proposes the full abandonment of the remaining 175-feet of right-of-way of Sydney Street, a local dead-end street south of Jennie Street, to facilitate enclosing an existing parking lot adjacent to the street with new fencing and access gates. The Sydney Street right-of-way to be abandoned would become the parking lot entrance. The southerly 78-feet of Sydney Street was previously abandoned in the early 1990's with the realignment of Yosemite Boulevard/CA-132. This proposal would abandon the remaining 175-foot portion of Sydney Street as it exists south of Jennie Street. No utilities are known to exist in the right-of-way to be abandoned. Any future development as a result of the abandonment is to be by separate application.





I. Other Public Agencies Whose Approval is Required: None.

III. FINDINGS/DETERMINATION (SELECT ONE ON THE BASIS OF THE ANALYSIS IN SECTION IV)

1. _X_ **Within the Scope** - The project is within the scope of the Master EIR and no new environmental document or Public Resources Code Section 21081 findings are required. All of the following statements are found to be true:

   A. The subsequent project will have no additional significant effect on the environment, as defined in subdivision (d) of Section 21158 of the Public Resources Code, that was not identified in the Master EIR.

   B. No new or additional mitigation measures or alternatives are required.

   C. The subsequent project is within the scope of the project covered by the Master EIR.

   D. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

   E. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

2. ____ **Mitigated Negative Declaration Required** - On the basis of the above determinations, the project is not within the scope of the Master EIR. A mitigated negative declaration will be prepared for the project. The following statements are all found to be true:

   A. The subsequent project is within the scope of the project covered by the Master EIR.

   B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

   C. The project will have one or more potential new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures are being required of the project that will reduce the effects to a less-than-significant level.

   D. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

3. ____ **Focused EIR Required-** On the basis of the above determinations, the project is not within the scope of the Master EIR. A Focused EIR will be prepared for the project. All of the following statements are found to be true:

   A. The subsequent project is within the scope of the project covered by the Master EIR.

B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

C. The project will have one or more new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures or alternatives are required as a result.

D. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

_____	Associate Planner	September 1, 2016
Project Manager	Title	Date

4. Within the Scope Analysis of this Document:

The Master EIR allows projects to be found within the scope of the MEIR if certain criteria are met. If the following statements are found to be true for all 21 impact categories included in this Initial Study, then the proposed project is addressed by the MEIR analysis and is within the scope of the MEIR. Any "No" response must be discussed.

		YES	NO
(1)	The lead agency for subsequent projects shall be the City of Modesto or a responsible agency identified in the Master EIR.	☒	☐
(2)	City policies which reduce, avoid, or mitigate environmental effects will continue to be in effect and, therefore, would be applied to subsequent projects where appropriate. The policies are described in the list of policies in place and mitigation measures attached to the Initial Study template. Project impacts would be mitigated to a less-than-significant level using MEIR mitigations only.	☒	☐
(3)	Federal, State, regional, and Stanislaus County regulations do not change in a manner that is less restrictive on development than current law (i.e., would not offer the same level of protection assumed under the Master EIR).	☒	☐
(4)	No specific information concerning the known or potential presence of significant resources is identified in future reports, or through formal or informal input received from responsible or trustee agencies or other qualified sources.	☒	☐
(5)	The development will occur within the boundaries of the City's planning area as established in this Urban Area General Plan.	☒	☐
(6)	Development within the project will comply with all appropriate mitigation measures contained and enumerated in the 2008 General Plan Master EIR.	☒	☐

5. Currency of the Master EIR Document

The MEIR should be reviewed on a regular basis to determine its currency, and whether additional analysis/mitigation should be incorporated into the MEIR via a Supplemental or Subsequent EIR (CEQA Section 21157.6). Staff has reviewed Sections 1 through 21 of this document in light of the criteria listed below to determine whether the MEIR is current. The analysis contained within the Master EIR is current as long as the following circumstances have not changed. Any "no" response must be explained.

		YES	**NO**
(1)	Certification of the General Plan Master EIR occurred less than five years prior to the filing of the application for this subsequent project.	☐	☒
(2)	This project is described in the Master EIR and its approval will not affect the adequacy of the Master EIR for any subsequent project because the City can make the following findings:	☒	☐
(a)	No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified.	☒	☐
(b)	No new information, which was not known and could not have been known at the time the Master EIR was certified as complete, has become available.	☒	☐
(c)	Policies remain in effect which require site-specific mitigation, and avoidance or other	☒	☐

	mitigation of impacts as a prerequisite to future development.		

Discussion:

(1) The General Plan Master EIR was certified on October 14, 2008, so more than five years has passed since the MEIR was certified. However, the analysis contained in the MEIR is still adequate for subsequent projects, as documented in the discussion below.

(2) The project is consistent with the analysis contained in the MEIR. This is documented in the discussion of the individual issue areas of this initial study.

(2)(a) There have been no substantive changes to the General Plan since the MEIR was certified that would create additional significant environmental effects that were not analyzed by the MEIR.

(2)(b) There has been no new information that would affect the adequacy of the analysis contained in the MEIR.

(2)(c) All policies contained in the MEIR that require site-specific mitigation or avoidance of impacts remain in effect and will be applied to the project as appropriate.

IV. ENVIRONMENTAL ANALYSIS

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, discloses whether the proposed project may cause any project-specific significant effect on the environment that was not examined in the Final Master EIR (MEIR) for the General Plan and whether new or additional mitigation measures or alternatives may be required as a result. The Initial Study thereby documents whether or not the project is "within the scope" of the Master EIR.

Pursuant to Public Resources Code Section 21157.1, no new environmental document or findings are necessary for projects that are determined to be within the scope of the MEIR. Adoption of the findings specified in Section III.1, above after completion of the Initial Study fulfills the City's obligation in that situation.

All environmental effects cited reflect 2025 conditions resulting from the Urban Area General Plan, as identified in the Master EIR.

The environmental impact analysis in the Master EIR for the Urban Area General Plan is organized in twenty-one subject areas. The following analysis is based on the impact analyses contained in Chapter V of the Master EIR. For ease of reference, the sections are numbered in the same order as the analyses in Chapter V.

1. TRAFFIC AND CIRCULATION

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable traffic and circulation impacts expected after application of mitigations/policies:

Direct Impacts

Effect: Increased automobile traffic will result in roadway segments (see MEIR on Table 1-7, pages V-1-32 to V-1-34) operating at LOS D, Modesto's significance threshold for automobile traffic, or lower (LOS E or F).

Effect: The substantial increase in traffic relative to the existing load and capacity of the street system will cause, either individually or cumulatively, the violation of automobile service standards established by StanCOG's Congestion Management Plan for designated roads and highways.

Effect: A substantial increase in automobile vehicle miles traveled and automobile vehicle hours of travel and a decrease in average automobile vehicle speed (see MEIR Table 1-6, page V-1-31).

Cumulative Impacts

Effect: Potential for growth inducement or acceleration of development resulting from highway and local road projects.

Effect: Substantial increase in traffic in relation to the existing traffic load and capacity of the street system, including a violation, either individually or cumulatively, of an automobile LOS standard established by the Congestion Management Plan for designated roads and highways.

Effect: Increased demand for capacity-enhancing alterations to existing roads or automobile traffic reduction.

Other impact categories affected by Traffic and Circulation are addressed throughout this Initial Study (see also Section 2, Degradation of Air Quality; Section 3, Generation of Noise; Section 7 Loss of Sensitive Wildlife and Plant Habitat; Section 8, Disturbance of Archaeological/Historic Sites; Section 14 Increased Demand for Fire Services; Section 18, Energy; Section 19, Visual Resources; Section 20, Land Use and Planning, and Section 21, Climate Change).

b. Master EIR and/or New Mitigation Measures Applied to the Project

Traffic and Circulation mitigation measures pertinent to this project are found on MEIR pages V-1-9 through V-1-28. All mitigation measures appropriate to the project, including any new measures, will be incorporated into or made conditions of approval of this project and are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

The project does not require mitigation measures from the MEIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-1.B of the Master EIR provides analysis of Traffic and Circulation impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: A subsequent development project will have a new significant effect on the environment if it would exceed the following criteria:

	Potentially Significant Impact	**Less Than Significant with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
1. TRAFFIC AND CIRCULATION				
1) The proposed project exceeds traffic generation assumptions in the Master EIR for the site by 100 trips or more and City Engineering and Transportation staff has determined that the project would have additional potentially significant project-specific effects that are not avoided or reduced by the Master EIR's mitigation measures.	☐	☐	☐	☒
2) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☒
3) The proposed project would cause additional roadway segments in the General Plan area to exceed LOS D and/or cause additional violations of standards in the Congestion Management Plan, and/or cause an increase in automobile vehicle miles or vehicle hours of travel or a decrease in automobile travel speed, as compared to the impacts disclosed in the Master EIR.	☐	☐	☐	☒
4) The proposed project would cause emergency response times to exceed acceptable standards established by the Fire Department, as compared to impacts disclosed in the Master EIR (see Section 14, Increased Demand for Fire Services).	☐	☐	☐	☒
5) The proposed project would result in less parking than required by the Municipal Code or as determined by staff.	☐	☐	☐	☒
6) The proposed project would conflict with adopted policies, plans, or programs that support alternative transportation, including, but not limited to the Regional Transportation Plan, the Sustainable Communities Strategy, the Bicycle Action Plan, and so on.	☐	☐	☐	☒
7) The proposed project would result in an increase in automobile vehicle miles traveled on a per capita basis, in excess of that considered in the Urban	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Area General Plan MEIR.				

Discussion:

(1) The project would abandon the remaining 175-feet of a local dead-end street south of another local street, and would not cause an increase in traffic. The proposed street abandonment is consistent with the General Plan land use policies. The site is within the Baseline Developed Area of the City and is within the area designated as Redevelopment Planning District (RPD) in the City's General Plan.

(2) The project would not exceed a level of service standard established by the county congestion management agency for designated roads or highways.

(3) The proposed street abandonment would not cause an increase in level of service for the adjacent streets or conflict with any Congestion Management Plans, or cause an increase in vehicle miles or hours traveled.

(4) Police and Fire staff have reviewed the proposal and indicated no concerns with response times to the project site.

(5) The project would not displace parking spaces or result in less parking than what is required by the Modesto Municipal Code.

(6) The project has been reviewed by Traffic, Planning and Transit staff, who indicated no concerns. The project would not conflict with any adopted plans for alternative transportation.

(7) The project would not result in an increase in vehicle miles traveled in excess of what was considered by the General Plan MEIR.

2. DEGRADATION OF AIR QUALITY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable air quality impacts expected after application of mitigations/policies:

Direct Impacts

Effect: Expected automobile traffic will result in increased operational emissions of reactive organic gases (ROG) and oxides of nitrogen (NO_X) (see MEIR Table 2-8, page V-2-27).

Effect: Expected automobile traffic will result in increased emissions of particulate matter 10 microns or less (PM_{10}) and 2.5 microns or less in diameter ($PM_{2.5}$) (see MEIR Table 2-8, page V-2-27).

Effect: Expected automobile traffic will result in increased carbon monoxide (CO) levels in the project area (see MEIR Table 2-7, page V-2-26, and Table 2-8, page V-2-27).

Cumulative Impacts

The Master EIR indicates the same impacts identified as direct impacts above will contribute to regional impacts on air quality for the criteria pollutants ROG, NO_x, PM_{10}, and $PM_{2.5}$.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Air quality mitigation measure(s) pertinent to the proposed project are found on pages V-2-13 through V-2-24 of the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures regarding air quality from the MEIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-2.B of the Master EIR is the analysis of air quality impacts resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
2. DEGRADATION OF AIR QUALITY				
1) The proposed project exceeds the project-level emissions thresholds established for CO, ROG, NO_x, PM_{10}, and $PM_{2.5}$ by the San Joaquin Valley Air Pollution Control District (SJVUAPCD) and is not consistent with the development assumptions for the project site, as established in the Urban Area General Plan and Master EIR.	☐	☐	☐	☒
2) The proposed project does not incorporate the best management practices established by the SJVAPCD for CO, ROG, NO_x, PM_{10}, and $PM_{2.5}$.	☐	☐	☐	☒
3) The proposed project does not comply with the air quality policies in the Modesto Urban Area General Plan.	☐	☐	☐	☒
4) The proposed project would expose sensitive receptors to pollutant concentrations in excess of those expected to occur as a result of	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
implementation of the Urban Area General Plan.				
5) The proposed project would create objectionable odors affecting a substantial number of people.	☐	☐	☐	☒

Discussion:

(1-2) The project proposes the abandonment of an existing 175-foot street segment of Sydney Street, to enclose an existing adjacent parking lot and utilize the abandoned street as a new driveway entrance. Any future development as a result of the abandonment will be by separate application. The site is within the Baseline Developed Area and the Redevelopment Planning District (RPD) of the General Plan.

(3) The proposed street abandonment would not conflict with any air quality policies in the General Plan.

(4-5) The proposed street abandonment would not expose sensitive receptors to pollutants nor create objectionable odors.

3. GENERATION OF NOISE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable noise impacts expected after application of mitigations/policies:

Direct Impacts

Effect: Future automobile traffic noise levels and roadway construction and maintenance activities resulting from development of the Urban Area General Plan will exceed the City's noise thresholds at various locations, but particularly in areas adjacent to heavily traveled roadways (see MEIR Table 3-3, page V-3-10, and Figure VII-2 and Table 3-6, pages V-3-18 and V-3-19).

Effect: Expected noise from airport operations and airport construction projects may expose up to 468 dwellings and three churches to noise levels of 65 dB CNEL and up to eight dwellings to noise levels of 70 dB CNEL.

Effect: Expose noise-sensitive land uses to noise from the construction of bicycle and transit projects.

Effect: Expose noise-sensitive land uses to noise from freight and passenger rail operations.

Cumulative Impacts

Effect: Traffic from development in the City of Modesto would, when combined with traffic from new development in the County and other cities, contribute to a cumulative increase in roadside noise levels on major roads and highways throughout Stanislaus County.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Noise policies and mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-3-11 through V-3-15 of the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project and any new measures are listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures regarding noise from the MEIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-3.B of the MEIR discloses noise impacts resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not analyzed in the Master EIR.

Significance Criteria: Determination of the proposed project's effects are based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
3. GENERATION OF NOISE				
1) The proposed project will exceed the standards for noise level and hours of operation established by the Modesto noise ordinance.	☐	☐	☐	☒
2) The proposed project will not comply with the noise policies of, or otherwise be inconsistent with, the Modesto Urban Area General Plan.	☐	☐	☐	☒
3) The proposed project will result in an increase in ambient noise levels in the project vicinity above those disclosed in the Master EIR.	☐	☐	☐	☒
4) The proposed project will result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels disclosed in the Master EIR implementation of the Urban Area General Plan.	☐	☐	☐	☒

Discussion:

(1-4) The project proposes the abandonment of an existing 175-foot street segment of Sydney Street, to enclose an existing adjacent parking lot and utilize the abandoned street as a new driveway entrance. Any future development as a result of the abandonment will be by separate application. The proposed street abandonment would not exceed standards for

noise level, nor cause an increase of ambient noise or result in a substantial temporary increase in ambient noise levels.

4. EFFECTS ON AGRICULTURAL LANDS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on agricultural lands expected after application of mitigations/policies:

Direct Impacts

Effect: Between 1995 and 2025, development of the Urban Area General Plan may convert up to approximately 26,000 acres of farmland in various categories in the Planned Urbanizing Area to urban uses.

Effect: Approximately 1,200 acres of urban development along a 28.5-mile boundary 350 feet wide between urban and agricultural uses could be affected by continued agricultural operations, including noise, dust, and chemical overspray or drift.

Cumulative Impacts

Effect: Growth within Modesto's planning area would contribute considerably to the loss of agricultural land within Stanislaus County, accounting for the conversion of as much as approximately 26,000 acres of farmland in various categories in the Planned Urbanizing Area from 1995 to 2025.

b. Master EIR and/or New Mitigation Measures Pertinent to the Project

Agricultural land mitigation measures pertinent to the proposed project are found on pages V-4-6 to and V-4-8 of the Master EIR. All mitigation measures appropriate to the project and any new mitigation to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-4.B of the Master EIR discloses the impacts resulting from the implementation of the Urban Area General Plan on agricultural lands. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
4. EFFECTS ON AGRICULTURAL LANDS				
1) The proposed project is inconsistent with the Urban Area General Plan's policies relating to agricultural land.	☐	☐	☐	☒
2) The proposed project will either directly or indirectly result in the development of land outside the 2008 Urban Area General Plan's planning area boundary.	☐	☐	☐	☒
3) The proposed project will conflict with existing zoning for agricultural use, or there is an existing Williamson Act contract on the project site.	☐	☐	☐	☒
4) The proposed project will involve other changes in the existing environment not anticipated in the Master EIR which, due to their location or nature, could result in conversion of farmland to non-agricultural use.	☐	☐	☐	☒

Discussion:

(1) The proposed street abandonment is consistent with the General Plan land use policies. The project site is within the urbanized area of the City. No agricultural land will be converted as a result of the project.

(2) The site is within the Baseline Developed Area of the City and therefore will not result in the development of land outside the 2008 planning area boundaries.

(3) The site is not zoned for agriculture nor is it under Williamson Act contract.

(4) The area surrounding the proposed street abandonment is developed and will not involve changes to the existing environment that could result in the conversion of farmland to non-agricultural uses.

5. INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on long-term water supplies expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts have been disclosed in the Master EIR.

Cumulative Impacts

Effect: Operational yields of the Modesto and Turlock subbasins, both of which underlie the City of Modesto, are unknown, although the City is participating in a study with the United States Geological Survey in order to quantify the operational yields of both subbasins. Groundwater withdrawals from both basins by the City, when combined with other users' withdrawals, may result in overdrafting both subbasins.

Effect: Despite available options, during drought years, significant water shortages are forecast for the San Joaquin River basin, which includes both the Modesto and Turlock subbasins, by 2020. Modesto would make a cumulatively considerable contribution to the cumulative impact on water supply under drought conditions.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Water supply mitigation measures pertinent to the proposed project are found on pages V-5-6 through V-5-12 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-5.B of the Master EIR discloses impacts on long-term water supplies resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
5. INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES				
1) The proposed project is inconsistent with water supply policies in the Urban Area General Plan.	☐	☐	☐	☒
2) Water demand for the proposed project will exceed estimates for similar projects or for development on the project site anticipated in the Urban Area General Plan or sufficient water supplies are not otherwise available to serve the project from existing entitlements and resources.	☐	☐	☐	☒
3) The proposed project would deplete groundwater supplies to a greater degree than anticipated in the Urban Area General Plan or would interfere with	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
groundwater recharge.				

Discussion:

(1) The proposed street abandonment would not be inconsistent with the water supply policies in the General Plan.

(2) The proposal is to abandon an existing 175-foot street segment of Sydney Street, to enclose an existing adjacent parking lot and utilize the abandoned street as a new driveway entrance. Any future development as a result of the abandonment to be by separate application. Water demand for the proposal would not be impacted.

(3) The proposed street abandonment is consistent with the land uses and water demands assumed in the General Plan. The proposal would not have a significant effect on ground water recharge or depletion of long-term water supplies.

6. INCREASED DEMAND FOR SANITARY SEWER SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on sanitary sewer services after application of mitigations/policies:

Direct Impacts

Effect: Development resulting from implementation of the Urban Area General Plan will require substantial new sewage treatment and disposal capacity, treatment plant improvements, sewer mains and collection lines, and pump stations. The Wastewater Master Plan anticipates the need for these facilities and its EIR evaluates the impact of developing those facilities. Potential impacts include degradation of water quality through erosion and chemical releases; localized flooding; construction noise; exposure of construction workers and the public to hazardous materials; and on the habitat of the elderberry longhorn beetle, burrowing owl, and Swainson's hawk, as well as certain other regulated habitats. All of these impacts are mitigated to a less-than-significant level.

Additional impacts that are not mitigated to a less-than-significant level include loss of farmland cause by construction of the Phase IA tertiary treatment facility at the Jennings Road Secondary Treatment Facility, an increase in pollutant loads from increased wastewater flows to the San Joaquin River, and an increase in noise and criteria air pollutants due to construction activities, including traffic.

Cumulative Impacts

Effect: No additional cumulative impacts were identified in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Sewer service mitigation measures pertinent to the proposed project are found on pages V-6-3 through V-6-8 of the Master EIR. All mitigation measures appropriate to the project to be

incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-6.B of the Master EIR discloses impacts on the Increased Demand for Sanitary Sewer Service resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
6. INCREASED DEMAND FOR SANITARY SEWER SERVICES				
1) The proposed project is inconsistent with wastewater policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project will generate sewage flows greater than those anticipated in the Urban Area General Plan for the project site.	☐	☐	☐	☒
3) The proposed project will result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments.	☐	☐	☐	☒

Discussion:

(1) The proposed street abandonment would not be inconsistent with the water supply policies in the General Plan.

(2) The proposed street abandonment will not generate sewage flows greater than those anticipated in the Urban Area General Plan for the project site.

(3) The proposal will not generate sewage flows. There are no existing sewer lines in the roadway to be abandoned.

7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on sensitive wildlife and plant habitat expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant impacts on sensitive wildlife and plan habitat are expected to occur with the application of the policies contained in the Urban Area General Plan.

Cumulative Impacts

Effect: Implementation of the Urban Area General Plan will contribute to the cumulative impact of habitat loss in the San Joaquin Valley. Requiring density development than has occurred in the past or that is expected in the future would minimize the City's contribution to the cumulative loss of habitat. Nonetheless, this is a significant and unavoidable impact.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Wildlife and plant habitat mitigation measures pertinent to the proposed project are found on pages V-7-17 through V-7-24 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-7.B of the Master EIR discloses impacts on the Loss of Sensitive Wildlife and Plant Habitat resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT				

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1) The project is inconsistent with the policies pertaining to the loss of sensitive wildlife and plant habitat contained in the Urban Area General Plan.	☐	☐	☐	☒
2) Consultation with the California Department of Fish and Game or the U.S. Fish and Wildlife Service determines that the project would have a significant effect on a candidate, sensitive, or special status species in excess of the impact disclosed in the Master EIR.	☐	☐	☐	☒
3) The proposed project would have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption, or other means, in excess of the impact disclosed in the Master EIR.	☐	☐	☐	☒
4) The proposed project would substantially interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.	☐	☐	☐	☒
5) Conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	☐	☐	☐	☒
6) The proposed project would conflict with provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.	☐	☐	☐	☒

Discussion:

(1) The street abandonment is consistent with the General Plan policies related to the loss of sensitive wildlife and plant habitat.

(2) The site of the street abandonment is not a biologically sensitive site as defined by Figures V-7-1a through V 7-1e of the MEIR. The California Department of Fish and Game and the U.S. Fish and Wildlife Service were consulted in the production of the MEIR.

(3) The site does not qualify as a federally protected wetland per Section 404 of the Clean Water Act.

(4) The site is not a biologically sensitive area as defined by Figures V-7-1a through V 7-1e of the MEIR. The movement of fish or birds or other wildlife would not be significantly affected by the project.

(5) The street abandonment would not conflict with any local policies or ordinances protecting biological resources.

(6) There is no conflict with any adopted habitat conservation plan, natural community conservation plan, or other approved local, regional or state habitat conservation plan.

8. DISTURBANCE OF ARCHAEOLOGICAL/HISTORICAL SITES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on archaeological/historical sites expected after application of mitigations/policies:

Direct Impacts

Effect: Modification resulting in a substantial adverse change in the significance of a historic resource or the demolition of a listed or eligible historic resource.

Effect: The modification or demolition of a structure more than 50 years in age may be significant.

Effect: Discovery of archaeological resources in areas outside of the riparian corridors, as a result of construction activities.

Effect: Construction in an area of high archaeological sensitivity.

Cumulative Impacts

Effect: No additional cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Archaeological or historic mitigation measures pertinent to the project being analyzed in this Initial Study are found on page V-8-16 through V-8-20 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project:

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-8.B of the MEIR discloses impacts on archaeological/historical resources resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
8. DISTURBANCE OF ARCHAEOLOGICAL/ HISTORICAL SITES				
1) The proposed project is inconsistent with the archaeological/historical resource policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would demolish a building eligible for listing as a historic resource or remove a landmark from the Modesto inventory.	☐	☐	☐	☒
3) The proposed project would modify or demolish a structure more than 50 years in age.	☐	☐	☐	☒
4) The project would adversely affect a cultural resource that is either listed or eligible for listing in the California Register of Historical Resources.	☐	☐	☐	☒
5) Conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	☐	☐	☐	☒

Discussion:

(1) The proposed street abandonment is consistent with the archeological and historical resource policies in the General Plan.

(2-3) The project proposes the abandonment of an existing 175-foot street segment of Sydney Street, to enclose an existing adjacent parking lot and utilize the abandoned street as a new driveway entrance. No buildings are proposed to be demolished, and no City landmarks exist at the site. Any development that would occur as a result of the abandonment would be by separate application.

(4) The project would not affect a resource that is listed or eligible for listing in the California Register of Historic Resources.

(5) The project does not conflict with local policies affecting biological resources.

9. INCREASED DEMAND FOR STORM DRAINAGE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on storm drainage expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: The population of Stanislaus County is projected to increase in a fashion similar to that of Modesto, resulting in additional urban development and associated increases in impervious surface area and associated increases in storm water runoff. Cumulative hydrologic impacts of storm water flows from Modesto urban areas and other areas of the County could occur due to the fixed capacity of MID and TID irrigation canals to convey drainage west to the San Joaquin River. If drainage channels in some areas prove insufficient to handle the increased drainage discharges, existing storm water runoff from urban and agricultural areas during large storm events would have to be interrupted until water levels receded to a point allowing the resumption of discharges to the channel. Ceasing discharges to drainage channels could cause inundation in and around the drainage conveyance pipeline systems, surface drainage channels, detention basins, and other urban areas. This cumulative impact is considered significant and unavoidable.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Storm Drainage mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-9-4 through V-9-9. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project:

Discussion:

There are no applicable mitigation measures from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-9.B of the MEIR discloses impacts on the demand for storm drainage resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
9. INCREASED DEMAND FOR STORM DRAINAGE				
1) The proposed project is inconsistent with the storm drainage policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would substantially	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
increase the rate or amount of surface runoff in a manner that would result in flooding on- or offsite, as compared to impacts anticipated to result from the Urban Area General Plan or create substantial unanticipated sources of polluted runoff.				
3) The proposed project does not utilize Low Impact Development strategies to reduce runoff from the site and increase infiltration, resulting in no net increase in runoff before and after development.	☐	☐	☐	☒

Discussion:

(1) The proposed street abandonment is consistent with the storm drainage policies in the Urban Area General Plan.

(2) The proposal will not contribute additional water runoff that would exceed the capacity of the storm drainage system.

(3) The project proposes the abandonment of an existing 175-foot street segment of Sydney Street, to enclose an existing adjacent parking lot and utilize the abandoned street as a new driveway entrance. Any future development as a result of the abandonment will be by separate application.

10. FLOODING AND WATER QUALITY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on flooding and water quality expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Flooding and Water Quality mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-10-6 through V-10-9 of the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project:

Discussion:

There are no applicable mitigation measures from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-10.B of the Master EIR provides analysis of Flooding and Water Quality impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
10. FLOODING AND WATER QUALITY				
1) The proposed project is inconsistent with the flooding and water quality policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project does not comply with the regulatory requirements of the federal Clean Water Act or the State Porter-Cologne Act.	☐	☐	☐	☒
3) The proposed project would place more housing within a 100-year flood hazard zone than assumed in the Urban Area General Plan.	☐	☐	☐	☒
4) The proposed project would place structure within a 100-year flood hazard area so that they would impede or redirect floodwater or would substantially alter the existing on-site drainage pattern or a watercourse, in such a way as to cause flooding on- or offsite.	☐	☐	☐	☒
5) The proposed project does not comply with Modesto's Guidance Manual for New Development Storm Water Quality Control Measures.	☐	☐	☐	☒
6) The proposed project would violate water quality standards or waste discharge requirements.	☐	☐	☐	☒
7) The proposed project would substantially alter the existing drainage pattern of the site or area or a watercourse in a manner that would result in substantial erosion or siltation on- or offsite in excess of the assumptions of the Urban Area General Plan.	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
8) The proposed project would create or contribute runoff, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff, not expected as part of Urban Area General Plan implementation.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the flooding and water quality policies in the General Plan.

(2) The project would comply with the Federal Clean Water Act and the Porter Cologne Act requirements.

(3-5) The site is not located within a 100-year flood plain. The proposal is for the abandonment of an existing local street for use as the entrance to an existing parking lot. Any future development as a result of the abandonment will be by separate application.

(6) The proposed abandonment would not violate water quality standards or waste discharge requirements.

(7) The project would not substantially alter the existing drainage pattern of the site, area or a watercourse in a manner that would result in erosion or siltation.

(8) The project will not contribute additional water runoff that would exceed the capacity of the storm drainage system or provide substantial additional sources of polluted runoff.

11. INCREASED DEMAND FOR PARKS AND OPEN SPACE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on parks and open space expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Parks and open space mitigation measures pertinent to the proposed project are found on pages V-11-3 through V-11-9 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project:

Discussion:

There are no applicable mitigation measures from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-11.B of the MEIR discloses impacts of the Urban Area General Plan on parks and open space. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
11. INCREASED DEMAND FOR PARKS AND OPEN SPACE				
1) The proposed project is inconsistent with the parks and open space policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would eliminate parks or open space.	☐	☐	☐	☒
3) The proposed project would cause an increase in the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility in question would occur or be accelerated or the proposed project would include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the parks and open space policies in the General Plan.

(2-3) The street abandonment will not impact parks or open space, nor cause an increase in the use of existing parks. The proposal is for the abandonment of an existing local street for use as the entrance to an existing parking lot.

12. INCREASED DEMAND FOR SCHOOLS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on school facilities expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR. By statute, the impact of new students is considered to be mitigated below a level of significance by payment of school impact fees and the exercise of any or all of the financing options set out in Government Code Section 65997.

Cumulative Impacts

Effect: Similar to direct impacts of implementation of the Urban Area General Plan, no residual significant direct impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Mitigation relies upon the implementation of the policies in place under the Modesto Urban Area General Plan. As long these policies are applied to all subsequent projects, no new mitigation is necessary. Further, payment of school impact fees and compliance with SB 50 is statutorily deemed to be full mitigation of school impacts (Government Code Section 65995).

The following schools mitigation measures on pages V-12-5 through V-12-7 of the Master EIR are pertinent to the proposed project. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures are listed in Section V, Mitigation Applied to Project.

Discussion:

There are no applicable mitigation measures from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-12.B of the Master EIR discloses impacts resulting from implementation of the Urban Area General Plan associated with increased demand for schools. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
12. INCREASED DEMAND FOR SCHOOLS				
1) The proposed project is inconsistent with the policies relating to schools in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project does not comply with SB 50/Proposition 1A funding provisions, or succeeding measures which state that compliance results in less-than-significant impacts on schools.	☐	☐	☐	☒

Discussion:

(1) The project proposes the abandonment of a dead-end street, which would not conflict with the policies relating to school in the Urban Area General Plan.

(2) The project would not conflict with SB50/Proposition 1A funding provisions, or succeeding measures.

13. INCREASED DEMAND FOR POLICE SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on police services expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Police services mitigation measures pertinent to the proposed project are found on pages V-13-2 through V-13-5 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

There are no applicable mitigation measures from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-13.B of the Master EIR discloses impacts on police services resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
13. INCREASED DEMAND FOR POLICE SERVICES				
1) The proposed project is inconsistent with policies relating to police services in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would result in the need for new or significantly altered facilities not considered as part of the Urban Area General Plan or Master EIR which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the policies relating to police services in the General Plan.

(2) The proposed abandonment would not result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives. Conversion of the street to a parking lot entrance as a result of the abandonment will meet City Standards for emergency services access.

14. INCREASED DEMAND FOR FIRE SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on fire services expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Fire Services mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-14-4 through V-14-7 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

There are no applicable mitigation measures from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-14.B of the Master EIR discloses impacts on fire services resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
14. INCREASED DEMAND FOR FIRE SERVICES				
1) The proposed project is inconsistent with the fire service policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would result in the need for new or significantly altered facilities not considered as part of the Urban Area General Plan or Master EIR which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives.	☐	☐	☐	☒
3) The proposed project, based upon substantial evidence, would cause the erosion or elimination of fire protection services in adjoining fire protection districts.	☐	☐	☐	☒

Discussion:

(1) The proposed abandonment is consistent with the fire service policies in the General Plan.

(2) The project would not result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives.

(3) The proposed abandonment would not cause the erosion or elimination of fire protection services. Conversion of the street to a parking lot entrance as a result of the abandonment will meet City Standards for emergency services access.

15. GENERATION OF SOLID WASTE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on solid waste expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Solid waste mitigation measures pertinent to the proposed project are found on pages V-15-4 through V-15-7 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.

Discussion:

There are no applicable mitigation measures from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-15.B of the Master EIR discloses solid waste impacts resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
15. GENERATION OF SOLID WASTE				
1) The project is inconsistent with the solid waste policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The County is unable to expand its solid waste disposal capacity, as expected, causing all new development to result in cumulative impacts on the County's disposal capacity.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the solid waste policies in the General Plan.

(2) The proposed abandonment would not cause an impact to the disposal capacity of solid waste facilities in the County.

16. GENERATION OF HAZARDOUS MATERIALS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts regarding hazardous materials expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Hazardous materials mitigation measures pertinent to the proposed project are found on pages V-16-8 through V-16-13 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

There are no applicable mitigation measures from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-16.B of the Master EIR discloses impacts on hazardous materials resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
16. GENERATION OF HAZARDOUS				

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
MATERIALS				
1) The project is inconsistent with the hazardous materials policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.	☐	☐	☐	☒
3) The proposed project would be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would create a significant hazard to the public or the environment.	☐	☐	☐	☒
4) The proposed project would be constructed on a contaminated site not known to the State of California as of March 2008.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the hazardous materials policies in the General Plan.

(2) The street abandonment does comply with all applicable federal, state, and county standards and regulations relative to the handling, storage, disposal, and transport of hazardous or toxic materials or wastes. (No hazardous materials will be involved with this project).

(3) The project would not be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would not create a significant hazard to the public or the environment.

(4) The project site is not known to contain any contaminants.

17. GEOLOGY, SOILS, AND MINERAL RESOURCES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts related to geology, soils, and mineral resources expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Geology, soils, and mineral resource mitigation measures pertinent to the proposed project are found on pages V-17-9 and V-17-10 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of the proposed project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

There are no applicable mitigation measures from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-17.B of the Master EIR discloses geology, soils, and mineral resource impacts resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
17. GEOLOGY, SOILS, AND MINERAL RESOURCES				
1) The project is inconsistent with policies relating to geology, soils, and mineral resources contained in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would expose people or structures to potential substantial adverse effects including the risk off loss, injury, or death involving fault rupture, strong seismic activity; location on an expansive soil; result in the loss of topsoil; location on soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater; result in the loss of known mineral resources that would be of value to the region and the state; or result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.	☐	☐	☐	☒

Discussion:

(1) The street abandonment is consistent with policies relating to geology, soils, and mineral resources in the General Plan.

(2) The street abandonment would not be located on soil that is unstable, or that would become unstable as a result of the project. There are no known mineral resources of value to the region and the state on the property.

18. ENERGY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to energy expected after application of mitigations/policies:

Direct Impacts

Effect: Continued development in the Planned Urbanizing Area would have an impact on available energy supplies. Energy consumption likely would increase substantially by 2025 as a result of implementation of the Urban Area General Plan.

Cumulative Impacts

Effect: Implementation of the Urban Area General Plan will have a cumulatively considerable impact on energy consumption.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following energy mitigation measures pertinent to the proposed project are found on pages V-18-2 through V-18-8 in the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:

There are no applicable mitigation measures from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on energy resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
18. ENERGY				

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1) The proposed project is inconsistent with policies relating to energy in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would result in energy consumption during construction, operation, maintenance, or removal that is more wasteful, inefficient, and unnecessary than assumed in the Urban Area General Plan.	☐	☐	☐	☒

Discussion:

(1) The street abandonment is consistent with the energy policies in the General Plan.

(2) The street abandonment would not result in energy consumption during construction, operation, maintenance or removal that is more wasteful, inefficient and unnecessary than assumed in the General Plan.

19. EFFECTS ON VISUAL RESOURCES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on visual resources expected after application of mitigations/policies:

Direct Impacts

Effect: New development in the Planned Urbanizing Area will occur in areas that are in agricultural production or are otherwise lightly developed, which could lead to the introduction of light and glare in areas that have little nighttime illumination.

Cumulative Impacts

Effect: No additional cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following visual resources mitigation measures pertinent to the proposed project are found on pages V-19-3 and V-19-4 in the Master EIR. All mitigation measures appropriate to the proposed project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:

There are no applicable mitigation measures from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on energy resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
19. EFFECTS ON VISUAL RESOURCES				
1) The proposed project is inconsistent with policies relating to visual resources in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would degrade views from riverside areas and parks to a greater degree than assumed in the Urban Area General Plan.	☐	☐	☐	☒
3) The proposed project would degrade views of riverside areas from public roadways and nearby properties to a greater degree than assumed in the Urban Area General Plan.	☐	☐	☐	☒

Discussion:

(1) The street abandonment is consistent with the policies relating the visual resources in the General Plan.

(2-3) The proposal would not impact views from riverside areas and parks, nor would degrade views of riverside areas and parks from public roadways.

20. LAND USE AND PLANNING

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to land use and planning expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following land use and planning mitigation measures pertinent to the proposed project are found on pages V-20-6 through V-20-17 in the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:

There are no applicable mitigation measures from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-20.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on land use and planning. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
20. LAND USE AND PLANNING				
1) The proposed project is inconsistent with land use and planning policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project contains elements that would physically divide an established community in a way not assumed in the Urban Area General Plan.	☐	☐	☐	☒
3) The proposed project conflicts with a land use plan, policy or regulation established for the purpose of avoiding or mitigating an environmental impact by an agency that has jurisdiction over the proposed project.	☐	☐	☐	☒
4) The proposed project conflicts with an applicable habitat conservation plan or natural community conservation plan.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the Redevelopment Planning District (RPD) land use designation in the General Plan.

(2) The proposed abandonment would not divide an established community. The street to be abandoned is currently a dead-end street and is sparsely used by traffic other than employees and visitors to the existing parking areas it fronts. The abandonment is proposed to facilitate the construction of a fence and access gate to the parking areas.

(3) The project is consistent with the land use plan, policies and regulations of the City of Modesto designed to mitigate project impacts.

(4) The project does not conflict with applicable habitat conservation plans or natural community conservation plans.

21. CLIMATE CHANGE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to climate change expected after application of mitigations/policies:

Direct Impacts

Effect: Impacts resulting from implementation of the Urban Area General Plan are not substantial enough to result in a significant direct impact on climate change, as disclosed in the Master EIR.

Cumulative Impacts

Effect: Implementation of the Urban Area General Plan will have a cumulatively considerable impact on climate change.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following climate change mitigation measures pertinent to the proposed project are found on pages V-21-7 through V-21-10 in the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:

There are no applicable mitigation measures from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on climate change. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
21. CLIMATE CHANGE				
1) The proposed project is inconsistent with policies relating to climate change in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would result in average automobile trip lengths or CO_2 emissions higher than those assumed in the Master EIR.	☐	☐	☐	☒
3) The proposed project would conflict with the Sustainable Communities Strategy or Alternative Planning Strategy that the Air Resources Board has agreed will achieve the goals of AB 32.	☐	☐	☐	☒

Discussion:

(1) The proposed street abandonment is consistent with the policies relating to climate change in the Urban Area General Plan. The project would not have a significance effect on climate change.

(2) The proposed abandonment is for a street segment that is currently a dead-end that is sparsely used by traffic other than visitors and employees to the existing parking lots it fronts. The abandonment of the street would not affect automobile trip lengths or CO_2 emissions.

(3) A Sustainable Communities Strategy has not yet been implemented by the ARB. Future development will be required to comply with the provisions of the Sustainable Communities Strategy once it is established.

V. MITIGATION MEASURES APPLIED TO THE PROPOSED PROJECT

If the Initial Study results in the determination that a Finding of Conformance can be adopted for the proposed project Section A below applies. If the Initial Study results in the determination that a Finding of Conformance cannot be adopted and a Mitigated Negative Declaration/EIR must be prepared for the project then Section B, below applies.

A. Master EIR Mitigation Measures Applied to the Project

Pursuant to Public Resources Code Section 21157.1(c), in order for a Finding of Conformance to be made, all appropriate mitigation measures from the Master EIR shall be incorporated into the proposed project. Urban Area General Plan Policies/Master EIR mitigation measures shall be made part of the proposed project prior to approval by means of conditions of project approval or incorporation into the appropriate document or plan.

All applicable and appropriate mitigation measures have been applied to the project (see mitigation measures listed below).

B. New or Additional Mitigation Measures or Alternatives Required

Where the project's effects would exceed the significance criteria for each environmental impact category, a mitigated negative declaration or Focused EIR must be prepared. Staff has reviewed the project against the significance criteria thresholds established in the Master EIR for all impact categories in this Initial Study.

A Mitigated Negative Declaration or Focused EIR shall be prepared for the project. The following additional project-specific mitigation measures listed below are necessary to reduce the identified new significant effect:

Traffic and Circulation:

N/A

Degradation of Air Quality:

N/A

Generation of Noise:

N/A

Effects on Agricultural Lands:

N/A

Increased Demand for Long-Term Water Supplies:

N/A

Increased Demand for Sanitary Sewer Services:

N/A

Loss of Sensitive Wildlife and Plant Habitat:

N/A

Disturbance of Archaeological/Historic Sites:

N/A

Increased Demand for Storm Drainage:

N/A

Flooding and Water Quality:

N/A

Increased Demand for Parks and Open Space:

N/A

Increased Demand for Schools:

N/A

Increased Demand for Police Services:

N/A

Increased Demand for Fire Services:

N/A

Generation of Solid Waste:

N/A

Generation of Hazardous Materials:

N/A

Geology, Soils, and Mineral Resources:

N/A

Energy:

N/A

Effects on Visual Resources:

N/A

Land Use and Planning:

N/A

Climate Change:

N/A

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-435

RESOLUTION OPPOSING PROPOSITION 57, THE PUBLIC SAFETY AND REHABILITATION ACT OF 2016

WHEREAS, the City of Modesto considers it appropriate to oppose actions or initiatives at local, state, and federal levels that could jeopardize the public safety, and

WHEREAS, Proposition 57, known as the Public Safety and Rehabilitation Act of 2016, has qualified for the November 8, 2016 General Election ballot in California, and

WHEREAS, Proposition 57 is intended to ease over-crowding in prisons, incentivize rehabilitation and provide leniencey to inmates who avail themselves of meaningful rehabilitation opportunities, and

WHEREAS, Proposition 57 attempts to establish a more reasoned approach for our court system in its disposition of juvenile offenders, as well as standardize and streamline procedures for establishing an offenders' eligibility for parole, and

WHEREAS, notwithstanding the objectives of Proposition 57, California has experienced increased and sustained property crime in the aftermath of the 2011 public safety realignment and the passage of Proposition 47 in 2014, leading to an increasing number of crimes being treated as misdemeanors, aggravating a pre-existing shortage of beds in county jails, and resulting in an increasing number of offenders being at liberty on the streets of California's cities, and

WHEREAS, according to the Los Angeles Times, violent crime in California rose in California by 10% in 2015, a figure corroborated by crime statistics maintatined by the California Department of Justice, which indicate that over 15,000 more violent crimes occurred in California in 2015 than in 2014, and

WHEREAS, Proposition 57 would potentially lead to early release for offenders convicted of "non-violent crimes", many of which seem more properly categorized as violent, including throwing acid with the intent to disfigure, and discharging a firearm from a motor vehicle, to name a few, and this triggers concerns that offenders which committed offenses widely regarded as violent will be provided undue leniency, and

WHEREAS, Proposition 57 could increase the likelihood of parole for persons convicted of "non-violent" felonies aftercompleting the full term for his or her primary offense, and by disqualifying earned enhancements, and

WHEREAS, the passage of Proposition 57 may result in undetermined but negative consequences to public safety and well-being for California's cities and residents alike, and

WHEREAS, no City funds would be spent opposing Proposition 57.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby opposes Proposition 57 the Public Safety and Rehabilitation Act of 2016.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of October, 2016, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-436

RESOLUTION AUTHORIZING THE AWARD OF BID AND APPROVING A FIVE YEAR AGREEMENT FOR LANDSCAPE MAINTENANCE SERVICES TO GROVER LANDSCAPE SERVICES, INC. FOR PARKS, RIGHT OF WAYS AND PUBLIC LANDSCAPING OWNED AND/OR MAINTAINED BY THE CITY OF MODESTO FOR AN ESTIMATED ANNUAL COST OF $1,670,587, TOTALING $8,352,935 OVER A FIVE YEAR PERIOD AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT IN A FORM APPROVED BY THE CITY ATTORNEY

WHEREAS, the City of Modesto's Public Works Department, Park Operation Services Division, provides landscape maintenance services to over 500 acres at 75 park sites totaling approximately 8,550,000 square feet, and to over 200 other landscaped sites including: public buildings, street medians, sound walls, traffic islands, right of ways and other miscellaneous sites, and

WHEREAS, funding for this maintenance is provided primarily by the City's General Fund, although a number of sites are funded from other sources including Tuolumne River Regional Park JPA, Parking Fund, Storm Drain Fund, and several Community Facility Districts, at an estimated annual cost of $1,670,587, and

WHEREAS, due to the expiration of the prior landscaping services agreement, the City Manager authorized the Purchasing Manager to issue Request for Proposal 1516-25 for Landscape Maintenance Services of City parks, landscape median walls, City buildings and Community Facility Districts, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of proposal and contract for landscape maintenance

services to Grover Landscape Services, Modesto, CA, conforms to the Modesto Municipal Code 8-3.203.

WHEREAS, on April 12, 2016, bids were formally opened in the City Clerk's office, and,

WHEREAS, of the nine prospective proposers solicited, Grover Landscape Services, Inc. and Terracare Associates were the two companies that chose to respond, and

WHEREAS, on June 1, 2016, an evaluation committee was formed which was comprised of three City Staff personnel and two outside technical experts from the City of Lodi and the City of Manteca to evaluate the two proposals. In addition, the City Risk Manager was appointed as an observer of the evaluation process, and

WHEREAS, the proposals were evaluated by the Committee based on the criteria of:

References (10 points), Management Plan (25 points), Technical Plan (20 points), Program Implementation (10 points), Proposed Equipment (10 points), and Cost (25 points).

WHEREAS, after a review of the proposals, the Committee determined that Grover Landscape Services, Inc. had garnered the most points.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it authorizing the award of bid, and approving a five year agreement for landscape maintenance services to Grover Landscape Services, Inc. for parks, right of ways, and public landscaping owned and/or maintained by the City of Modesto for an estimated

annual cost of $1,670,587, totaling $8,352,935 over a five year period, in a form approved by the City Attorney.

BE IT FURTHER RESOLVED, that the City Manager or his designee is authorized to execute the Agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of October, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-437

Print

RESOLUTION ACCEPTING THE RESIGNATION OF GREG MATAS FROM THE CITY OF MODESTO BOARD OF ZONING ADJUSTMENT

WHEREAS, Greg Matas was appointed to serve as a member of the Board of Zoning Adjustment (BZA) on May 5, 2011, and

WHEREAS, Greg Matas has tendered his resignation from the BZA.

NOW, THEREFORE, BE IT RESOLVED that the resignation of Greg Matas from the BZA hereby is accepted.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of November, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Madrigal

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-438

Print

RESOLUTION ACCEPTING THE RESIGNATION OF HELEN MIHALOPOULOS FROM THE CITY OF MODESTO'S CITIZEN'S HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE

WHEREAS, The Citizen's Housing and Community Development Committee was established to make policy and funding recommendations regarding the Community Development Block Grant, Emergency Solutions Grant, and HOME Investment Partnership Grant programs,; and

WHEREAS, December 15, 2015, by Resolution No. 2015-483, Helen Mihalopoulos was appointed to the City of Modesto's Citizen's Housing and Community Development Committee; and

WHEREAS, Helen Mihalopoulos submitted her resignation on September 29, 2016 as she will no longer be able to serve on the committee;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto accepts the resignation of Helen Mihalopoulos from the City of Modesto's Citizen's Housing and Community Development Committee

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of November, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Madrigal

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-439

A RESOLUTION APPOINTING JOE DURAN, DAVID WRIGHT, DAVID WHITE AND SANDRA LUCASH (CITIZENS-AT-LARGE) AND STEVE MADISON (AFFORDABLE HOUSING REPRESENSATIVE) TO THE COMPREHENSIVE FEES TASK FORCE.

WHEREAS, on June 28, 2016, the City Council, by Resolution No. 2016-277, approved the reconvening of the Comprehensive Fees Task Force, and

WHEREAS, Resolution No. 2016-277 approved the following voting membership: Healthy Economy Committee Member, Effective Government Committee Member, Representative of the Manufacturer's Council, Representative of the Building Industry Association, Representative of the Chamber of Commerce, four Citizens-at-Large, one Commercial Broker and one Affordable Housing Representative, and

WHEREAS, a press release was issued informing the public of the openings on Comprehensive Fees Task Force and instructing them how to apply; and

WHEREAS, a total of seven applications were submitted: two for the Commercial Broker seat, four for the Citizens-At-Large seats and one for the Housing Provider seat, and

WHEREAS, on October 13, 2016, the Appointments Committee considered the seven applications, and

WHEREAS, the Appointments Committee recommended Joe Duran, David Wright, David White and Sandra Lucas be appointed to the Citizens-at-Large seats and Steve Madison be appointed to the Affordable Housing Representative seat,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Joe Duran, David Wright, David White and Sandra Lucas be appointed to the

Citizens-at-Large seats and Steve Madison be appointed to the Affordable Housing Representative seat on the Comprehensive Fees Task Force.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of November, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Madrigal

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-440

A RESOLUTION APPOINTING BRIAN VELTHOEN (COMMERCIAL BROKER) TO THE COMPREHENSIVE FEES TASK FORCE.

WHEREAS, on June 28, 2016, the City Council, by Resolution No. 2016-277, approved the reconvening of the Comprehensive Fees Task Force, and

WHEREAS, Resolution No. 2016-277 approved the following voting membership: Healthy Economy Committee Member, Effective Government Committee Member, Representative of the Manufacturer's Council, Representative of the Building Industry Association, Representative of the Chamber of Commerce, four Citizens-at-Large, one Commercial Broker and one Affordable Housing Representative, and

WHEREAS, a press release was issued informing the public of the openings on Comprehensive Fees Task Force and instructing them how to apply, and

WHEREAS, a total of seven applications were submitted: two for the Commercial Broker seat, four for the Citizens-At-Large seats and one for the Housing Provider seat, and

WHEREAS, on October 13, 2016, the Appointments Committee considered the seven applications, and

WHEREAS, the Appointments Committee recommended Brian Velthoen be appointed to the Commercial Broker seat,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Brian Velthoen be appointed to the Commercial Broker seat on the Comprehensive Fees Task Force.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of November, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Grewal

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-441

Print

RESOLUTION ACCEPTING THE RESIGNATION OF LIDUVINA GONZALEZ FROM THE CITY OF MODESTO'S HOUSING AND REHABILITATION LOAN COMMITTEE

WHEREAS, the City of Modesto's Housing Rehabilitation Loan Committee was established to develop administrative procedures and policies for the City's housing rehabilitation loans and grants and its down payment assistance program, and

WHEREAS, it also has the authority to review and approve housing rehabilitation loans, funded through the Community Development Block Grant – Revolving Loan Fund, in an amount up to $60,000, and

WHEREAS, December 15, 2015 by Resolution No. 2015-484, Liduvina Gonzalez was appointed to the City of Modesto Housing Rehabilitation Loan Committee, and

WHEREAS, Liduvina Gonzalez submitted her resignation on October 13, 2016 as she is no longer able to serve on the committee.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Council accepts the resignation of Liduvina Gonzalez from the City of Modesto's Housing Rehabilitation Loan Committee.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of November, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-442

Print

RESOLUTION APPOINTING HANK POLLARD TO THE CITY OF MODESTO PLANNING COMMISSION

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions, and

WHEREAS, the Appointments Committee met on October 13, 2016 and recommended appointment of Hank Pollard to the Modesto Planning Commission.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. Hank Pollard is hereby appointed to the Modesto Planning Commission with a term expiration of January 1, 2021.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Modesto Planning Commission, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of November, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-443

RESOLUTION AUTHORIZING THE PROCUREMENT AND INSTALLATION OF ANTI-TAGGING SURVEILLANCE EQUIPMENT AND APPROVING A SOLE SOURCE AGREEMENT WITH CELPLAN TECHNOLOGIES, INC. RESTON, VA, FOR AN ESTIMATED COST OF $267,707

WHEREAS, the City selected Cel Plan Technologies as its video surveillance system provider through a formal procurement process by resolution No. 2008-033, and

WHEREAS, anti-tagging cameras will be deployed within water facilities, waste water facilities and the Pelandale Avenue Overpass Structure, and

WHEREAS, Adding cameras to the City's existing camera system provides the capability of monitoring newly deployed anti-tagging cameras from one single location, and

WHEREAS, based on maintaining a single system and source for monitoring camera activity, staff finds that the justification meets the City's sole source criteria as identified under the Modesto Municipal Code 8-3.204(b), and

WHEREAS, funds are budgeted in Fiscal Year 2016-17, in Appropriation Unit: 4100-45050-57004 (Utilities Fund) and #10046 (Pelandale Overpass Project Fund).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the procurement and installation of anti-tagging surveillance equipment and approving a sole source agreement with CelPlan Technologies, Inc. Reston, VA, for an estimated cost of $267,707;

BE IT FURTHER RESOLVED that the Purchasing Manager or his designee is authorized to issue a purchase order.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of November, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-444

Print

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE CODONI TRANSMISSION MAINS PROJECT, ACCEPTING THE BID, AND APPROVING A CONTRACT WITH D.A. WOOD CONSTRUCTION, INC., OF MODESTO, CA, IN THE AMOUNT OF $2,432,695, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, specifications have been prepared for the Codoni Transmission Mains Project, and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Codoni Transmission Mains Project were opened at 11:00 a.m. on September 27, 2016 for the consideration of the Council, and

WHEREAS, the Director of Utilities has recommended that the bid of $2,432,695 received from D.A. Wood Construction, Inc., be accepted as the lowest responsible and responsive bid and the contract be awarded to D.A. Wood Construction, Inc.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the specifications for Codoni Transmission Mains Project, accepts the bid of $2,432,695 and awards D.A. Wood Construction, Inc., of Modesto, CA, the contract for the Codoni Transmission Mains Project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of November, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-445

Print

RESOLUTION AUTHORIZING AN INCREASE IN THE DIRECTOR'S AUTHORITY TO ISSUE CHANGE ORDERS FOR THE CODONI TRANSMISSION MAINS PROJECT FROM 8% ($194,616) TO 13% ($316,250) OF THE CONSTRUCTION CONTRACT PRICE OF $2,432,695 WITH D.A. WOOD CONSTRUCTION, INC., OF MODESTO, CA

WHEREAS, on November 1, 2016, the City Council is concurrently awarding a $2,432,695 contract to D.A. Wood Construction, Inc., of Modesto, CA for the construction of the Codoni Transmission Mains Project, and

WHEREAS, this project provides a 24-inch transmission main to convey water from a Modesto Irrigation District turnout structure on the north side of Yosemite Boulevard to the future Industrial Tank 13 site on Codoni Avenue, and a 24-inch transmission main that will return water back from the future tank site pump station to the existing City transmission main in Yosemite Boulevard, and

WHEREAS, the transmission mains installation includes a jack and bore underneath the Modesto and Empire Traction Company railroad, and Caltrans State Route 132 Yosemite Boulevard, and

WHEREAS, the transmission mains will serve the future Industrial Tank (a separate project) to provide an increase in service reliability of the City of Modesto's water system, and

WHEREAS, City staff is requesting authorization to increase the Director's Authority to 13% to provide for additional material that may been needed for this project, and

WHEREAS, the additional costs could exceed the Director's authority for the project as established by the Council's Change Order Approval Policy adopted by Resolution No. 94-443, and

WHEREAS, the Director of Utilities currently has authority to approve change orders up to a cumulative amount of $194,616,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Director of Utilities to issue change orders for the Codoni Transmission Mains Project from 8% ($194,616) to 13% ($316,250) of the construction contract price of $2,432,695 with D.A. Wood Construction, Inc., of Modesto, CA.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of November, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-446

Print

RESOLUTION AMENDING THE FISCAL YEAR 2016-17 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $268,000 TO BE TRANSFERRED INTO THE PROJECT FROM WATER FUND RESERVES IN ORDER TO FULLY FUND THE CONSTRUCTION, CONTINGENCY, CONSTRUCTION ADMINISTRATION, CITY CONSTRUCTION FORCES, AND DESIGN SUPPORT DURING CONSTRUCTION FOR THE CODONI TRANSMISSION MAINS PROJECT

WHEREAS, certain budgetary transactions are necessary in the amount of $268,000, in order to fund construction, contingency, and City construction forces for the Codoni Transmission Mains Project, and

WHEREAS, the Fiscal Year 2016-2017 Capital Improvement Program Budget must be amended as shown in **Exhibit A**, which is incorporated by reference herein,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2016-2017 Capital Improvement Program Budget as shown in **Exhibit A**.

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of November, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Exhibit A

Due to construction costs being higher than initially budgeted for the project, line item increases/decreases are necessary for CIP Account #100672 "Codoni Transmission Mains", and the total project costs need to be increased by $268,000. This would be done by adjusting Construction Admin by <$33,922>, City Construction Forces by $20,000, Construction by $232,695, Contingency-CIP by $96,250, and Eng/Design/Admin by <$47,023>.

To fund the above account, $268,000 will be transferred from Water Fund Reserves into CIP Project 100672 for the Codoni Transmission Mains Project.

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-447

Print

RESOLUTION CALLING A SPECIAL ELECTION FOR THE CITY OF MODESTO TO ANNEX TERRITORY TO CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2002-1 (NORTHPOINTE)

WHEREAS, on September 27, 2016, Council adopted Resolution No. 2016-384 (Resolution of Intention to Annex) to indicate its intention to annex certain territory to the City of Modesto Community Facilities District 2002-1 (NorthPointe) (the District) and authorize the levy of District special taxes within the territory proposed to be annexed (Annexed Territory), pursuant to Chapter 2.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the Mello-Roos Community Facilities Act of 1982 (Act), and setting a hearing thereon for November 1, 2016, and

WHEREAS, notice of the hearing was duly published as required by law, as evidenced by the proof of publication on file with the City Clerk, and

WHEREAS, a map of the Annexed Territory, entitled "Proposed Boundaries of Annexation No. 1 to the City of Modesto Community Facilities District No. 2002-1 (NorthPointe)" was recorded on October 12, 2016, in the Office of the County Recorder of Stanislaus, in Book 5 of Maps of Assessment and Community Facilities Districts, at page 51, and

WHEREAS, at the time and date set for the hearing (November 1, 2016) pursuant to the Resolution of Intention to Annex, this Council held the public hearing, as required by the Act, related to the proposed annexation and the levy of the District special taxes within the Annexed Territory, and all other matters set forth in the Resolution of Intention to Annex, and

WHEREAS, at the hearing all persons desiring to be heard on all matters pertaining to the proposed annexation and the levy of the District special taxes within the Annexed Territory, and all other matters set forth in the Resolution of Intention to Annex, including all interested persons for or against the proposed annexation to the District and the levy of the District special taxes within the Annexed Territory were heard and considered, and a full and fair hearing was held thereon, and

WHEREAS, at the hearing, evidence was presented to this Council on the matters before it, and this Council, at the conclusion of the hearing, was fully advised as to all matters related to the proposed annexation and the levy of the District special taxes within the Annexed Territory, and all other matters set forth in the Resolution of Intention to Annex, and

WHEREAS, written protests against the proposed annexation and the levy of the District special taxes within the Annexed Territory have not been filed with the City Clerk by 50 percent or more of the registered voters or six registered voters, whichever is more, residing within the District or residing within the Annexed Territory, or the owners of one-half or more of the land in the District, or in the Annexed Territory, and

WHEREAS, the Stanislaus County Registrar of Voters has certified there are less than 12 registered voters residing in the Annexed Territory; accordingly, the qualified electors are the landowners, and

WHEREAS, the City Clerk, being the Council's designated election official for purposes of the election herein called, has concurred in the election date herein set forth for the election.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto, acting as the legislative body of the City of Modesto Community Facilities District No. 2002-1 (NorthPointe), hereby finds and determines as follows:

SECTION 1. The foregoing recitals are true and correct

SECTION 2. All prior proceedings taken with respect to the annexation of the Annexed Territory to the District, and the levy of the District special taxes within the Annexed Territory were valid and in conformity with the requirements of the Act. This determination shall be final and conclusive upon all persons.

SECTION 3. The proposed annexation of the Annexed Territory to the District and the levy of the District special taxes within the Annexed Territory have not been precluded by majority protest pursuant to Section 53339.5 of the Act.

SECTION 4. As stated in Resolution No. 2016-384, it is the intention of this Council, subject to the approval of the qualified electors of the Annexed Territory, to annex the Annexed Territory to the District and levy the District special taxes within the Annexed Territory. Upon such approval the Council will be authorized to levy the District special taxes within the Annexed Territory.

SECTION 5. A special election is hereby called at which the question of levying the District special taxes within the Annexed Territory shall be submitted to the qualified electors of the Annexed Territory. The election shall be held in accordance with and subject to the Act, all of the terms of which shall, unless waived as herein provided, be applicable to such election. The ballot measure shall be substantially in the form **attached** hereto as **Exhibit A** and hereinafter incorporated by reference.

SECTION 6. Fewer than 12 persons have been registered to vote within the Annexed Territory for each of the 90 days preceding the close of the hearing referenced herein. Accordingly, the vote shall be by the landowners of the Annexed Territory, and each such landowner shall have one vote for each acre or portion thereof that he or she owns within the Annexed Territory. The ballots shall be distributed by mail with return postage prepaid, or by personal service, to each landowner, all as provided in Section 53326 of the Act.

Since the City Clerk has received an appropriate waiver of time limits and other requirements pertaining to the conduct of the election by the owners of all of the land in the Annexed Territory (the "Landowners"), the election shall be held on the 1st day of November, 2016. The election shall be conducted by the City Clerk in the manner required by this Resolution, the Act and applicable laws.

The City Clerk shall accept the ballots of the qualified electors in the office of the City Clerk up to and including 5:30 p.m., Pacific Time, on November 1, 2016, and/or up to the conclusion of the Public Hearing, whether said ballots shall be personally delivered or received by mail.

SECTION 7. In accordance with Section 53327(b) of the Act, analysis and arguments, as required by Section 53327(a) of the Act are hereby waived, as the City Clerk has received the unanimous consent to such waivers from the Landowners.

SECTION 8. The publication of this Resolution as notice of the special election is hereby waived as the City Clerk has received the unanimous consent to such waiver from the Landowners.

SECTION 9. The Annexed Territory shall constitute a single election precinct for the purpose of holding the election.

SECTION 10. The City Clerk is hereby authorized to take any and all steps necessary for the holding of the election, and to perform and render all services and proceedings incidental to and in connection with the election.

SECTION 11. The City Clerk shall canvass the returns and certify the results of the election to this Council. If two-thirds or more of the votes cast are in favor of levying the District special taxes in the Annexed Territory, this Council may thereafter order the annexation of the Annexed Territory to the District and levy the District special taxes in the Annexed Territory in the amount and for the purposes specified in Resolution No. 2002-96 adopted by this Council on February 26, 2002 (the "Resolution of Formation").

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of November, 2016, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Grewal

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Exhibit A

OFFICIAL BALLOT

BALLOT NO. __

CITY OF MODESTO
COMMUNITIES FACILITIES DISTRICT NO. 2002-1
(NORTHPOINTE)

ANNEXATION NO. 1

SPECIAL TAX ELECTION

November 1, 2016

NUMBER OF VOTES ENTITLED TO BE CAST: 15
(VOTER MAY REMOVE AND RETAIN THIS STUB)

INSTRUCTIONS TO VOTERS

To vote, make a mark (x) in the voting area to the right of the word "YES" or "NO."

All distinguishing marks or erasures are forbidden and make the ballot void. If you wrongly mark, tear or deface this ballot, telephone the Office of the City Clerk of the City of Modesto for instructions as soon as possible at (209) 577-5200, Monday through Friday, between the hours of 9:00 a.m. and noon

MARK YOUR CHOICE IN THIS MANNER ONLY: ☒
MEASURE SUBMITTED TO VOTE OF VOTERS

Proposition A. Shall special taxes, with maximum rates, method of apportionment, and manner of collection as provided in Exhibit A to the City's Resolution No. 2002-96 entitled "A Resolution of the City Council of the City of Modesto of Formation, Establishing City of Modesto Community Facilities District No. 2002-1, Authorizing the Levy of Special Taxes within the District, Preliminarily Establishing an Appropriations Limit for the District, and Calling an Election for the Purpose of Submitting the Levy of the Special Tax and the Establishment of the Appropriations Limit to the Qualified Electors of the District (NorthPointe)" (the "Resolution of Formation"), adopted by the City Council on February 26, 2002, which is incorporated herein by this reference, be levied within the territory proposed to be annexed to City of Modesto Community Facilities District No. 2002-1 (NorthPointe) pursuant to the City Resolution No. 2016-384, entitled "A Resolution of Intention to Annex Territory to Community Facilities District No. 2002-1 (NorthPointe) and to authorize the levy of Special Taxes therein. (Annexation No. 1) (the "Resolution of Intention to Annex") adopted by the City Council of the City of Modesto on September 27, 2016 for the purposes set for in the Resolution of Formation?

YES ☒

NO ☐

BALLOT NO. 1 + 2

THIS BALLOT HAS A VALUE OF 15 VOTES

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-448

Print

RESOLUTION DECLARING THE RESULTS OF THE NOVEMBER 1, 2016 SPECIAL ELECTION AND ORDERING THE ANNEXATION OF THE ADDITIONAL TERRITORY TO CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2002-1 (NORTHPOINTE)

WHEREAS, this Council is conducting proceedings pertaining to the annexation of certain territory to the City's Community Facilities District No. 2002-1 (NorthPointe) (the "District") and the levy of the District special taxes (the "District Special Taxes") within such territory, as described in Resolution No. 2016-384 entitled "A Resolution of the City Council of the City of Modesto of Intention to Annex Territory to Community Facilities District No. 2002-1 (NorthPointe) and to Authorize the Levy of Special Taxes therein (Annexation No. 1)" adopted on February 24, 2009, pursuant to Chapter 2.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act"), and

WHEREAS, the owners of all the property within the territory proposed to be annexed to the District waived those provisions related to the timing and conduct of the election referenced in Sections 5, 6, 7 and 8 of Resolution No. 2016-384, adopted on September 27, 2016, and, as a result, this Council called an election within the territory proposed to be annexed to the District (the "Election") for November 1, 2016, relative to the foregoing, and

WHEREAS, on November 1, 2016, the Election was held, and

WHEREAS, the City Clerk has certified that at the Election the proposition of levying the District Special Taxes within the territory proposed to be annexed to the District was approved by more than two-thirds (2/3) of the votes cast at the Election.

NOW, THEREFORE, BE IT RESOLVED, ORDERED AND FOUND by the City Council of the City of Modesto that:

SECTION 1. The Election was duly and validly conducted in conformity with all applicable laws pertaining thereto. It is hereby determined that the owner or owners of the territory proposed to be annexed are as set forth in the Certificate of City Clerk as to Distribution of Official Ballots, submitted to this Council and on file with the City Clerk.

SECTION 2. The ballot proposition presented to the qualified electors of the territory proposed to be annexed at the Election received at least two-thirds (2/3) of the votes cast at the Election. A copy of the City Clerk's Certificate is **attached** hereto and hereinafter incorporated by reference.

SECTION 3. Pursuant to Section 53339.8 of the Act, it is hereby ordered that the territory proposed to be annexed to the District pursuant to Resolution No. 2016-384 be annexed to and be a part of the District with full legal effect, and that the District Special Taxes be levied within the territory.

SECTION 4. The City Clerk is hereby directed to enter this Resolution on the minutes of this City Council, which shall constitute the official declaration of the result of the Election.

SECTION 5. The City Clerk is further authorized and directed to record an amendment to the Notice of Special Tax Lien with the County Recorder of the County of Stanislaus, within 15 days from the date hereof, in accordance with the provisions of Sections 3114.5 and 3117.7 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of November, 2016, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Grewal

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

ATTACHMENT A

CERTIFICATE OF CITY CLERK

AS TO RESULTS OF THE CANVAS OF ELECTION RETURNS

STATE OF CALIFORNIA)

) ss.

COUNTY OF STANISLAUS)

As City Clerk of the City of Modesto, I do hereby certify that I have examined the returns of the special election for Annexation No. 1 to City of Modesto Community Facilities District No. 2002-1 (NorthPointe) (the "Community Facilities District"). With my concurrence, the election was conducted on November 1, 2016. On or prior to said date I had mailed or personally delivered a ballot to the landowner listed on the latest equalized assessment roll prepared by the Stanislaus County Assessor prior to November 1, 2016 or otherwise known by me to own the property within the boundaries of the Community Facilities District. The landowner was given one vote for each acre, or portion thereof, that the landowner owns within the Community Facilities District.

I further certify that the results of said election and the number of votes cast for and against the Proposition are as follows:

YES: X

NO: __

TOTAL NUMBER OF VOTES CAST: 15

Dated this 1st day of November, 2016.

Stephanie Lopez,
City Clerk of the City of Modesto

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-449

Print

RESOLUTION ACCEPTING THE RESIGNATION OF KENT FAULKNER FROM THE CITY OF MODESTO LANDMARK PRESERVATION COMMISSION

WHEREAS, Kent Faulkner was appointed to serve as a member of the Landmark Preservation Commission (LPC) on May 27, 2014, and

WHEREAS, Kent Faulkner has tendered his resignation from the LPC.

NOW, THEREFORE, BE IT RESOLVED that the resignation of Kent Faulkner from the LPC be, and hereby is accepted.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of November, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-450

Print

RESOLUTION APPOINTING SAMUEL GONZALEZ TO THE CITY OF MODESTO LANDMARK PRESERVATION COMMISSION

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions, and

WHEREAS, the Appointments Committee met on October 13, 2016 and recommended appointment of Samuel Gonzales to the Modesto Landmark Preservation Commission.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. Samuel Gonzalez is hereby appointed to the Modesto Landmark Preservation Commission with a term expiration of January 1, 2021.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Modesto Landmark Preservation Commission, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of November, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-451

Print

RESOLUTION APPOINTING DAVID RODDICK TO THE CITY OF MODESTO LANDMARK PRESERVATION COMMISSION

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions, and

WHEREAS, the Appointments Committee met on October 13, 2016 and recommended appointment of David Roddick to the Modesto Landmark Preservation Commission.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. David Roddick is hereby appointed to the Modesto Landmark Preservation Commission with a term expiration of January 1, 2021.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Modesto Landmark Preservation Commission, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of November, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-452

Print

RESOLUTION APPOINTING JONATHON BRUNO TO THE CITY OF MODESTO LANDMARK PRESERVATION COMMISSION

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions, and

WHEREAS, the Appointments Committee met on October 13, 2016 and recommended appointment of Jonathon Bruno to the Modesto Landmark Preservation Commission.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. Jonathon Bruno is hereby appointed to the Modesto Landmark Preservation Commission with a term expiration of January 1, 2021.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Modesto Landmark Preservation Commission, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of November, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-453

Print

RESOLUTION APPOINTING GARY BLOM TO THE CITY OF MODESTO BOARD OF ZONING ADJUSTMENT

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions, and

WHEREAS, the Appointments Committee met on October 13, 2016 and recommended appointment of Gary Blom to the Modesto Board of Zoning Adjustment.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. Gary Blom is hereby appointed to the Modesto Board of Zoning Adjustment with a term expiration of January 1, 2021.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Modesto Board of Zoning Adjustment, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of November, 2016, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-454

Print

RESOLUTION APPOINTING MIKE MORADIAN TO THE CITY OF MODESTO BOARD OF ZONING ADJUSTMENT

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions, and

WHEREAS, the Appointments Committee met on October 13, 2016 and recommended appointment of Mike Moradian to the Modesto Board of Zoning Adjustment.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. Mike Moradian is hereby appointed to the Modesto Board of Zoning Adjustment with a term expiration of January 1, 2021.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Modesto Board of Zoning Adjustment, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of November, 2016, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-455

Print

RESOLUTION REAPPOINTING ROBERT SELOVER TO THE CITY OF MODESTO BOARD OF ZONING ADJUSTMENT

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions, and

WHEREAS, the Appointments Committee met on October 13, 2016 and recommended reappointment of Robert Selover to the Modesto Board of Zoning Adjustment.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. Robert Selover is hereby reappointed to the Modesto Board of Zoning Adjustment with a term expiration of January 1, 2021.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Modesto Board of Zoning Adjustment, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of November, 2016, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-456

Print

RESOLUTION APPROVING THE APPOINTMENT OF TIM FISHER TO THE MODESTO CITY-COUNTY AIRPORT ADVISORY COMMITTEE (AAC) AS A PUBLIC AT LARGE MEMBER FOR A TWO YEAR TERM

WHEREAS, the City of Modesto operates the Modesto City-County Airport (Airport) for the benefit of all businesses, industries, visitors and residents in the City of Modesto, Stanislaus County and surrounding areas, and

WHEREAS, the Modesto City Council and the Stanislaus Board of Supervisors seek to ensure that the Airport is maintained and developed in such a manner that it will continue to be a high quality aviation facility for its users and a good neighbor in the community, recognizing that both the users and community may change as the surrounding area continues to grow and develop, and

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions, and

WHEREAS, Council has considered the experience and qualifications of the candidate, Tim Fisher, and finds that he would be appropriate to fill the position of the Public At Large member of the AAC.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the appointment of Tim Fisher to fill the position on the Modesto City-County Airport Advisory Committee (AAC), as a Public At Large member for a term of two years.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of November, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-457

RESOLUTION APPROVING AN INCREASE IN THE MINOR HOME REPAIR GRANT FOR RICHARD & MARCELLA BARROWS, FOR PROPERTY LOCATED 1914 KLEMM, MODESTO, CALIFORNIA, IN THE AMOUNT OF $2,960, TO COVER CHANGE ORDER EXPENSES INCURRED

WHEREAS, on July 22, 2015, Richard & Marcella Barrows (Homeowners) were awarded a $5,000 Energy Efficiency Improvement Grant and a $2,000 Minor Home Repair Grant, and

WHEREAS, the grants were awarded to Homeowners to replace doors, and windows, and

WHEREAS, during the course of the repairs, the Homeowners' HVAC unit failed, leaving the Homeowners without air conditioning, which is considered a health and safety issue, and

WHEREAS, this is a unique situation wherein a health and safety issue arose during the course of the project and the additional work necessary to correct the health and safety issue exceeded the grant authority of staff., and

WHEREAS, the City Council has the authority to approve a grant in excess of staff approval thresholds, and

WHEREAS, staff is requesting the MHRP Grant be increased from $2,000 to $4,960, to pay for the health and safety related work that arose during the course of the project, and

WHEREAS, the work has been completed and the contractor is awaiting payment,

NOW, THEREFORE, BE IT RESOLVED, that the Modesto City Council hereby approves an increase in the Minor Home Repair Grant for Richard & Marcella Barrows, for property located at 1914 Klemm, Modesto, California, in the amount of $2,960, to cover change orders expenses incurred during work related to repair of the HVAC unit.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of November, 2016, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-458

RESOLUTION AMENDING THE FISCAL YEAR 2016-17 ANNUAL OPERATING BUDGET TO REFLECT AN INCREASE IN THE MINOR HOME REPAIR GRANT FOR RICHARD & MARCELLA BARROWS, FOR PROPERTY LOCATED 1914 KLEMM, MODESTO, CALIFORNIA, IN THE AMOUNT OF $2,960, AND AUTHORIZING THE FINANCE DIRECTOR, OR HER DESIGNEE, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, on July 22, 2015, Richard & Marcella Barrows (Homeowners) were awarded a $5,000 Energy Efficiency Improvement Grant and a $2,000 Minor Home Repair Grant, and

WHEREAS, the grants were awarded to Homeowners to replace doors, windows, and to repair HVAC related items for property located at 1914 Klemm, Modesto, California, and

WHEREAS, during the course of the work, additional costs were incurred related to the HVAC unit and a change order, in the amount of $2,960 was issued, to allow the additional work to be performed, and

WHEREAS, an increase in the Minor Home Repair Grant, in the amount of $2,960, is needed to cover the change orders incurred during work related to repair of the HVAC unit, and

WHEREAS, Community Development Block Grant funds will be re-appropriated from an Appropriation C budget level to a specific Activity, to be assigned to this project in Integrated Disbursement and Information System,

NOW, THEREFORE, BE IT RESOLVED, that the Modesto City Council hereby approves that the Director of Finance, or her designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of November, 2016, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-459

Print

RESOLUTION CLAIMING FISCAL YEAR 2015-2016 UNCLAIMED FUNDS HELD IN THE CITY'S TRUST FUND FOR MORE THAN THREE YEARS AND AUTHORIZING THE TRANSFER TO THE GENERAL FUND

WHEREAS, the City issues checks from time to time that remain uncashed the payee, and such checks that are not cashed remain in the accounting records as Outstanding Checks; and

WHEREAS, California Government Code Sections 50050-50053 and 50055 establishes provisions for the escheatment of such unclaimed money to the City's General Fund; and

WHEREAS, State law requires unclaimed funds in the amount of $15 or more, held in the city's Trust fund, be published in a newspaper of general circulation in the City of Modesto, for two successive weeks; and

WHEREAS, after a forty-five day period from the date of the first publication any funds that are not claimed become the property of the City of Modesto.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves $63,085 in Fiscal Year 2015-2016 unclaimed funds to be transferred to the General Fund.

BE IT FURTHER RESOLVED that the Deputy City Manager, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this Resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of November, 2016, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following votes:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-460

RESOLUTION TO CLAIM FISCAL YEAR 2014-2015 UNCLAIMED FUNDS HELD IN THE CITY'S TRUST FUND FOR MORE THAN THREE YEARS AND AUTHORIZING THE TRANSFER TO THE CITY'S GENERAL FUND

WHEREAS, the City issues checks from time to time that remain uncashed the payee, and such checks that are not cashed remain in the accounting records as Outstanding Checks; and

WHEREAS, California Government Code Sections 50050-50053 and 50055 establishes provisions for the escheatment of such unclaimed money to the City's General Fund; and

WHEREAS, State law requires unclaimed funds in the amount of $15 or more, held in the city's Trust fund, be published in a newspaper of general circulation in the City of Modesto, for two successive weeks; and

WHEREAS, after a forty-five day period from the date of the first publication any funds that are not claimed become the property of the City of Modesto.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves $15,181.20 in Fiscal Year 2014-2015 unclaimed funds to be transferred to the General Fund.

BE IT FURTHER RESOLVED that the Deputy City Manager, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this Resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of November, 2016, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following votes:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-461

Print

RESOLUTION APPROVING SUBMITTAL OF AN APPLICATION FOR THE FISCAL YEAR 2016 ASSISTANCE TO FIREFIGHTERS GRANT IN THE AMOUNT OF $95,000 FOR THE PROCUREMENT OF PERSONAL PROTECTIVE EQUIPMENT EXTRACTORS (WASHERS) AND DRYERS AS WELL AS THE FACILITY IMPROVEMENTS NECESSARY TO ACCOMMODATE THE EQUIPMENT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL GRANT-RELATED DOCUMENTS

WHEREAS, the Department of Homeland Security (DHS), Federal Emergency Management Agency's (FEMA) Grants Program Directorate implements and administers the Assistance to Firefighters Grant (AFG) program, and

WHEREAS, the purpose of the AFG program is to enhance the safety of the public and firefighters with respect to fire and fire-related hazards by providing direct financial assistance to eligible fire departments for critically needed resources to equip and train emergency personnel to recognized standards, enhance operational efficiencies, foster interoperability, and support community resilience, and

WHEREAS, the Modesto Fire Department is seeking authorization to submit a grant application for the FY 2016 Assistance to Firefighters Grant in the amount of $95,000 for the procurement of personal protective equipment extractors (washers) and dryers as well as the facility improvements necessary to accommodate the equipment, and

WHEREAS, the firefighting environment is a hazardous one and modern structures contain many contaminants, toxic substances and known carcinogens, and

WHEREAS, clean and decontaminated turnout PPE is a very real safety issue and one the Modesto Fire Department takes seriously, and

WHEREAS, staff recommends submittal of the FY 2016 AFG application requesting funding in the amount of $95,000 for the procurement of personal protective equipment extractors (washers) and dryers as well as the facility improvements necessary to accommodate the equipment and will return to the Council for approval should the grant be awarded.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the submittal of an application for the FY 2016 Assistance to Firefighters Grant in the amount of $95,000 for the procurement of personal protective equipment extractors (washers) and dryers as well as the facility improvements necessary to accommodate the equipment.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute all grant-related documents.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Modesto held on the 8th day of November, 2016, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following votes:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-462

Print

RESOLUTION APPROVING A WATER RATE ASSISTANCE PROGRAM FOR WATER CUSTOMERS, IN AN AMOUNT UP TO $1,000,000 ANNUAL FUNDING LEVEL, FOR UP TO 8,333 INCOME-QUALIFIED ACCOUNTS, FUNDED BY DELINQUENCY CHARGES FOR WATER SERVICE

WHEREAS, on August 9, 2016, Council adopted new water rates and directed Utilities Department staff to review and evaluate opportunities to provide financial assistance to customers demonstrating financial hardship, and

WHEREAS, staff has identified $1,000,000 annually to fund a Water Rate Assistance (WRA) Program, and

WHEREAS, at the proposed funding level, up to 8,333 income-qualified accounts may benefit from the WRA Program, and

WHEREAS, the source of funding for the WRA Program will be revenue collected by the City Utility Billing and Collections Division as various forms of delinquency charges, adopted by Resolution No. 2014-79, as they may be amended or updated in the future. As penalties for failing to pay utility bills within the times specified in the Modesto Municipal Code (Chapter 6 of Title 11), the charges are separate from fees for water service and not subject to the limits imposed by the provisions of the California Constitution adopted by exempt from the requirements of Propositions 218 and 26, or by provisions of the Constitution that predated those additions. The penalty charges are payable and paid by all classes of customers, including those who participate in the WRA Program, and

WHEREAS, the proposed value of the WRA Program credit for a qualified accountholder is $10 per month, or $120 annually, credited to the fixed charge portion of the water bill, and

WHEREAS, the WRA Program will become effective January 1, 1017, and customers will continue participation in the program as long as they continue to meet the eligibility requirements, and

WHEREAS, this program is separate from the existing Senior/Disabled Low Income (SDLI) Program for water, sewer and garbage rate discounts, and

WHEREAS, customers may apply and participate in either the WRA or the SDLI programs but not both.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Water Rate Assistance Program for water customers based on annual customer income level.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of November, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-463

Print

RESOLUTION AMENDING THE FISCAL YEAR 2016-2017 ANNUAL OPERATING AND CAPITAL IMPROVEMENT BUDGETS

WHEREAS, a financial analysis has been completed and it has been determined that a budget adjustment is required to the Annual and Capital Improvement Budgets of the City of Modesto for Fiscal Year 2016-17,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2016-17 Annual Operating and Capital Improvement budgets as shown in **Exhibit A**, which is **attached** hereto and incorporated by reference herein.

BE IT FURTHER RESOLVED that the Deputy City Manager, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of November, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following votes:

AYES:	Councilmembers:	Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Grewal

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT A

FISCAL YEAR 2016-17

PUBLIC WORKS

The Transit Analyst currently residing in the Transit Services Division of Public Works devotes the majority of her time managing the Dial-A-Ride contract and associated ADA tasks. Therefore, this budget line item is being moved to Cost Center 53473, Transportation Dial-A-Ride. A budget adjustment is necessary to reduce Intergov - State LTF Revenue and Salary & Benefit Decrease in the amount of $94,964 in Cost Center 53472, Transit Services; and, move said funds to Cost Center 53473, Transportation Dial-A-Ride, respectively, increasing Intergov – State LTF Revenue and Salary & Benefit Expense.

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-464

Print

RESOLUTION AMENDING THE FISCAL YEAR 2016-17 WASTEWATER OPERATING BUDGET IN THE AMOUNT OF $8,409,145 IN ORDER TO FUND THE INITIAL PAYMENT OF THE CALIFORNIA STATE WATER RESOURCES CONTROL BOARD STATE REVOLVING FUND LOAN

WHEREAS, the Council authorized the City Manager, or his designee, to sign and file, for and on behalf of the City of Modesto for the Phase 2 Biological Nutrient Removal (BNR)/Tertiary Treatment Project, a Financial Assistance Application, to certify that the City of Modesto has and will comply with all applicable state and federal statutory and regulatory requirements, and to negotiate and execute a financial assistance agreement from the State Water Resources Control Board and any amendments or change orders thereto, and certify financing agreement disbursements on behalf of the City of Modesto recommended., and

WHEREAS, the Council dedicated sewer service charges to payment of any and all Clean Water State Revolving Fund financing. They deemed that a dedicated source of revenue shall remain in effect throughout the term of such financing unless modification or change of such dedication is approved in writing by the State Water Resources Control Board, and

WHEREAS, Council outlined a finance amount to be provided by the State of California and stating the City of Modesto intends to reimburse the State of California for borrowed funds, and

WHEREAS, approved accepting the Phase 2 BNR Tertiary Wastewater Treatment Project as complete authorizing all necessary steps to file with the County Recorder, release securities, and release payments, and

WHEREAS, on December 1, 2016 the first payment of $8,409,145 is due to the California State Water Resources Control Board State Revolving Fund. This amount includes both the principal and interest portions of the payment,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2016-2017 Wastewater Operating Budget in the amount of $8,409,145 in order to fund the initial payment of the California State Water resources Control Board State revolving Fund Loan.

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of November, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Grewal

Attest: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-465

RESOLUTION APPROVING A SMALL CELL MASTER LICENSE AGREEMENT (MLA) TOGETHER WITH ITS FEE SCHEDULE FOR THE LINKMODESTO PROJECT PHASE ONE (1), TO BE USED BY THE INFORMATION TECHNOLOGY AND PUBLIC WORKS DEPARTMENTS FOR DEPLOYMENT OF FUTURE SMALL CELL TECHNOLOGY ON THE CITY'S VERTICAL ASSETS, RESCINDING RESOLUTION 2016-185 AND AUTHROIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL DOCUMENTS RELATING TO THE MLA

WHEREAS, LinkModesto is a City wide project designed to make high-speed internet access available throughout the City, and

WHEREAS, the City Council previously approved Resolution 2016-185 which allowed for the placement of Small Cell and Wi-Fi technology on City Assets and approved a Master License Agreement to be used by the Information and Technology and Public Works Departments for deployment of that technology, and

WHEREAS, it has been determined that different forms of Master License Agreements should be used for Small Cell leases and agreements for facilities that will provide free public WI-FI services, and

WHEREAS, the City can lease space upon its vertical elements such as street light poles and Signals and buildings to cell carriers for placement of wireless Small Cell and Wi-Fi transceivers that are now small enough to be unobtrusive, and

WHEREAS, In LinkModesto Phase One, the City expects to receive lease payments (revenue) from cell service providers for placement of Small Cell devices on its street light poles and buildings, and

WHEREAS, to provide for guidelines and expectations for installation of transceivers, City has developed a Master License Agreement for Small Cell implementation **attached** hereto, for authorizing providers to install devices,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Council hereby approves the Master License Agreements (MLAs), **attached** hereto as **Exhibit**, for the LinkModesto project Phase One (1), to be used by the Information Technology and Public Works Departments for deployment of future Small Cell technology on the City's Street Light Poles.

BE IT FURTHER RESOLVED that the City Council hereby approves the Annual Fee Schedule **attached** to the Small Cell MLA.

BE IT FURTHER RESOLVED that the Council of the City of Modesto hereby rescinds Resolution 2016-185.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute all documents related to Small Cell MLAs.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of November, 2016, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Grewal

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

FREE PUBLIC WIFI MASTER LICENSE AGREEMENT FOR THE INSTALLATION OF WIRELESS TELECOMMUNICATIONS FACILITIES AND THE PROVISION OF WIRELESS INTERNET SERVICES BETWEEN THE CITY OF MODESTO AND [ ]

This Master License Agreement (the "Agreement") made this day of _____, 20__, by and between the City of Modesto, California, a municipal corporation (the "**City**~~ITY~~"), and _____, a _____ (the "**Licensee**~~LICENSEE~~"). The City and Licensee are at times collectively referred to hereinafter as the "Parties" or individually as a "Party."

RECITALS

WHEREAS, the City owns and controls certain buildings, streetlight poles and/or other improvements and/or facilities (hereinafter "City Assets" or "City Property"), and

WHEREAS, City wishes to allow Licensee to install, maintain and operate wireless communications facilities known as WiFi antenna systems (hereinafter "Facilities") in and/or upon certain City Assets, some of which may be located in the public rights-of-way in order to provide free WiFi internet access to the public for a predetermined amount of time (hereinafter "Limited Free WiFi"); and

WHEREAS, the Parties desire to enter into this Agreement to define the general terms and conditions to govern their relationship with installation, maintenance, and operation of Licensee's Facilities on City assets as hereinafter set forth; and

WHEREAS, City and Licensee acknowledge that they will enter into a supplemental license ("Supplement"), a copy of which is attached hereto as Exhibit A, with respect to each particular location or site which Licensee will install said Facilities.

NOW THEREFORE, in consideration of the mutual covenants contained herein, the Parties hereto agree as follows:

1. **LICENSE**. City hereby grants, at no cost to the Licensee~~LICENSEE~~, a non-exclusive, revocable license to install, attach, replace, operate, and maintain Licensee Facilities on certain City assets, described in the applicable Supplement. Such use is subject to all of the terms and conditions of this Agreement, including but not limited to Paragraph 3 below, and the applicable Supplement.

2. **TERM**. This Agreement shall be for a term of ___ years commencing upon the execution hereof by both Parties. Each Supplement shall be effective as of the date of execution by both Parties (the "Effective Date"), provided, however, the initial term of each Supplement shall be for ___ years and shall commence on the first day of the month following the day that Licensee commences installation of the equipment on the Property (the "**Commencement Date**").

   2.1 **Extensions.** Each Supplement shall automatically be extended for three (3) additional five (5) year terms unless Licensee terminates it at the end of the current term by giving City written notice of the intent to terminate at least three (3) months prior to the end of the unexpired term. The initial term and all extensions under a Supplement shall be collectively referred to herein as the "Term". Notwithstanding anything herein, after the expiration of this Agreement, its terms and conditions shall survive and govern with respect to any remaining Supplements in effect until their expiration or termination.

   2.2 **Annual termination**. Notwithstanding anything to the contrary contained herein, provided Licensee is not in default hereunder beyond applicable notice and cure periods, Licensee shall have the right

to terminate each Supplement upon the annual anniversary of the Commencement Date provided that three (3) months prior written notice is given to City.

3. **USE**. Licensee shall use the Property identified in Supplement(s) for the purpose of installing, attaching, maintaining, repairing and operating their Facilities and uses incidental thereto. Licensee's facilities shall be installed, attached, maintained and operated in a workmanlike manner and accordance with all applicable local, state and federal laws, regulations, and specifications, including, but not limited to, the City's Specifications and Standards, all applicable orders, rules, and/or regulations issued by the California Public Utilities Commission (CPUC) and Federal Communications Commission (FCC); and the National Electric Code. Licensee shall confine activities on Property to strictly those necessary for the exercise of the privilege and activities hereby licensed and shall collaborate and cooperate with City so as not to interfere with the transaction of City business and the convenience of the public, or jeopardize the safety of persons or property. Licensee shall promptly comply with such further conditions and requirements as City may hereafter prescribe.

3.1 **Governmental Approvals.** It is understood and agreed that Licensee's ability to use the Property is contingent upon its obtaining after the execution date of each Supplement all of the certificates, permits and other approvals (collectively the "Governmental Approvals") that may be required by any Federal, State or Local authorities as well as a satisfactory building or light pole structural analysis which will permit Licensee use of the Property as set forth above. City shall cooperate with Licensee in its effort to obtain such approvals. In the event that (i) any of such applications for such Governmental Approvals should be finally rejected; (ii) any Governmental Approval issued to Licensee is canceled, expires, lapses, or is otherwise withdrawn or terminated by governmental authority; and (iii) Licensee determines that such Governmental Approvals may not be obtained in a timely manner, Licensee shall have the right to terminate the applicable Supplement. Notice of Licensee's exercise of its right to terminate shall be given to City in accordance with the notice provisions set forth in Paragraph 15 and shall be effective upon the mailing of such notice by Licensee, or upon such later date as designated by Licensee. Upon such termination, the applicable Supplement shall be of no further force or effect except to the extent of the representations, warranties and indemnities made by each Party to the other thereunder.

3.2 **E-SSID.** For the benefit of users, all Licensees are required to use the following E-SSID template: LinkModesto by [Licensee's Name].

3.3 **Utilities.** Licensee, at Licensee's expense, shall have the right to install utilities and to improve any existing utilities on the Property (including, without limitation, the installation of emergency power generators) upon approval from the City's Traffic Engineer. Licensee shall be solely responsible for the safe and proper use and operation of any such utilities.

3.4 **Permits.** Licensee shall apply to the City's Community and Economic Development Department for an encroachment permit, at no cost to the Licensee~~LICENSEE~~, for all work to be done within the City's right-of-way during the installation of Licensee's Facilities as required by City. The requirements and application for which are contained in Exhibit B. The City's approval of any drawings, cable storage requirements schedule, or the issuing of any required permits, shall not in any way impart liability to the City, increase the liability of the City, nor relieve the Licensee of any duties, liabilities, responsibilities, or obligations.

Licensee shall perform all work on Licensee's communications equipment within the public rights-of-way and park vehicles in the streets and other public rights-of-way when necessary for the installation, replacement, abandonment, operation or maintenance of Licensee's Facilities in accordance with the encroachment permit obtained by Licensee. Following completion of work in

the public rights-of-way, Licensee shall repair any affected public rights-of-way as soon as possible, but no later than the time frame established by the encroachment permit issued by the City. No street, alley, highway or public place shall be encumbered for a longer period than shall be necessary to execute the work authorized by the encroachment permit.

3.5 **Supplements.** The installation of wireless telecommunications facilities on any City Asset and execution of a Supplement shall be subject to the following review and approval process:

a. City Manager, or his designee, shall initially review requests to execute a Supplement and accompanying site plan to install Licensee's Facilities on a particular City asset.

b. The Planning Department shall review and approve site plan for proposed Supplement for conformance for with the applicable zoning regulations under Modesto Municipal Code section 10-3.401, et seq., design, and California Environmental Quality Act (CEQA).

c. The Traffic Engineering Division of the Public Works Department shall review and approve site plan, including building or light pole structural analysis, and issue the necessary permits (e.g. encroachment permit). Licensee shall submit the documentation satisfactory to the City's Engineer, or his/her designee, according to Exhibit B.

3.6 **Emergency Repairs.** Licensee shall provide City and maintain a current contact name and phone number to which any emergency repairs or incidents shall be reported. Licensee and contractors performing work for Licensee shall not be required to pay any fee in order to perform work on Licensee's communications equipment, or park within the streets and other public rights-of-way when responding to an emergency repair request from City. Emergency repair shall mean any repair needed to be completed within less than 48 hours in order to continue the normal operations of City or Licensee facilities or equipment.

Removal at End of Term. Licensee shall, upon termination of this Agreement, or within sixty (60) days after any earlier termination of a Supplement, remove its facilities and restore the Property to its original condition, reasonable wear and tear and casualty damage excepted.

4. **REPRESENTATION AND WARRANTIES.** Licensee represents and warrants, as of the Effective Date of this Agreement and execution thereof, following:

4.1 Licensee is either: (a) a personal wireless service provider authorized, certificated or licensed by the FCC or other agency, (b) an operator of a distributed antenna system network authorized, certificated or licensed by the FCC, the CPUC or other agency, (c) a wireline provider of Telecommunications Service authorized, certificated or licensed by the CPUC, or (d) a provider of Multichannel Video Services which is franchised by the CPUC or other agency;

4.2 Licensee is authorized to provide communications services, is otherwise qualified to do business in California, and has obtained all necessary authorizations, certifications, or licenses from the FCC, the CPUC or other agency; and that a copy of the Licensee's Certificate of Public Convenience and Necessity, if applicable, shall be submitted to City prior to execution of this Agreement.

5. **INTERFERENCE**. Licensee agrees to install equipment of the type and frequency which will not cause harmful interference. All equipment and services provided shall comply with FCC regulations, as amended

from time to time, and existing industry standards. In the event any after-installed Licensee's equipment causes such interference, and after City has notified Licensee in writing of such interference, Licensee will take all commercially reasonable steps necessary to correct and eliminate the interference, including but not limited to, at Licensee's option, powering down such equipment and later powering up such equipment for intermittent testing. In no event will City be entitled to terminate a Supplement or relocate the equipment as long as Licensee is making a good faith effort to remedy the interference issue. City agrees that City and/or any other tenants of the Property who currently have or in the future take possession of the Property will be permitted to install only such equipment that is of the type and frequency which will not cause harmful interference which is measurable in accordance with then existing industry standards to the then existing equipment of Licensee. The Parties acknowledge that there will not be an adequate remedy at law for noncompliance with the provisions of this Paragraph and therefore, either Party shall have the right to equitable remedies, such as, without limitation, injunctive relief and specific performance.

6. **CONSIDERATION.**

6.1 **Free Limited WiFi.** In consideration of the City's grant of a license to the Licensee, the Licensee shall provide free limited WiFi as follows:

a. [To be agreed upon by the parties]

6.2 **Installation of Licensee Facility for Commercial Use.** Licensee shall install one (1) [facility] on City Assets to be used by Licensee for commercial use as follows:

7. **DEFAULT AND REMEDIES**. The following will be deemed an "event of default" and a breach of this Agreement:

7.1 **Event of Default.**

a. Licensee's failure to perform or fulfill any other term or obligation under this Agreement within thirty (30) days after receipt of written notice from City specifying the failure; or

b. The revocation, expiration or denial of any certification, permit, approval or license required under federal, state or local law for Licensee to operate or maintain facilities.

In the event there is a breach by a Party with respect to any of the provisions of this Agreement or its obligations under it, the non-breaching Party shall give the breaching Party written notice of such breach. After receipt of such written notice, the breaching Party shall have thirty (30) days in which to cure any breach, provided the breaching Party shall have such extended period as may be required beyond the thirty (30) days if the breaching Party commences the cure within the thirty (30) day period and thereafter continuously and diligently pursues the cure to completion.

The nonbreaching Party may not maintain any action or effect any remedies for default against the breaching Party unless and until the breaching Party has failed to cure the breach within the time periods provided in this Paragraph. Notwithstanding the foregoing to the contrary, it shall be a default under this Agreement if City fails, within ten (10) days after receipt of written notice of such breach, to perform an obligation required to be performed by City if the failure to perform such an obligation interferes with Licensee's ability to conduct its business on Property; provided, however, that if the nature of City's obligation is such that more than ten (10) days after such notice is reasonably required for its performance, then it shall not be a default under this Agreement if performance is commenced within such ten (10) day period and thereafter diligently pursued to completion.

7.2 **Remedies for Default**. In the event of a default by either Party with respect to a material provision of this Agreement, without limiting the non-defaulting Party in the exercise of any right or remedy which the non-defaulting Party may have by reason of such default, the non-defaulting Party may terminate the applicable Supplement, this Agreement, and/or pursue any remedy now or hereafter available to the non-defaulting Party under the Laws or judicial decisions of the state in which the City's assets are located.

8. **DAMAGE TO CITY OPERATIONS OR PROPERTY.** Licensee shall assume all responsibility for, and promptly reimburse, City, in full, for any costs associated with damages caused directly or indirectly by the Licensee, its employees, agents, and/or contractors to City Property, including but not limited to repairs, staff time and equipment replacement. Licensee shall immediately notify City upon the occurrence of any such damages.

9. **DAMAGE TO LICENSEE'S FACILITIES.** In the event of damage by fire or other casualty to the Property or Assets that cannot reasonably be expected to be repaired within forty-five (45) days following same or, if the Property is damaged by fire or other casualty so that such damage may reasonably be expected to disrupt Licensee's operations at the Premises for more than forty-five (45) days, then Licensee may, at any time following such fire or other casualty, provided City has not completed the restoration required to permit Licensee to resume its operation at the Premises, terminate the Supplement upon fifteen (15) days prior written notice to City.

10. **ASSIGNMENT.** Licensee shall have the right to assign, sell or transfer its interest under this Agreement and each Supplement without the approval or consent of City, to Licensee's principal, affiliates, or to any entity which acquires all or substantially all of the Licensee's assets in the market defined by Federal Communications Commission in which the Property is located by reason of merger, acquisition, or other business reorganization. No change of stock ownership, partnership interest or control of Licensee or transfer upon partnership or corporate dissolution of Licensee shall constitute an assignment hereunder. As to other parties, this Agreement and each Supplement may not be sold, assigned or transferred without the written consent of the City. As long as any such assignees agree to abide by the terms and conditions of this Agreement and each Supplement, such consent will not be unreasonably withheld or delayed.

11. **INDEMNIFICATION**. Licensee shall hold the City, its agents, officers, employees and volunteers harmless from and save, defend and indemnify them against any and all claims, losses liabilities, judgments or damages from every cause, including but not limited to injury to person or property or wrongful death, including reasonable costs and expenses of defense of any judicial or administrative action, arising directly or indirectly out of or in connection with Licensee's use of Property and the installation, operation, maintenance or repair of Licensee's Facilities or failure by Licensee, its agents, contractors, or employees to comply with the obligations contained in this Agreement or any violation of its agents, officers, employees, or volunteers relating to or during the performance of its obligations under this Agreement.

Licensee's obligation to defend, indemnify, and hold the City, its agents, officers, and employees harmless under the provisions of this paragraph is not limited to or restricted by any requirement in this Agreement for Licensee to procure and maintain a policy of insurance.

12. **DISCLAIMER AND WAIVER**. In no event shall the City, its elected officials, officers, employees, agents or representatives be liable for any lost profits, consequential, special, exemplary, indirect, punitive or incidental losses or damages, including loss of use, loss of goodwill, lost revenues, loss of profits or loss of contracts even if advised of the possibility of such damages. Licensee waives all such claims and releases the City from any such liability.

13. **CALIFORNIA CIVIL CODE SECTION 1542**. California Civil Code section 1542 provides that "A general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the release, which if known by him or her must have materially affected his or her settlement with the debtor." The Parties hereby waive the provisions of Section 1542, or other similar provisions of law, and intend that the waiver and release provided in Article 5.1.6 shall be fully enforceable despite its reference to future or unknown claims.

14. **INSURANCE**. Licensee shall provide at its own expense and maintain at all times the following insurance with insurance companies licensed in the State of California and shall provide evidence of such insurance to the City as may be required by the Risk Manager of the City. The policies or certificates thereof shall provide that, thirty (30) days prior to cancellation or material change in the policy, notices of same shall be given to the Risk Manager of the City by certified mail, return receipt requested, for all of the following stated insurance policies.

14.1 Worker's Compensation - in compliance with the statutes of the State of California, plus employer's liability with a minimum limit of liability of $1,000,000.

14.2 General Liability insurance with a minimum limit of liability per occurrence of $1,000,000 for bodily injury and property damage. If Commercial General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit. This insurance shall indicate on the certificate of insurance the following coverages and indicate the policy aggregate limit applying to: premises and operations; broad form contractual; independent Licensees and subcontractors; products and completed operations as applicable.

14.3 Automobile Liability insurance with a minimum limit of liability per occurrence of $1,000,000 for bodily injury and property damage. This insurance shall cover any automobile for bodily injury and property damage.

14.4 If at any time any of said policies shall be unsatisfactory to the City, as to form or substance, or if a company issuing such policy shall be unsatisfactory to the City, Licensee shall promptly obtain a new policy, submit the same to the Risk Manager for approval and submit a certificate thereof as hereinabove provided. Upon failure of the Licensee to furnish, deliver or maintain such insurance and certificates as above provided, this Agreement, at the election of the City, may be forthwith declared suspended or terminated. Failure of the Licensee to obtain and/or maintain any required insurance shall not relieve the Licensee from any liability under this Agreement, nor shall the insurance requirements be construed to conflict with or otherwise limit the obligations of the Licensee concerning indemnification. The City, its agents, officers, employees, and volunteers shall be named as an additional insured on all insurance policies required herein, except Workers' Compensation and Professional Liability. The Workers' Compensation insurer shall agree to waive all rights of subrogation against the City, its agents, officers, employees, and volunteers for losses arising from work performed by Licensee for the City. The Licensee's insurance policy(ies) shall include a provision that the coverage is primary as respects the City; shall include no special limitations to coverage provided to additional insured; and, shall be placed with insurer(s) with acceptable Best's rating of A:VII or with approval of the Risk Manager. The Licensee must deliver certificates evidencing existence of the insurance listed above to the City prior to the time the contract is signed.

14.5 Licensee shall provide City with separate endorsements evidencing proof of the City's additional insured status as to both the general liability and automobile liability insurance policies. In addition,

Licensee shall provide City with a Workers Compensation subrogation waiver by way of a separate endorsement. All endorsements referenced above must include the applicable policy number.

14.6 For any claims related to this Agreement, Licensee's insurance coverage shall be primary insurance with respect to City, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by City, its officers, officials, employees, or volunteers shall be excess of the Licensee's insurance and shall not contribute with it.

15. **NOTICES**. Any and all notices permitted or required to be given hereunder shall be deemed duly given and effective (a) upon actual delivery, if delivery is by hand; or (b) five (5) days after delivery into the United States mail if delivery is by postage paid registered or certified (return receipt requested) mail. Each such notice shall be sent to the parties at the address respectively indicated below or to any other address as the respective parties may designate from time to time.

CITY: City of Modesto
Attn: City Manager
1010 10th Street
Modesto, CA 95353

Copy to: City of Modesto
Chief Information Officer
1010 10th Street
Modesto, CA 95353

LICENSEE: _____
_____
_____
_____

16. **APPLICABLE LICENSES.** Licensee shall submit proof of City Business License and all applicable licenses as required by City prior to execution of this Agreement.

17. **MISCELLANEOUS**.

17.1 **Entire Agreement**. This Agreement, including all the exhibits attached hereto, represents the entire and integrated agreement between City and Licensee and supersedes all prior negotiations, representations, or agreements, either written or oral. All exhibits attached hereto are incorporated by reference herein.

17.2 **Amendments**. This Agreement may not be amended or varied except in a writing signed by all Parties.

17.3 **Governing Law and Venue.** This Agreement shall be governed according to the laws of the State of California. In the event that either Party brings any action to enforce or interpret this Agreement, venue shall be vested exclusively in the state courts of California in the County of Stanislaus.

17.4 **Successors and Assigns.** The provisions of this Agreement shall inure to the benefit of and shall apply to and bind the successors and assigns of the parties.

17.5 **Compliance with Applicable Laws.** Licensee shall fully comply with all applicable federal, state and local laws, ordinances, regulations, and permits, now in effect or which may hereafter come into effect (collectively "Laws").

17.6 **Waiver.** The waiver by any party to this Agreement of a breach of any provision hereof shall be in writing and shall not operate or be construed as a waiver of any other or subsequent breach hereof unless specifically stated in writing.

17.7 **Severability**. If a court of competent jurisdiction finds or rules that any provision of this Agreement is invalid, void, or unenforceable, the provisions of this Agreement not so adjudged shall remain in full force and effect. The invalidity in whole or in part of any provision of this Agreement shall not void or affect the validity of any other provision of this Agreement.

17.8 **Survival.** All obligations arising prior to the termination of this Agreement and all provisions of this Agreement allocating liability between City and Licensee shall survive the termination of this Agreement.

17.9 **Headings.** The headings used in this Agreement are for reference purposes only and shall not be considered in construing this Agreement.

IN WITNESS WHEREOF, the Parties hereto have set their hands and affixed their respective seals the day and year first above written.

Exhibit A

License Supplement

One required for each installation.

EXHIBIT A

LICENSE SUPPLEMENT

This License Supplement ("Supplement"), is made this ____ day of _____, _____, between CITY OF MODESTO, CALIFORNIA, whose principal place of business is 1010 10th Street, Modesto, CA 95353 ("CITY"), and _____, whose principal place of business is _____ ("LICENSEE").

1. **Master License Agreement.** This Supplement is a Supplement as referenced in that certain Master License Agreement between City of Modesto, California and _____, dated _____ ____, 201__, (the "Agreement"). All of the terms and conditions of the Agreement are incorporated herein by reference and made a part hereof without the necessity of repeating or attaching the Agreement. In the event of a contradiction, modification or inconsistency between the terms of the Agreement and this Supplement, the terms of this Supplement shall govern. Capitalized terms used in this Supplement shall have the same meaning described for them in the Agreement unless otherwise indicated herein.

2. **License**. CITY hereby grants a license to LICENSEE that certain premises on CITY's Property located at LOCATION/CITY IDENTIFIER as shown on Exhibit "C" attached hereto and made a part hereof.

3. **Term**. The Commencement Date and the Term of this Supplement shall be as set forth in the Agreement.

4. **Consideration**. Cosideration ~~Rent~~ under this Supplement shall be as set forth in Section 6 of the Agreement.~~, payable to the City of Modesto, California at 1010 10th Street, Modesto, CA 95353.~~

5. **Site Specific Terms.** (Include any site-specific terms)

   5.1. Description of Site

   5.2. Signage for WiFi Providers: (dimensions and locations of signs)

IN WITNESS WHEREOF, the Parties hereto have set their hands and affixed their respective seal the day and year first above written.

CITY:

City of Modesto, California

Date: _____

By: _____

Name: _____

LICENSEE:

Date:

By: _____

Title: _____

Exhibit B

Encroachment Permit Application and Information

To be submitted with this MLA.

Exhibit C

Encroachment Permit

Attach all permits to packet for final submission and filing.

2728371.1

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-466

RESOLUTION APPROVING A FREE PUBLIC WI-FI SPECIFIC MASTER LICENSE AGREEMENT (MLA) TOGETHER WITH PARTNERSHIP FEE WAIVERS FOR THE LINKMODESTO PROJECT PHASE ONE (1), BEING USED BY THE INFORMATION TECHNOLOGY AND PUBLIC WORKS DEPARTMENTS FOR DEPLOYMENT OF FUTURE FREE PUBLIC WI-FI TECHNOLOGY ON THE CITY'S VERTICAL ASSETS AND AUTHROIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL DOCUMENTS RELATING TO THE MLA

WHEREAS, LinkModesto is a City wide project designed to make high-speed internet access available throughout the City, and

WHEREAS, the City Council previously approved Resolution 2016-185, which allowed for the placement of Small Cell and Wi-Fi technology on City Assets and approved a Master Lease Agreement to be used by the Information and Technology and Public Works Departments for deployment of that technology, and

WHEREAS, it has been determined that different forms of Master License Agreements should be used for Small Cell leases and agreements for facilities that will provide free public Wi-Fi services, and

WHEREAS, Free Public Wi-Fi providers are working in partnership with the City to serve citizens with a free internet access, and

WHEREAS, Free Public Wi-Fi providers will not benefit financially from the free Wi-Fi service they are providing directly to Citizens, and

WHEREAS, to provide a daily measured amount of free Wi-Fi access to the public, the City will work with Wi-Fi providers to place, at no external expense to the City, Wi-Fi transceivers on vertical elements such as Street Light Poles (SLP) in targeted areas of the City as well as on select City buildings, and

WHEREAS, the City will support the necessary evaluation of equipment and

engineering specifications for each type of installation configuration, and

WHEREAS, to provide for guidelines and expectations for installation of transceivers, the City has developed a Wi-Fi specific Master License Agreement, **attached** hereto, for authorizing providers to install devices,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Master License Agreement (MLA) **attached** as **Exhibit A** for the installation of facilities that will provide Free Public Wi-Fi services , and which will waive all charges associated with supplement licensing, encroachment permits, inspections, and administrative processing.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute all steps needed for MLA for free public Wi-Fi implementation.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of November, 2016, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Grewal

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
ADAM U. LINDGREN, City Attorney

FREE PUBLIC WIFI MASTER LICENSE AGREEMENT FOR THE INSTALLATION OF WIRELESS TELECOMMUNICATIONS FACILITIES AND THE PROVISION OF WIRELESS INTERNET SERVICES BETWEEN THE CITY OF MODESTO AND [ ]

This Master License Agreement (the "Agreement") made this day of _____, 20__, by and between the City of Modesto, California, a municipal corporation (the "City~~ITY~~"), and _____, a _____ (the "Licensee~~ICENSEE~~"). The City and Licensee are at times collectively referred to hereinafter as the "Parties" or individually as a "Party."

RECITALS

WHEREAS, the City owns and controls certain buildings, streetlight poles and/or other improvements and/or facilities (hereinafter "City Assets" or "City Property"), and

WHEREAS, City wishes to allow Licensee to install, maintain and operate wireless communications facilities known as WiFi antenna systems (hereinafter "Facilities") in and/or upon certain City Assets, some of which may be located in the public rights-of-way in order to provide free WiFi internet access to the public for a predetermined amount of time (hereinafter "Limited Free WiFi"); and

WHEREAS, the Parties desire to enter into this Agreement to define the general terms and conditions to govern their relationship with installation, maintenance, and operation of Licensee's Facilities on City assets as hereinafter set forth; and

WHEREAS, City and Licensee acknowledge that they will enter into a supplemental license ("Supplement"), a copy of which is attached hereto as Exhibit A, with respect to each particular location or site which Licensee will install said Facilities.

NOW THEREFORE, in consideration of the mutual covenants contained herein, the Parties hereto agree as follows:

1. **LICENSE**. City hereby grants, at no cost to the Licensee~~ICENSEE~~, a non-exclusive, revocable license to install, attach, replace, operate, and maintain Licensee Facilities on certain City assets, described in the applicable Supplement. Such use is subject to all of the terms and conditions of this Agreement, including but not limited to Paragraph 3 below, and the applicable Supplement.

2. **TERM**. This Agreement shall be for a term of ___ years commencing upon the execution hereof by both Parties. Each Supplement shall be effective as of the date of execution by both Parties (the "Effective Date"), provided, however, the initial term of each Supplement shall be for ___ years and shall commence on the first day of the month following the day that Licensee commences installation of the equipment on the Property (the "**Commencement Date**").

   2.1 **Extensions.** Each Supplement shall automatically be extended for three (3) additional five (5) year terms unless Licensee terminates it at the end of the current term by giving City written notice of the intent to terminate at least three (3) months prior to the end of the unexpired term. The initial term and all extensions under a Supplement shall be collectively referred to herein as the "Term". Notwithstanding anything herein, after the expiration of this Agreement, its terms and conditions shall survive and govern with respect to any remaining Supplements in effect until their expiration or termination.

   2.2 **Annual termination**. Notwithstanding anything to the contrary contained herein, provided Licensee is not in default hereunder beyond applicable notice and cure periods, Licensee shall have the right

to terminate each Supplement upon the annual anniversary of the Commencement Date provided that three (3) months prior written notice is given to City.

3. **USE**. Licensee shall use the Property identified in Supplement(s) for the purpose of installing, attaching, maintaining, repairing and operating their Facilities and uses incidental thereto. Licensee's facilities shall be installed, attached, maintained and operated in a workmanlike manner and accordance with all applicable local, state and federal laws, regulations, and specifications, including, but not limited to, the City's Specifications and Standards, all applicable orders, rules, and/or regulations issued by the California Public Utilities Commission (CPUC) and Federal Communications Commission (FCC); and the National Electric Code. Licensee shall confine activities on Property to strictly those necessary for the exercise of the privilege and activities hereby licensed and shall collaborate and cooperate with City so as not to interfere with the transaction of City business and the convenience of the public, or jeopardize the safety of persons or property. Licensee shall promptly comply with such further conditions and requirements as City may hereafter prescribe.

3.1 **Governmental Approvals.** It is understood and agreed that Licensee's ability to use the Property is contingent upon its obtaining after the execution date of each Supplement all of the certificates, permits and other approvals (collectively the "Governmental Approvals") that may be required by any Federal, State or Local authorities as well as a satisfactory building or light pole structural analysis which will permit Licensee use of the Property as set forth above. City shall cooperate with Licensee in its effort to obtain such approvals. In the event that (i) any of such applications for such Governmental Approvals should be finally rejected; (ii) any Governmental Approval issued to Licensee is canceled, expires, lapses, or is otherwise withdrawn or terminated by governmental authority; and (iii) Licensee determines that such Governmental Approvals may not be obtained in a timely manner, Licensee shall have the right to terminate the applicable Supplement. Notice of Licensee's exercise of its right to terminate shall be given to City in accordance with the notice provisions set forth in Paragraph 15 and shall be effective upon the mailing of such notice by Licensee, or upon such later date as designated by Licensee. Upon such termination, the applicable Supplement shall be of no further force or effect except to the extent of the representations, warranties and indemnities made by each Party to the other thereunder.

3.2 **E-SSID.** For the benefit of users, all Licensees are required to use the following E-SSID template: LinkModesto by [Licensee's Name].

3.3 **Utilities.** Licensee, at Licensee's expense, shall have the right to install utilities and to improve any existing utilities on the Property (including, without limitation, the installation of emergency power generators) upon approval from the City's Traffic Engineer. Licensee shall be solely responsible for the safe and proper use and operation of any such utilities.

3.4 **Permits.** Licensee shall apply to the City's Community and Economic Development Department for an encroachment permit, at no cost to the Licensee~~LICENSEE~~, for all work to be done within the City's right-of-way during the installation of Licensee's Facilities as required by City. The requirements and application for which are contained in Exhibit B. The City's approval of any drawings, cable storage requirements schedule, or the issuing of any required permits, shall not in any way impart liability to the City, increase the liability of the City, nor relieve the Licensee of any duties, liabilities, responsibilities, or obligations.

Licensee shall perform all work on Licensee's communications equipment within the public rights-of-way and park vehicles in the streets and other public rights-of-way when necessary for the installation, replacement, abandonment, operation or maintenance of Licensee's Facilities in accordance with the encroachment permit obtained by Licensee. Following completion of work in

the public rights-of-way, Licensee shall repair any affected public rights-of-way as soon as possible, but no later than the time frame established by the encroachment permit issued by the City. No street, alley, highway or public place shall be encumbered for a longer period than shall be necessary to execute the work authorized by the encroachment permit.

3.5 **Supplements.** The installation of wireless telecommunications facilities on any City Asset and execution of a Supplement shall be subject to the following review and approval process:

a. City Manager, or his designee, shall initially review requests to execute a Supplement and accompanying site plan to install Licensee's Facilities on a particular City asset.

b. The Planning Department shall review and approve site plan for proposed Supplement for conformance for with the applicable zoning regulations under Modesto Municipal Code section 10-3.401, et seq., design, and California Environmental Quality Act (CEQA).

c. The Traffic Engineering Division of the Public Works Department shall review and approve site plan, including building or light pole structural analysis, and issue the necessary permits (e.g. encroachment permit). Licensee shall submit the documentation satisfactory to the City's Engineer, or his/her designee, according to Exhibit B.

3.6 **Emergency Repairs.** Licensee shall provide City and maintain a current contact name and phone number to which any emergency repairs or incidents shall be reported. Licensee and contractors performing work for Licensee shall not be required to pay any fee in order to perform work on Licensee's communications equipment, or park within the streets and other public rights-of-way when responding to an emergency repair request from City. Emergency repair shall mean any repair needed to be completed within less than 48 hours in order to continue the normal operations of City or Licensee facilities or equipment.

Removal at End of Term. Licensee shall, upon termination of this Agreement, or within sixty (60) days after any earlier termination of a Supplement, remove its facilities and restore the Property to its original condition, reasonable wear and tear and casualty damage excepted.

4. **REPRESENTATION AND WARRANTIES.** Licensee represents and warrants, as of the Effective Date of this Agreement and execution thereof, following:

4.1 Licensee is either: (a) a personal wireless service provider authorized, certificated or licensed by the FCC or other agency, (b) an operator of a distributed antenna system network authorized, certificated or licensed by the FCC, the CPUC or other agency, (c) a wireline provider of Telecommunications Service authorized, certificated or licensed by the CPUC, or (d) a provider of Multichannel Video Services which is franchised by the CPUC or other agency;

4.2 Licensee is authorized to provide communications services, is otherwise qualified to do business in California, and has obtained all necessary authorizations, certifications, or licenses from the FCC, the CPUC or other agency; and that a copy of the Licensee's Certificate of Public Convenience and Necessity, if applicable, shall be submitted to City prior to execution of this Agreement.

5. **INTERFERENCE**. Licensee agrees to install equipment of the type and frequency which will not cause harmful interference. All equipment and services provided shall comply with FCC regulations, as amended

from time to time, and existing industry standards. In the event any after-installed Licensee's equipment causes such interference, and after City has notified Licensee in writing of such interference, Licensee will take all commercially reasonable steps necessary to correct and eliminate the interference, including but not limited to, at Licensee's option, powering down such equipment and later powering up such equipment for intermittent testing. In no event will City be entitled to terminate a Supplement or relocate the equipment as long as Licensee is making a good faith effort to remedy the interference issue. City agrees that City and/or any other tenants of the Property who currently have or in the future take possession of the Property will be permitted to install only such equipment that is of the type and frequency which will not cause harmful interference which is measurable in accordance with then existing industry standards to the then existing equipment of Licensee. The Parties acknowledge that there will not be an adequate remedy at law for noncompliance with the provisions of this Paragraph and therefore, either Party shall have the right to equitable remedies, such as, without limitation, injunctive relief and specific performance.

6. **CONSIDERATION.**

6.1 **Free Limited WiFi.** In consideration of the City's grant of a license to the Licensee, the Licensee shall provide free limited WiFi as follows:

a. [To be agreed upon by the parties]

6.2 **Installation of Licensee Facility for Commercial Use.** Licensee shall install one (1) [facility] on City Assets to be used by Licensee for commercial use as follows:

7. **DEFAULT AND REMEDIES**. The following will be deemed an "event of default" and a breach of this Agreement:

7.1 **Event of Default.**

a. Licensee's failure to perform or fulfill any other term or obligation under this Agreement within thirty (30) days after receipt of written notice from City specifying the failure; or

b. The revocation, expiration or denial of any certification, permit, approval or license required under federal, state or local law for Licensee to operate or maintain facilities.

In the event there is a breach by a Party with respect to any of the provisions of this Agreement or its obligations under it, the non-breaching Party shall give the breaching Party written notice of such breach. After receipt of such written notice, the breaching Party shall have thirty (30) days in which to cure any breach, provided the breaching Party shall have such extended period as may be required beyond the thirty (30) days if the breaching Party commences the cure within the thirty (30) day period and thereafter continuously and diligently pursues the cure to completion.

The nonbreaching Party may not maintain any action or effect any remedies for default against the breaching Party unless and until the breaching Party has failed to cure the breach within the time periods provided in this Paragraph. Notwithstanding the foregoing to the contrary, it shall be a default under this Agreement if City fails, within ten (10) days after receipt of written notice of such breach, to perform an obligation required to be performed by City if the failure to perform such an obligation interferes with Licensee's ability to conduct its business on Property; provided, however, that if the nature of City's obligation is such that more than ten (10) days after such notice is reasonably required for its performance, then it shall not be a default under this Agreement if performance is commenced within such ten (10) day period and thereafter diligently pursued to completion.

7.2 **Remedies for Default**. In the event of a default by either Party with respect to a material provision of this Agreement, without limiting the non-defaulting Party in the exercise of any right or remedy which the non-defaulting Party may have by reason of such default, the non-defaulting Party may terminate the applicable Supplement, this Agreement, and/or pursue any remedy now or hereafter available to the non-defaulting Party under the Laws or judicial decisions of the state in which the City's assets are located.

8. **DAMAGE TO CITY OPERATIONS OR PROPERTY.** Licensee shall assume all responsibility for, and promptly reimburse, City, in full, for any costs associated with damages caused directly or indirectly by the Licensee, its employees, agents, and/or contractors to City Property, including but not limited to repairs, staff time and equipment replacement. Licensee shall immediately notify City upon the occurrence of any such damages.

9. **DAMAGE TO LICENSEE'S FACILITIES.** In the event of damage by fire or other casualty to the Property or Assets that cannot reasonably be expected to be repaired within forty-five (45) days following same or, if the Property is damaged by fire or other casualty so that such damage may reasonably be expected to disrupt Licensee's operations at the Premises for more than forty-five (45) days, then Licensee may, at any time following such fire or other casualty, provided City has not completed the restoration required to permit Licensee to resume its operation at the Premises, terminate the Supplement upon fifteen (15) days prior written notice to City.

10. **ASSIGNMENT.** Licensee shall have the right to assign, sell or transfer its interest under this Agreement and each Supplement without the approval or consent of City, to Licensee's principal, affiliates, or to any entity which acquires all or substantially all of the Licensee's assets in the market defined by Federal Communications Commission in which the Property is located by reason of merger, acquisition, or other business reorganization. No change of stock ownership, partnership interest or control of Licensee or transfer upon partnership or corporate dissolution of Licensee shall constitute an assignment hereunder. As to other parties, this Agreement and each Supplement may not be sold, assigned or transferred without the written consent of the City. As long as any such assignees agree to abide by the terms and conditions of this Agreement and each Supplement, such consent will not be unreasonably withheld or delayed.

11. **INDEMNIFICATION**. Licensee shall hold the City, its agents, officers, employees and volunteers harmless from and save, defend and indemnify them against any and all claims, losses liabilities, judgments or damages from every cause, including but not limited to injury to person or property or wrongful death, including reasonable costs and expenses of defense of any judicial or administrative action, arising directly or indirectly out of or in connection with Licensee's use of Property and the installation, operation, maintenance or repair of Licensee's Facilities or failure by Licensee, its agents, contractors, or employees to comply with the obligations contained in this Agreement or any violation of its agents, officers, employees, or volunteers relating to or during the performance of its obligations under this Agreement.

Licensee's obligation to defend, indemnify, and hold the City, its agents, officers, and employees harmless under the provisions of this paragraph is not limited to or restricted by any requirement in this Agreement for Licensee to procure and maintain a policy of insurance.

12. **DISCLAIMER AND WAIVER**. In no event shall the City, its elected officials, officers, employees, agents or representatives be liable for any lost profits, consequential, special, exemplary, indirect, punitive or incidental losses or damages, including loss of use, loss of goodwill, lost revenues, loss of profits or loss of contracts even if advised of the possibility of such damages. Licensee waives all such claims and releases the City from any such liability.

13. **CALIFORNIA CIVIL CODE SECTION 1542**. California Civil Code section 1542 provides that "A general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the release, which if known by him or her must have materially affected his or her settlement with the debtor." The Parties hereby waive the provisions of Section 1542, or other similar provisions of law, and intend that the waiver and release provided in Article 5.1.6 shall be fully enforceable despite its reference to future or unknown claims.

14. **INSURANCE.** Licensee shall provide at its own expense and maintain at all times the following insurance with insurance companies licensed in the State of California and shall provide evidence of such insurance to the City as may be required by the Risk Manager of the City. The policies or certificates thereof shall provide that, thirty (30) days prior to cancellation or material change in the policy, notices of same shall be given to the Risk Manager of the City by certified mail, return receipt requested, for all of the following stated insurance policies.

14.1 Worker's Compensation - in compliance with the statutes of the State of California, plus employer's liability with a minimum limit of liability of $1,000,000.

14.2 General Liability insurance with a minimum limit of liability per occurrence of $1,000,000 for bodily injury and property damage. If Commercial General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit. This insurance shall indicate on the certificate of insurance the following coverages and indicate the policy aggregate limit applying to: premises and operations; broad form contractual; independent Licensees and subcontractors; products and completed operations as applicable.

14.3 Automobile Liability insurance with a minimum limit of liability per occurrence of $1,000,000 for bodily injury and property damage. This insurance shall cover any automobile for bodily injury and property damage.

14.4 If at any time any of said policies shall be unsatisfactory to the City, as to form or substance, or if a company issuing such policy shall be unsatisfactory to the City, Licensee shall promptly obtain a new policy, submit the same to the Risk Manager for approval and submit a certificate thereof as hereinabove provided. Upon failure of the Licensee to furnish, deliver or maintain such insurance and certificates as above provided, this Agreement, at the election of the City, may be forthwith declared suspended or terminated. Failure of the Licensee to obtain and/or maintain any required insurance shall not relieve the Licensee from any liability under this Agreement, nor shall the insurance requirements be construed to conflict with or otherwise limit the obligations of the Licensee concerning indemnification. The City, its agents, officers, employees, and volunteers shall be named as an additional insured on all insurance policies required herein, except Workers' Compensation and Professional Liability. The Workers' Compensation insurer shall agree to waive all rights of subrogation against the City, its agents, officers, employees, and volunteers for losses arising from work performed by Licensee for the City. The Licensee's insurance policy(ies) shall include a provision that the coverage is primary as respects the City; shall include no special limitations to coverage provided to additional insured; and, shall be placed with insurer(s) with acceptable Best's rating of A:VII or with approval of the Risk Manager. The Licensee must deliver certificates evidencing existence of the insurance listed above to the City prior to the time the contract is signed.

14.5 Licensee shall provide City with separate endorsements evidencing proof of the City's additional insured status as to both the general liability and automobile liability insurance policies. In addition,

Licensee shall provide City with a Workers Compensation subrogation waiver by way of a separate endorsement. All endorsements referenced above must include the applicable policy number.

14.6 For any claims related to this Agreement, Licensee's insurance coverage shall be primary insurance with respect to City, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by City, its officers, officials, employees, or volunteers shall be excess of the Licensee's insurance and shall not contribute with it.

15. **NOTICES**. Any and all notices permitted or required to be given hereunder shall be deemed duly given and effective (a) upon actual delivery, if delivery is by hand; or (b) five (5) days after delivery into the United States mail if delivery is by postage paid registered or certified (return receipt requested) mail. Each such notice shall be sent to the parties at the address respectively indicated below or to any other address as the respective parties may designate from time to time.

CITY: City of Modesto
Attn: City Manager
1010 10th Street
Modesto, CA 95353

Copy to: City of Modesto
Chief Information Officer
1010 10th Street
Modesto, CA 95353

LICENSEE: _____
_____
_____
_____

16. **APPLICABLE LICENSES.** Licensee shall submit proof of City Business License and all applicable licenses as required by City prior to execution of this Agreement.

17. **MISCELLANEOUS**.

17.1 **Entire Agreement**. This Agreement, including all the exhibits attached hereto, represents the entire and integrated agreement between City and Licensee and supersedes all prior negotiations, representations, or agreements, either written or oral. All exhibits attached hereto are incorporated by reference herein.

17.2 **Amendments**. This Agreement may not be amended or varied except in a writing signed by all Parties.

17.3 **Governing Law and Venue.** This Agreement shall be governed according to the laws of the State of California. In the event that either Party brings any action to enforce or interpret this Agreement, venue shall be vested exclusively in the state courts of California in the County of Stanislaus.

17.4 **Successors and Assigns.** The provisions of this Agreement shall inure to the benefit of and shall apply to and bind the successors and assigns of the parties.

17.5 **Compliance with Applicable Laws.** Licensee shall fully comply with all applicable federal, state and local laws, ordinances, regulations, and permits, now in effect or which may hereafter come into effect (collectively "Laws").

17.6 **Waiver.** The waiver by any party to this Agreement of a breach of any provision hereof shall be in writing and shall not operate or be construed as a waiver of any other or subsequent breach hereof unless specifically stated in writing.

17.7 **Severability**. If a court of competent jurisdiction finds or rules that any provision of this Agreement is invalid, void, or unenforceable, the provisions of this Agreement not so adjudged shall remain in full force and effect. The invalidity in whole or in part of any provision of this Agreement shall not void or affect the validity of any other provision of this Agreement.

17.8 **Survival.** All obligations arising prior to the termination of this Agreement and all provisions of this Agreement allocating liability between City and Licensee shall survive the termination of this Agreement.

17.9 **Headings.** The headings used in this Agreement are for reference purposes only and shall not be considered in construing this Agreement.

IN WITNESS WHEREOF, the Parties hereto have set their hands and affixed their respective seals the day and year first above written.

Exhibit A

License Supplement

One required for each installation.

EXHIBIT A

LICENSE SUPPLEMENT

This License Supplement ("Supplement"), is made this ____ day of _____, _____, between CITY OF MODESTO, CALIFORNIA, whose principal place of business is 1010 10th Street, Modesto, CA 95353 ("CITY"), and _____, whose principal place of business is _____ ("LICENSEE").

1. **Master License Agreement.** This Supplement is a Supplement as referenced in that certain Master License Agreement between City of Modesto, California and _____, dated _____ ____, 201__, (the "Agreement"). All of the terms and conditions of the Agreement are incorporated herein by reference and made a part hereof without the necessity of repeating or attaching the Agreement. In the event of a contradiction, modification or inconsistency between the terms of the Agreement and this Supplement, the terms of this Supplement shall govern. Capitalized terms used in this Supplement shall have the same meaning described for them in the Agreement unless otherwise indicated herein.

2. **License**. CITY hereby grants a license to LICENSEE that certain premises on CITY's Property located at LOCATION/CITY IDENTIFIER as shown on Exhibit "C" attached hereto and made a part hereof.

3. **Term**. The Commencement Date and the Term of this Supplement shall be as set forth in the Agreement.

4. **Consideration**. Cosideration ~~Rent~~ under this Supplement shall be as set forth in Section 6 of the Agreement~~, payable to the City of Modesto, California at 1010 10th Street, Modesto, CA 95353.~~

5. **Site Specific Terms.** (Include any site-specific terms)

   5.1. Description of Site

   5.2. Signage for WiFi Providers: (dimensions and locations of signs)

IN WITNESS WHEREOF, the Parties hereto have set their hands and affixed their respective seal the day and year first above written.

CITY:

City of Modesto, California
Date: _____
By: _____

Name: _____

LICENSEE:

Date:

By: _____

Title: _____

Exhibit B

Encroachment Permit Application and Information

To be submitted with this MLA.

Exhibit C

Encroachment Permit

Attach all permits to packet for final submission and filing.

2728371.1

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-467

RESOLUTION ACCEPTING THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT, FOR A JOINT AWARD WITH THE COUNTY OF STANISLAUS AND THE CITY OF MODESTO IN THE AMOUNT OF $165,937; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE NECESSARY PROGRAM DOCUMENTS

WHEREAS, on June 28, 2016, the City Council, by Resolution No. 2016-264, approved a Memorandum of Agreement between the County of Stanislaus and the City of Modesto for a joint application to the Edward Byrne Memorial Justice Assistance Grant Formula Program in the amount of $165,937, and

WHEREAS, the City of Modesto will use its allocation of $131,252 to purchase License Plate Reader (LPR) equipment and analytical software, and

WHEREAS, the County of Stanislaus will use its allocation of $30,626 for the Probation Department and the Sheriff's Operations Division, and

WHEREAS, the Memorandum of Agreement states that the City agrees to provide the County with a quarterly financial and programmatic report no later than fifteen calendar days after the end of each quarter, and

WHEREAS, the project start period is October 1, 2015, and there is a statutory four-year period within which to spend the funds, and

WHEREAS, the Memorandum of Agreement was approved at the Board of Supervisors meeting on July 12, 2016,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Edward Byrne Memorial Justice Assistance Grant, for a joint award with the County of Stanislaus and the City of Modesto in the amount of $165,937.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the necessary grant documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of November, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Grewal

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-468

Print

RESOLUTION AMENDING THE MULTI-YEAR 2016/2017 OPERATING BUDGET, ESTIMATING REVENUE OF $131,252 FROM THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM, AND APPROPRIATING FUNDS

WHEREAS, on June 28, 2016, the City Council, by Resolution No. 2016-264, approved a Memorandum of Agreement between the County of Stanislaus and the City of Modesto for a joint application to the Edward Byrne Memorial Justice Assistance Grant Formula Program in the amount of $165,937, and

WHEREAS, recommended distribution of the 2015 grant is as follows:

Stanislaus County Probation	$ 7,656
Stanislaus County Sheriff	$ 22,970
Stanislaus County (Admin Fee)	$ 4,059
Modesto Police Department	$131,252

WHEREAS, the City of Modesto will use its allocation of $131,252 to purchase License Plate Reader (LPR) equipment and analytical software, and

WHEREAS, the City agrees to provide the County with a quarterly financial and programmatic report no later than fifteen calendar days after the end of each quarter, and

WHEREAS, the project start date is October 1, 2015, and there is a statutory four-year period within which to spend the funds,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Multi-Year 2016/2017 Operating Budget as indicated in **Attachment A**, which is **attached** hereto.

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of November, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Grewal

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Attachment A: Budget Adjustment for 2016 BJAG Grant

Fund 1342- Operation Grants Reimbursed:

	Expense:	Increase/ (Decrease)	Description of Account
To:			
	MY-100978-Appr. C-IT Equip>$5K	$ 131,252	
	Revenue:		
To:			
	MY-1342-19998-42040-100978	$ 131,252	Intergov – Federal – Dept. of Justice

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-469

Print

RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE PURCHASE OF A CYCLONE RIDING SURFACE CLEANER TO TERRY EQUIPMENT, SACRAMENTO, CA, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE ORDER FOR AN ESTIMATED TOTAL COST OF $177,114

WHEREAS, the replacement surface cleaner for the Public Works Department has been subjected to a thorough evaluation and has met or exceeded the replacement criteria before being placed on the replacement list, and

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB's) for new vehicles and heavy equipment through various competitive processes, and

WHEREAS, the Purchasing Division issued RFB 1616-08 for the purchase of a Cyclone Riding Surface Cleaner on the City's website under the commodity codes for automotive vehicles, trucks with specialized bodies, road and highway equipment, and waste water reclamation systems. Prospective bidders were notified online of the bid opportunity. Nine companies chose to download the RFB document, and

WHEREAS, on September 27, 2016, bids were formally opened in the City Clerk's office. One company chose to respond. There are no local vendors capable of providing this type of equipment. One company provided a responsive and responsible bid, and

WHEREAS, based on providing the overall lowest responsive and responsible bid, City staff recommends the award of bid for the purchase of a Cyclone Riding Surface Cleaner to Terry Equipment, Sacramento, CA, for a total estimated cost of $177,114, and

WHEREAS, Modesto Municipal Code (MMC) Section 8-3.203 requires all purchases which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of bid for the purchase of a Cyclone Riding Surface Cleaner to Terry Equipment, Sacramento, CA, conforms to the Modesto Municipal Code 8-3.203, and

WHEREAS, sufficient funds for a Cyclone Riding Surface Cleaner were encumbered in account 4000-53250-57003 for Fiscal Year 2015-2016, therefore making the funds available in Fiscal Year 2016-2017.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid for the purchase of a Cyclone Riding Surface Cleaner to Terry Equipment, Sacramento, CA, for an estimated total cost of $177,114.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to issue a purchase order.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of November, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Grewal

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-470

RESOLUTION APPROVING A GRANT AGREEMENT WITH CALIFORNIA DEPARTMENT OF WATER RESOURCES TO RECEIVE THE 2015 PROPOSITION 84 INTEGRATED REGIONAL WATER MANAGEMENT IMPLEMENTATION GRANT FOR THE AREA 2 STORMWATER TO SANITARY SEWER CROSS CONNECTION REMOVAL PROJECT – PHASE 2 ROOSEVELT PARK AND PARTIALLY FUNDING THE FINAL DESIGN OF THE NORTH VALLEY REGIONAL RECYCLED WATER PROGRAM PROJECT; AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL GRANT-RELATED DOCUMENTS AND ENTER INTO AN AGREEMENT TO RECEIVE THE GRANT FUNDS, IF AWARDED; AND AUTHORIZING THE DIRECTOR OF FINANCE TO BE THE SIGNATORY OF GRANT INVOICE FORMS DURING REQUESTS FOR REIMBURSEMENTS

WHEREAS, the purpose of the Area 2 Stormwater to Sanitary Sewer Cross Connection Removal Project – Phase 2 Roosevelt Park (Roosevelt Park) project is to remove direct connections of storm drain runoff to the sanitary sewer system and provide necessary storm drain improvements resulting from the removal of the cross connections, and

WHEREAS, the City of Modesto's Area 2 Stormwater to Sanitary Sewer Cross-Connection Removal Project proposes to capture, treat, and infiltrate stormwater runoff to augment groundwater supplies, reduce flood-related damage, and improve the quality of stormwater runoff percolating to the underlying groundwater basin, and

WHEREAS, the North Valley Regional Recycled Water Program (NVRRWP) includes construction of a regional water supply project to deliver recycled water produced by the cities of Modesto and Turlock to the Delta-Mendota Canal (DMC), a major component of the Central Valley Project owned by U.S. Bureau of Reclamation, and

WHEREAS, recycled water will be conveyed from Modesto and Turlock through pipelines from their wastewater treatment facilities, crossing under the San Joaquin River, ending at the DMC, and

WHEREAS, water in the DMC would then be conveyed directly to Del Puerto Water District (DPWD) turnouts and its customers, and

WHEREAS, Proposition 84, the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006, provides funds for grants to local public agencies, and

WHEREAS, the Integrated Regional Water Management (IRWM) Grant Programs include funding for planning, disadvantaged community involvement, implementation, and companion grant programs that support sustainable groundwater planning and water-energy programs and projects, and

WHEREAS, staff applied for the 2015 Proposition 84 Integrated Regional Water Management (IRWM) Implementation Grant to fund the final design and construction of the Phase 2 Roosevelt Park Project and partially fund the final design of the NVRRWP, and

WHEREAS, the Roosevelt Park Project encompasses all of the requirements of the IRWM grant with an emphasis on groundwater recharge, and

WHEREAS, like the completed Phase I Garrison Park project, the Phase 2 Roosevelt Park project will utilize Low Impact Development principles and components to remove and store stormwater runoff, and

WHEREAS, the project benefits a local disadvantaged neighborhood by reducing localized street flooding and restoring a local City park where the storm runoff volume will be stored underground, and

WHEREAS, the NVRRWP Project encompasses several of the requirements of the IRWM grant with an emphasis on water supply reliability and reclamation, and

WHEREAS, the project delivers recycled water produced by Modesto to DPWD for irrigation by District growers, and

WHEREAS, the NVRRWP provides immediate regional drought relief and future drought preparedness and improved supply reliability through the application of recycled water and therefore is an eligible project, and

WHEREAS, staff submitted a Prop 84 IRWM proposal application to California Department of Water Resources (DWR) in August 2015 and requested a grant amount of $6.67 million, and

WHEREAS, in January 2016, the City was notified of a grant award of $5.05 million, and

WHEREAS, although the grant award was less than the requested amount, it will fund a significant portion of the final design and estimated construction cost of the Phase 2 Roosevelt Park Project with a smaller portion appropriated for the NVRRWP Project, and

WHEREAS, the Prop 84 Grant agreement with the DWR was signed and executed on August 24, 2016,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it approves a grant agreement with California Department of Water Resources to

receive the 2015 Proposition 84 Integrated Regional Water Management Implementation Grant for the Area 2 Stormwater to Sanitary Sewer Cross Connection Removal Project – Phase 2 Roosevelt Park and partially funding the final design of the North Valley Regional Recycled Water Program Project.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it agrees and authorizes the City Manager, or his designee, to execute all grant-related documents and enter into an agreement to receive the grant funds, if awarded; and authorizing the Director of Finance to be the signatory of grant invoice forms during requests for reimbursements.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of November, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Grewal

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-471

Print

RESOLUTION APPROVING AN AGREEMENT WITH RRM DESIGN GROUP, INC., SAN JUAN CAPISTRANO, CA FOR FINAL DESIGN SERVICES FOR THE AREA 2 STORMWATER TO SANITARY SEWER CROSS CONNECTION REMOVAL PROJECT – PHASE 2 ROOSEVELT PARK PROJECT IN AN AMOUNT NOT TO EXCEED $525,273, PLUS $52,527 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF $577,800, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, the purpose of the Area 2 Stormwater to Sanitary Sewer Cross Connection Removal Project – Phase 2 Roosevelt Park (Roosevelt Park) project is to remove direct connections of storm drain runoff to the sanitary sewer system and provide necessary storm drain improvements resulting from the removal of the cross connections, and

WHEREAS, the City of Modesto's Area 2 Stormwater to Sanitary Sewer Cross-Connection Removal Project proposes to capture, treat, and infiltrate stormwater runoff to augment groundwater supplies, reduce flood-related damage, and improve the quality of stormwater runoff percolating to the underlying groundwater basin, and

WHEREAS, on April 7, 2009, by Council Resolution No. 2009-151, the City Council approved an agreement with RRM Design Group, Inc. (RRM) for the preparation of a Preliminary Design Report (PDR) for the Area 2 Storm Drain Cross Connection Removal Project, and

WHEREAS, the PDR focused on utilizing four neighborhood parks for underground storage of storm runoff that is currently being diverted to the sanitary sewer system via the direct cross connections, and

WHEREAS, the PDR's total construction cost estimate for Area 2 is $23.8 million, and

WHEREAS, due to budgetary constraints, staff determined it was necessary to break the project into four phases, one for each park, and

WHEREAS, considering RRM's involvement in the PDR, assistance with the grant application, and familiarity with the project scope, staff is recommending approval of an agreement with RRM for final design services, and

WHEREAS, RRM will utilize the local firm of NorthStar Engineering Group, Inc. for land surveying,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with RRM Design Group, Inc., San Juan Capistrano, CA for Final Design Services for the Area 2 Stormwater to Sanitary Sewer Cross Connection Removal Project – Phase 2 Roosevelt Park, in an amount not to exceed $525,273 for the identified scope of services, plus $52,527 for additional services (if needed), for a maximum total amount of $577,800.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of November, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Grewal

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-472

RESOLUTION AMENDING THE FISCAL YEAR 2016-2017 CAPITAL IMPROVEMENT PROGRAM BUDGET BY INCREASING REVENUES IN THE AMOUNT OF $5,005,829, TRANSFERRING $1,362,864 FROM WASTEWATER FUND RESERVES, INCREASING EXPENDITURES IN THE AMOUNT OF $5,982,154 TO BE TRANSFERRED INTO THE AREA 2 STORMWATER TO SANITARY SEWER CROSS CONNECTION REMOVAL PROJECT – PHASE 2 ROOSEVELT PARK PROJECT ACCOUNT, AND INCREASING EXPENDITURES IN THE AMOUNT OF $386,539 TO BE TRANSFERRED INTO THE NORTH VALLEY REGIONAL RECYCLED WATER PROGRAM PROJECT ACCOUNT, AS PER THE EXECUTED GRANT AGREEMENT WITH CALIFORNIA DEPARTMENT OF WATER RESOURCES TO FUND CONSTRUCTION ACTIVITIES FOR THE PROJECTS

WHEREAS, certain budgetary transactions are necessary to increase revenues in the amount of $5,005,829, transfer $1,362,864 from Wastewater Fund Reserves, and increase expenditures in the amount of $5,982,154 to be transferred into the Area 2 Stormwater to Sanitary Sewer Cross Connection Removal Project – Phase 2 Roosevelt Park Project account, and increasing expenditures in the amount of $386,539 to be transferred into the North Valley Regional Recycled Water Program Project account, as per the executed Grant Agreement with California Department of Water Resources to fund construction activities for the projects, and

WHEREAS, the Fiscal Year 2016-2017 Capital Improvement Program Budget must be amended as shown in **Exhibit A**, which is incorporated by reference herein,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2016-2017 Capital Improvement Program Budget as shown in **Exhibit A**.

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of November, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Grewal

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Exhibit A

As per the executed Grant Agreement with the California Department of Water Resources for a 2015 Proposition 84 Integrated Regional Water Management Implementation Grant, revenues need to be increased for CIP Account #100521-"North Valley Regional Recycled Water Program" by $386,539 and CIP Account #100793-"Roosevelt Park Cross Connection" by $4,619,290. This would be done by adjusting Intergovernmental – State Department of Water Resources by $5,005,589.

Due to the increase of estimated design and construction activity costs to fully fund the engineering/design/administration for CIP Account #100521-"North Valley Regional Recycled Water Program", the project costs need to be increased by $386,539. This would be done by adjusting Engineering/Design/Administration (EDA) by $386,539 in CIP Account #100521-"North Valley Regional Recycled Water Program".

Due to the increase of estimated design and construction activity costs to set up budget and fully fund the construction, construction contingency, construction administration, engineering/design/administration plus engineering construction support by City staff for CIP Account #100793-"Roosevelt Park Cross Connection", the project costs need to be increased by $5,982,154. This would be done by adjusting Construction Administration (CA) by $462,114, Construction (CON) by $4,621,135, Contingency – CIP (CTGY) by $462,114, and Engineering/Design/Administration (EDA) by $436,791 in CIP Account #100100793-"Roosevelt Park Cross Connection".

To fund the above accounts, $5,005,589 will be transferred from the revenue sources stated above and $1,362,865 will be transferred from Wastewater Fund Reserves into CIP Project #100793-"Roosevelt Park Cross Connection" and CIP Project #100521-"North Valley Regional Recycled Water Program" projects.

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-473

Print

RESOLUTION APPROVING A RECYCLED WATER CONVEYANCE AGREEMENT BETWEEN THE CITY OF MODESTO AND THE CITY OF TURLOCK FOR THE NORTH VALLEY REGIONAL RECYCLED WATER PROGRAM

WHEREAS, the North Valley Regional Recycled Water Program (NVRRWP) is the planned construction of a regional water supply project that will deliver recycled water produced by the cities of Modesto and Turlock to the Delta-Mendota Canal (DMC), and

WHEREAS, on August 26, 2016, the City initiated the construction of Modesto's component of the NVRRWP, and

WHEREAS, Turlock's component, a new recycled water pipeline from its treatment facilities to Modesto's new pump station, will be designed and constructed under a separate phase, and

WHEREAS, it is anticipated the Turlock component will be designed, constructed and connected to the Modesto component by January 2018, and

WHEREAS, Turlock will be responsible for their proportional share of the operation and maintenance of the Modesto component, based on Turlock's average daily flow conveyed to Modesto's Faculties, and

WHEREAS, Turlock will be responsible for their proportional share of any future Capital Improvement Projects for the Modesto component.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Recycled Water Conveyance Agreement between the City of Modesto and the City of Turlock for the North Valley Regional Recycled Water Program.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of November, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Grewal

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-474

Print

RESOLUTION FINDING THAT THE FOLLOWING SUBSEQUENT PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (STATE CLEARING HOUSE NO. 2007072023): AMENDMENT TO SECTION 8-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO TO REZONE FROM LOW DENSITY RESIDENTIAL (R-1) ZONE TO PROFESSIONAL OFFICE (P-O) ZONE, PROPERTY LOCATED AT 332 AND 336 STANDIFORD AVENUE (L STREET ARCHITECTS)

WHEREAS, on October 14, 2008, the City Council of the City of Modesto certified the Final Master Environmental Impact Report ("Master EIR") (SCH No. 2 007072023) for the Modesto Urban Area General Plan, and

WHEREAS, L Street Architects has proposed a rezone of properties located at 332 and 336 Standiford Avenue from Low Density Residential Zone (R-1) to Professional Office Zone (P-O), and

WHEREAS, pursuant to Section 21157.1 of the Public Resources Code, the City of Modesto's Community & Economic Development Department prepared an Environmental Assessment Initial Study EA/C&ED 2016-21 ("Initial Study") which analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the report, and

WHEREAS, in accordance with CEQA guidelines beginning on November 2, 2016, the City caused to be published a 20-day notice of the City's intent to make a finding that the subsequent project conforms with the Master EIR, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on November 22, 2016, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed rezone, a copy of which is **attached** hereto as **Exhibit "A"**, and incorporated herein by reference, and based on substantial evidence in the Initial Study makes the following findings:

1. An Initial Study was prepared by the City of Modesto that analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the report.

2. The subsequent project will have no additional significant effect on the environment, as defined in subdivision (d) of Section 21158 of the Public Resources Code, that was not identified in the Master EIR.

3. No new or additional mitigation measures or alternatives are required.

4. The subsequent project is within the scope of the project covered by the Master EIR.

5. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

6. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community & Economic Development Director is hereby authorized and directed to file a notice of approval or determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of November, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Grewal

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT A

Initial Study

EA/C&ED 2016-21

City of Modesto

Finding of Conformance to General Plan Master EIR:

Initial Study Environmental Checklist C&ED No. 2016-21

For the proposed:

RZN-16-01: Rezone from Low Density Residential (R-1) Zone to Professional Office (P-O) Zone, and

DPR-16-008: Administrative Development Plan Review: Two New Professional Office buildings 332 and 336 Standiford Avenue

Prepared by:
City of Modesto
Community & Economic Development Department
Planning Division

August 29, 2016

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City of Modesto
Master EIR Initial Study Environmental Checklist

I. PURPOSE

CEQA allows for the limited environmental review of subsequent projects under the City's Master Environmental Impact Report ("Master EIR" or "MEIR"). This Initial Study Environmental Checklist ("Initial Study") is used in determining whether the proposed Rezone and Development Plan Review ("Project") is "within the scope" of the project analyzed in the Modesto Urban Area General Plan Master EIR (SCH# 2007072023) (Public Resources Code section 21157.1). When the Initial Study supports this conclusion, the City will issue a finding of conformance.

A subsequent project is "within the scope" of the Master EIR when:

1. it will have no additional significant effects on the environment that were not addressed as significant effects in the Master EIR; and

2. no new or additional mitigation measures or alternatives are required.

"Additional significant effects" means a project-specific effect that was not addressed as a significant effect in the Master EIR. [Public Resources Code Section 21158(d)]

The determination must be based on substantial evidence in the record. "Substantial evidence" means facts, reasonable assumptions predicated upon facts, or expert opinion based on facts. It does not include speculation or unsubstantiated opinion. (CEQA Guidelines Section 15384)

II. PROJECT DESCRIPTION

A. Title: RZN-16-001—Rezone from Low Density Residential (R-1) Zone to Professional Office (P-O) Zone; DPR-16-008—Two new Professional Office buildings

B. Address or Location: 332 and 336 Standiford Avenue (APNs 055-029-027 and -028)

C. Applicant: L Street Architects; 1414 L Street, Modesto, CA 95354

D. City Contact Person: Katharine Martin, Associate Planner

Project Manager: Katharine Martin
Department: Community and Economic Development, Planning Division
Phone Number: 209-577-5465
E-mail address: kamartin@modestogov.com

E. Current General Plan Designation(s): Mixed Use (MU)

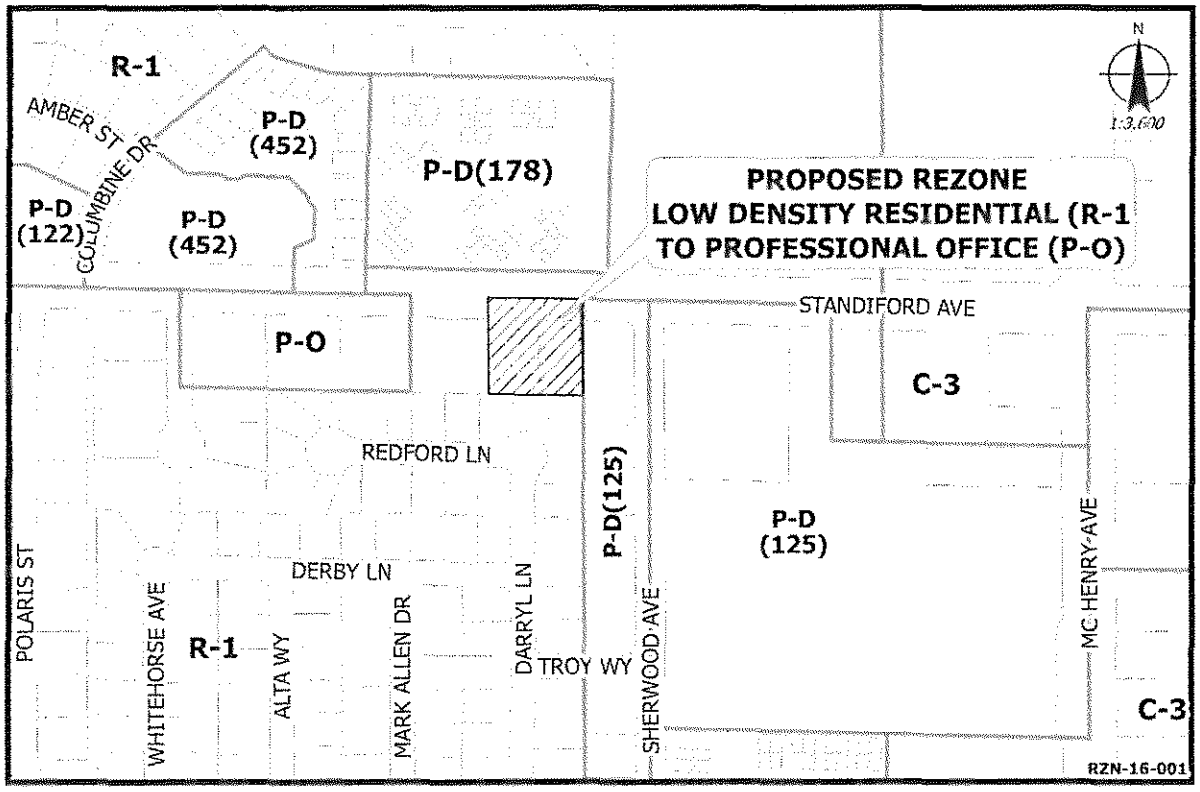
F. Current Zoning Classification(s): Low Density Residential (R-1)

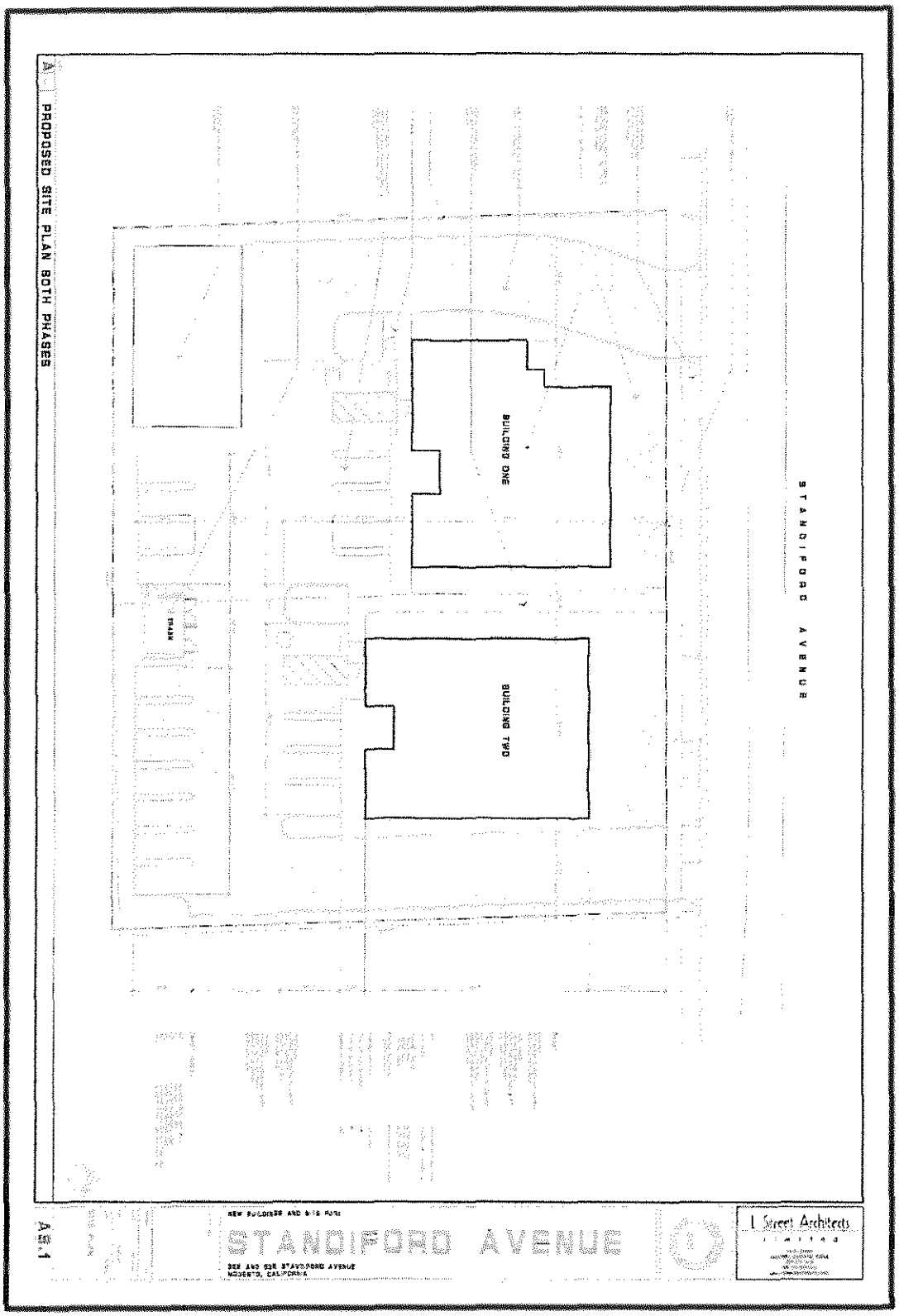
G. Surrounding Land Uses:

North: Planned Development Zone P-D(178), residential condominiums and Low Residential (R-1) Zone, residential apartment complex
South: Low Density Residential (R-1) Zone, single-family residences
East: Planned Development Zone P-D(125), residential duplexes
West: Low Density Residential (R-1) Zone, single-family residences

H. Project Description, including the project type listed in Section II.C (Anticipated Future Projects) of the Master EIR (Attach additional maps/support materials as needed for complete record):

Proposal to rezone two residential properties in the Baseline Developed Area totaling 0.69 acres from Low Density Residential (R-1) Zone to Professional Office (P-O) Zone, to allow for the development of two new office buildings totaling 6,104 square feet, and associated off-street parking. Project involves the demolition of two existing residential buildings and replacement by new offices. An existing metal storage building on one property is to remain. Rezone to be by City Council Ordinance; the development of the site to be by administrative Development Plan Review and is contingent on the proposed rezoning.





I. Other Public Agencies Whose Approval is Required: None

III. FINDINGS/DETERMINATION (SELECT ONE ON THE BASIS OF THE ANALYSIS IN SECTION IV)

1. _X_ **Within the Scope** - The project is within the scope of the Master EIR and no new environmental document or Public Resources Code Section 21081 findings are required. All of the following statements are found to be true:

   A. The subsequent project will have no additional significant effect on the environment, as defined in subdivision (d) of Section 21158 of the Public Resources Code, that was not identified in the Master EIR.

   B. No new or additional mitigation measures or alternatives are required.

   C. The subsequent project is within the scope of the project covered by the Master EIR.

   D. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

   E. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

2. ____ **Mitigated Negative Declaration Required** - On the basis of the above determinations, the project is not within the scope of the Master EIR. A mitigated negative declaration will be prepared for the project. The following statements are all found to be true:

   A. The subsequent project is within the scope of the project covered by the Master EIR.

   B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

   C. The project will have one or more potential new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures are being required of the project that will reduce the effects to a less-than-significant level.

   D. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

3. ____ **Focused EIR Required-** On the basis of the above determinations, the project is not within the scope of the Master EIR. A Focused EIR will be prepared for the project. All of the following statements are found to be true:

   A. The subsequent project is within the scope of the project covered by the Master EIR.

B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

C. The project will have one or more new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures or alternatives are required as a result.

D. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

Project Manager	Associate Planner Title	9-16-16 Date

4. Within the Scope Analysis of this Document:

The Master EIR allows projects to be found within the scope of the MEIR if certain criteria are met. If the following statements are found to be true for all 21 impact categories included in this Initial Study, then the proposed project is addressed by the MEIR analysis and is within the scope of the MEIR. Any "No" response must be discussed.

		YES	NO
(1)	The lead agency for subsequent projects shall be the City of Modesto or a responsible agency identified in the Master EIR.	☒	☐
(2)	City policies which reduce, avoid, or mitigate environmental effects will continue to be in effect and, therefore, would be applied to subsequent projects where appropriate. The policies are described in the list of policies in place and mitigation measures attached to the Initial Study template. Project impacts would be mitigated to a less-than-significant level using MEIR mitigations only.	☒	☐
(3)	Federal, State, regional, and Stanislaus County regulations do not change in a manner that is less restrictive on development than current law (i.e., would not offer the same level of protection assumed under the Master EIR).	☒	☐
(4)	No specific information concerning the known or potential presence of significant resources is identified in future reports, or through formal or informal input received from responsible or trustee agencies or other qualified sources.	☒	☐
(5)	The development will occur within the boundaries of the City's planning area as established in this Urban Area General Plan.	☒	☐
(6)	Development within the project will comply with all appropriate mitigation measures contained and enumerated in the 2008 General Plan Master EIR.	☒	☐

5. Currency of the Master EIR Document

The MEIR should be reviewed on a regular basis to determine its currency, and whether additional analysis/mitigation should be incorporated into the MEIR via a Supplemental or Subsequent EIR (CEQA Section 21157.6). Staff has reviewed Sections 1 through 21 of this document in light of the criteria listed below to determine whether the MEIR is current. The analysis contained within the Master EIR is current as long as the following circumstances have not changed. Any "no" response must be explained.

		YES	**NO**
(1)	Certification of the General Plan Master EIR occurred less than five years prior to the filing of the application for this subsequent project.	☐	☒
(2)	This project is described in the Master EIR and its approval will not affect the adequacy of the Master EIR for any subsequent project because the City can make the following findings:	☒	☐
(a)	No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified.	☒	☐
(b)	No new information, which was not known and could not have been known at the time the Master EIR was certified as complete, has become available.	☒	☐
(c)	Policies remain in effect which require site-specific mitigation, and avoidance or other mitigation of impacts as a prerequisite to future development.	☒	☐

Discussion:

(1) The General Plan Master EIR was certified on October 14, 2008, so more than five years has passed since the MEIR was certified. However, the analysis contained in the MEIR is still adequate for subsequent projects, as documented in the discussion below.

(2) The project is consistent with the analysis contained in the MEIR. This is documented in the discussion of the individual issue areas of this initial study.

(2)(a) There have been no substantive changes to the General Plan since the MEIR was certified that would create additional significant environmental effects that were not analyzed by the MEIR.

(2)(b) There has been no new information that would affect the adequacy of the analysis contained in the MEIR.

(2)(c) All policies contained in the MEIR that require site-specific mitigation or avoidance of impacts remain in effect and will be applied to the project as appropriate.

IV. ENVIRONMENTAL ANALYSIS

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, discloses whether the proposed project may cause any project-specific significant effect on the environment that was not examined in the Final Master EIR (MEIR) for the General Plan and whether new or additional mitigation measures or alternatives may be required as a result. The Initial Study thereby documents whether or not the project is "within the scope" of the Master EIR.

Pursuant to Public Resources Code Section 21157.1, no new environmental document or findings are necessary for projects that are determined to be within the scope of the MEIR. Adoption of the findings specified in Section III.1, above after completion of the Initial Study fulfills the City's obligation in that situation.

All environmental effects cited reflect 2025 conditions resulting from the Urban Area General Plan, as identified in the Master EIR.

The environmental impact analysis in the Master EIR for the Urban Area General Plan is organized in twenty-one subject areas. The following analysis is based on the impact analyses contained in Chapter V of the Master EIR. For ease of reference, the sections are numbered in the same order as the analyses in Chapter V.

1. TRAFFIC AND CIRCULATION

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable traffic and circulation impacts expected after application of mitigations/policies:

Direct Impacts

Effect: Increased automobile traffic will result in roadway segments (see MEIR on Table 1-7, pages V-1-32 to V-1-34) operating at LOS D, Modesto's significance threshold for automobile traffic, or lower (LOS E or F).

Effect: The substantial increase in traffic relative to the existing load and capacity of the street system will cause, either individually or cumulatively, the violation of automobile service standards established by StanCOG's Congestion Management Plan for designated roads and highways.

Effect: A substantial increase in automobile vehicle miles traveled and automobile vehicle hours of travel and a decrease in average automobile vehicle speed (see MEIR Table 1-6, page V-1-31).

Cumulative Impacts

Effect: Potential for growth inducement or acceleration of development resulting from highway and local road projects.

Effect: Substantial increase in traffic in relation to the existing traffic load and capacity of the street system, including a violation, either individually or cumulatively, of an automobile LOS standard established by the Congestion Management Plan for designated roads and highways.

Effect: Increased demand for capacity-enhancing alterations to existing roads or automobile traffic reduction.

Other impact categories affected by Traffic and Circulation are addressed throughout this Initial Study (see also Section 2, Degradation of Air Quality; Section 3, Generation of Noise; Section 7 Loss of Sensitive Wildlife and Plant Habitat; Section 8, Disturbance of Archaeological/Historic Sites; Section 14 Increased Demand for Fire Services; Section 18, Energy; Section 19, Visual Resources; Section 20, Land Use and Planning, and Section 21, Climate Change).

b. Master EIR and/or New Mitigation Measures Applied to the Project

Traffic and Circulation mitigation measures pertinent to this project are found on MEIR pages V-1-9 through V-1-28. All mitigation measures appropriate to the project, including any new measures, will be incorporated into or made conditions of approval of this project and are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

The project does not require mitigation measures from the MEIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-1.B of the Master EIR provides analysis of Traffic and Circulation impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: A subsequent development project will have a new significant effect on the environment if it would exceed the following criteria:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1. TRAFFIC AND CIRCULATION				
1) The proposed project exceeds traffic generation assumptions in the Master EIR for the site by 100 trips or more and City Engineering and Transportation staff has determined that the project would have additional potentially significant project-specific effects that are not avoided or reduced by the Master EIR's mitigation measures.	☐	☐	☒	☐
2) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☒
3) The proposed project would cause additional roadway segments in the General Plan area to exceed LOS D and/or cause additional violations of standards in the Congestion Management Plan, and/or cause an increase in automobile vehicle miles or vehicle hours of travel or a decrease in automobile travel speed, as compared to the impacts disclosed in the Master EIR.	☐	☐	☐	☒
4) The proposed project would cause emergency response times to exceed acceptable standards established by the Fire Department, as compared to impacts disclosed in the Master EIR (see Section 14, Increased Demand for Fire Services).	☐	☐	☐	☒
5) The proposed project would result in less parking than required by the Municipal Code or as determined by staff.	☐	☐	☐	☒
6) The proposed project would conflict with adopted policies, plans, or programs that support alternative transportation, including, but not limited to the Regional Transportation Plan, the Sustainable Communities Strategy, the Bicycle Action Plan, and so on.	☐	☐	☐	☒
7) The proposed project would result in an increase	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
in automobile vehicle miles traveled on a per capita basis, in excess of that considered in the Urban Area General Plan MEIR.				

Discussion:

(1) The project would rezone two residential properties to Professional Office (P-O) Zone uses, with development of two new office buildings. The site is within the Baseline Develoiped Area of the General Plan, and is within an area designated as Mixed Use (MU) in the General Plan. While the change in use from residential to professional office would create more trips than is typical of a residence, the project would not exceed traffic generation assumptions in the General Plan MEIR by 100 trips or more, and the City's Traffic Division indicated no concerns with traffic generated by the project.

(2) The project would not exceed a level of service standard established by the county congestion management agency for designated roads or highways.

(3) The project would not cause an increase in level of service for the adjacent streets or conflict with any Congestion Management Plans, or cause an increase in vehicle miles or hours traveled. The segment of Standiford Avenue at the location is already at LOS D, and the City's Traffic Division indicated no concerns that the project would cause the level of service to exceed that level.

(4) The project would not cause emergency response times to exceed acceptable standards. The project was referred to the City Fire Department, who indicated no concerns.

(5) The project would provide parking as required for professional office uses.

(6) The project would not conflict with adopted alternative transportation plans or programs.

(7) The project would not result in an increase in vehicle miles traveled in excess of what was considered by the General Plan MEIR.

2. DEGRADATION OF AIR QUALITY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable air quality impacts expected after application of mitigations/policies:

Direct Impacts

Effect: Expected automobile traffic will result in increased operational emissions of reactive organic gases (ROG) and oxides of nitrogen (NO_X) (see MEIR Table 2-8, page V-2-27).

Effect: Expected automobile traffic will result in increased emissions of particulate matter 10 microns or less (PM_{10}) and 2.5 microns or less in diameter ($PM_{2.5}$) (see MEIR Table 2-8, page V-2-27).

Effect: Expected automobile traffic will result in increased carbon monoxide (CO) levels in the project area (see MEIR Table 2-7, page V-2-26, and Table 2-8, page V-2-27).

Cumulative Impacts

The Master EIR indicates the same impacts identified as direct impacts above will contribute to regional impacts on air quality for the criteria pollutants ROG, NO_x, PM_{10}, and $PM_{2.5}$.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Air quality mitigation measure(s) pertinent to the proposed project are found on pages V-2-13 through V-2-24 of the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

The appropriate mitigation to be applied to this project includes AQ-42 through AQ-50 from the MEIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-2.B of the Master EIR is the analysis of air quality impacts resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
2. DEGRADATION OF AIR QUALITY				
1) The proposed project exceeds the project-level emissions thresholds established for CO, ROG, NO_x, PM_{10}, and $PM_{2.5}$ by the San Joaquin Valley Air Pollution Control District (SJVUAPCD) and is not consistent with the development assumptions for the project site, as established in the Urban Area General Plan and Master EIR.	☐	☐	☐	☒
2) The proposed project does not incorporate the best management practices established by the SJVAPCD for CO, ROG, NO_x, PM_{10}, and $PM_{2.5}$.	☐	☐	☐	☒
3) The proposed project does not comply with the air quality policies in the Modesto Urban Area General Plan.	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
4) The proposed project would expose sensitive receptors to pollutant concentrations in excess of those expected to occur as a result of implementation of the Urban Area General Plan.	☐	☐	☐	☒
5) The proposed project would create objectionable odors affecting a substantial number of people.	☐	☐	☒	☐

Discussion:

(1) The project involves the removal of two residences and construction of two new professional office buildings. The development would not exceed emissions thresholds established by the SJVUAPCD, and is consistent with the development standards for an office use as established by the General Plan.

(2) Development of the site will be required to adhere to applicable City Zoning Ordinances, Standards, and applicable best management practices during the construction process.

(3) The project would comply with the air quality policies in the Urban Area General Plan with implementation of the mitigation measures cited above.

(4) With mitigation measures cited above, the project would not expose sensitive receptors to pollutant concentrations in excess of those expected to occur as a result of implementation of the Urban Area General Plan.

(5) Construction activities could potentially generate odors with processes such as application of architectural coatings and asphalt paving materials; however, activities will be mitigated as called for by the MEIR with the mitigation measures listed above.

3. GENERATION OF NOISE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable noise impacts expected after application of mitigations/policies:

Direct Impacts

Effect: Future automobile traffic noise levels and roadway construction and maintenance activities resulting from development of the Urban Area General Plan will exceed the City's noise thresholds at various locations, but particularly in areas adjacent to heavily traveled roadways (see MEIR Table 3-3, page V-3-10, and Figure VII-2 and Table 3-6, pages V-3-18 and V-3-19).

Effect: Expected noise from airport operations and airport construction projects may expose up to 468 dwellings and three churches to noise levels of 65 dB CNEL and up to eight dwellings to noise levels of 70 dB CNEL.

Effect: Expose noise-sensitive land uses to noise from the construction of bicycle and transit projects.

Effect: Expose noise-sensitive land uses to noise from freight and passenger rail operations.

Cumulative Impacts

Effect: Traffic from development in the City of Modesto would, when combined with traffic from new development in the County and other cities, contribute to a cumulative increase in roadside noise levels on major roads and highways throughout Stanislaus County.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Noise policies and mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-3-11 through V-3-15 of the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project and any new measures are listed in Section V, Mitigation Applied to Project.

Discussion:

The appropriate mitigation to be applied to this project includes N-1 through N-3 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-3.B of the MEIR discloses noise impacts resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not analyzed in the Master EIR.

Significance Criteria: Determination of the proposed project's effects are based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
3. GENERATION OF NOISE				
1) The proposed project will exceed the standards for noise level and hours of operation established by the Modesto noise ordinance.	☐	☐	☐	☒
2) The proposed project will not comply with the noise policies of, or otherwise be inconsistent with, the Modesto Urban Area General Plan.	☐	☐	☐	☒
3) The proposed project will result in an increase in ambient noise levels in the project vicinity above those disclosed in the Master EIR.	☐	☐	☐	☒
4) The proposed project will result in a substantial temporary or periodic increase in ambient noise	☐	☐	☒	☐

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
levels in the project vicinity above levels disclosed in the Master EIR implementation of the Urban Area General Plan.				

Discussion:

(1-3) The project is consistent with the noise policies of the General Plan. The proposed office development is not anticipated to generate noise levels that exceed the noise thresholds of the MEIR, with activities to be conducted primarily indoors.

(4) The project will not result in a substantial increase in ambient noise above levels described in the MEIR. There will be temporary construction-related noise, but implementation of the mitigation measures outlined above would reduce the impacts to a less than significant amount.

4. EFFECTS ON AGRICULTURAL LANDS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on agricultural lands expected after application of mitigations/policies:

Direct Impacts

Effect: Between 1995 and 2025, development of the Urban Area General Plan may convert up to approximately 26,000 acres of farmland in various categories in the Planned Urbanizing Area to urban uses.

Effect: Approximately 1,200 acres of urban development along a 28.5-mile boundary 350 feet wide between urban and agricultural uses could be affected by continued agricultural operations, including noise, dust, and chemical overspray or drift.

Cumulative Impacts

Effect: Growth within Modesto's planning area would contribute considerably to the loss of agricultural land within Stanislaus County, accounting for the conversion of as much as approximately 26,000 acres of farmland in various categories in the Planned Urbanizing Area from 1995 to 2025.

b. Master EIR and/or New Mitigation Measures Pertinent to the Project

Agricultural land mitigation measures pertinent to the proposed project are found on pages V-4-6 to and V-4-8 of the Master EIR. All mitigation measures appropriate to the project and any new mitigation to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.

Discussion:

The project does not require mitigation measures from the MEIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-4.B of the Master EIR discloses the impacts resulting from the implementation of the Urban Area General Plan on agricultural lands. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
4. EFFECTS ON AGRICULTURAL LANDS				
1) The proposed project is inconsistent with the Urban Area General Plan's policies relating to agricultural land.	☐	☐	☐	☒
2) The proposed project will either directly or indirectly result in the development of land outside the 2008 Urban Area General Plan's planning area boundary.	☐	☐	☐	☒
3) The proposed project will conflict with existing zoning for agricultural use, or there is an existing Williamson Act contract on the project site.	☐	☐	☐	☒
4) The proposed project will involve other changes in the existing environment not anticipated in the Master EIR which, due to their location or nature, could result in conversion of farmland to non-agricultural use.	☐	☐	☐	☒

Discussion:

(1) The project would be consistent with the General Plan's policies relating to agricultural land. The site is located within the Baseline Developed Area, and is designated as Mixed Use (MU) in the General Plan's Land Use Diagram.

(2) The project will not result in the development of land outside of the 2008 General Plan boundary. The site is within the Baseline Developed Area and is surrounded by urbanized area within the jurisdiction of the City.

(3) The site is not zoned for agricultural uses, is currently zoned for Low Density Residential (R-1) uses and is proposed to be rezoned to Professional Office (P-O) to allow for the development of two new office buildings. There are no Williamson Act contracts on the properties of the project site.

(4) The project will not convert existing farmland to a non-agricultural use.

5. INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on long-term water supplies expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts have been disclosed in the Master EIR.

Cumulative Impacts

Effect: Operational yields of the Modesto and Turlock subbasins, both of which underlie the City of Modesto, are unknown, although the City is participating in a study with the United States Geological Survey in order to quantify the operational yields of both subbasins. Groundwater withdrawals from both basins by the City, when combined with other users' withdrawals, may result in overdrafting both subbasins.

Effect: Despite available options, during drought years, significant water shortages are forecast for the San Joaquin River basin, which includes both the Modesto and Turlock subbasins, by 2020. Modesto would make a cumulatively considerable contribution to the cumulative impact on water supply under drought conditions.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Water supply mitigation measures pertinent to the proposed project are found on pages V-5-6 through V-5-12 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures regarding water supply from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-5.B of the Master EIR discloses impacts on long-term water supplies resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
5. INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES				
1) The proposed project is inconsistent with water supply policies in the Urban Area General Plan.	☐	☐	☐	☒
2) Water demand for the proposed project will exceed estimates for similar projects or for development on the project site anticipated in the Urban Area General Plan or sufficient water supplies are not otherwise available to serve the project from existing entitlements and resources.	☐	☐	☐	☒
3) The proposed project would deplete groundwater supplies to a greater degree than anticipated in the Urban Area General Plan or would interfere with groundwater recharge.	☐	☐	☐	☒

Discussion:

(1) The proposed project is consistent with the water supply policies in the General Plan.

(2) The project was referred to Land Development Engineering staff who indicated no concerns with water supply or demands of the project.

(3) The proposed project is consistent with the ground water demands assumed in the General Plan. The project would not have a significant effect on ground water recharge or depletion of long-term water supplies.

6. INCREASED DEMAND FOR SANITARY SEWER SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on sanitary sewer services after application of mitigations/policies:

Direct Impacts

Effect: Development resulting from implementation of the Urban Area General Plan will require substantial new sewage treatment and disposal capacity, treatment plant improvements, sewer mains and collection lines, and pump stations. The Wastewater Master Plan anticipates the need for these facilities and its EIR evaluates the impact of developing those facilities. Potential impacts include degradation of water quality through erosion and chemical releases; localized flooding; construction noise; exposure of construction workers and the public to hazardous materials; and on the habitat of the elderberry longhorn beetle, burrowing owl, and Swainson's hawk, as well as certain other regulated habitats. All of these impacts are mitigated to a less-than-significant level.

Additional impacts that are not mitigated to a less-than-significant level include loss of farmland cause by construction of the Phase IA tertiary treatment facility at the Jennings Road Secondary Treatment Facility, an increase in pollutant loads from increased wastewater flows to the San Joaquin River, and an increase in noise and criteria air pollutants due to construction activities, including traffic.

Cumulative Impacts

Effect: No additional cumulative impacts were identified in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Sewer service mitigation measures pertinent to the proposed project are found on pages V-6-3 through V-6-8 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-6.B of the Master EIR discloses impacts on the Increased Demand for Sanitary Sewer Service resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
6. INCREASED DEMAND FOR SANITARY SEWER SERVICES				
1) The proposed project is inconsistent with wastewater policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project will generate sewage flows greater than those anticipated in the Urban Area General Plan for the project site.	☐	☐	☐	☒
3) The proposed project will result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the wastewater policies in the General Plan.

(2-3) The project was referred to Land Development Engineering staff, who indicated no concerns with generation of sewer flows or capacity generated by the project.

7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on sensitive wildlife and plant habitat expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant impacts on sensitive wildlife and plan habitat are expected to occur with the application of the policies contained in the Urban Area General Plan.

Cumulative Impacts

Effect: Implementation of the Urban Area General Plan will contribute to the cumulative impact of habitat loss in the San Joaquin Valley. Requiring density development than has occurred in the past or that is expected in the future would minimize the City's contribution to the cumulative loss of habitat. Nonetheless, this is a significant and unavoidable impact.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Wildlife and plant habitat mitigation measures pertinent to the proposed project are found on pages V-7-17 through V-7-24 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

The project does not require mitigation measures from the MEIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-7.B of the Master EIR discloses impacts on the Loss of Sensitive Wildlife and Plant Habitat resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT				
1) The project is inconsistent with the policies pertaining to the loss of sensitive wildlife and plant habitat contained in the Urban Area General Plan.	☐	☐	☐	☒
2) Consultation with the California Department of Fish and Game or the U.S. Fish and Wildlife Service determines that the project would have a significant effect on a candidate, sensitive, or special status species in excess of the impact disclosed in the Master EIR.	☐	☐	☐	☒
3) The proposed project would have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption, or other means, in excess of the impact disclosed in the Master EIR.	☐	☐	☐	☒
4) The proposed project would substantially interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.	☐	☐	☐	☒
5) Conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	☐	☐	☐	☒
6) The proposed project would conflict with provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the General Plan policies related to the loss of sensitive wildlife and plant habitat.

(2) The project site is not within a biologically sensitive area as defined by Figures V-7-1a through V 7-1e of the MEIR. The California Department of Fish and Game and the U.S. Fish and Wildlife Service were consulted in the production of the MEIR.

(3) The site does not qualify as a federally protected wetland per Section 404 of the Clean Water Act.

(4) The site is not within a biologically sensitive area as defined by Figures V-7-1a through V 7-1e of the MEIR. The movement of fish or birds or other wildlife would not be significantly affected by the project.

(5) The project would not conflict with any local policies or ordinances protecting biological resources.

(6) There is no conflict with any adopted habitat conservation plan, natural community conservation plan, or other approved local, regional or state habitat conservation plan.

8. DISTURBANCE OF ARCHAEOLOGICAL/HISTORICAL SITES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on archaeological/historical sites expected after application of mitigations/policies:

Direct Impacts

Effect: Modification resulting in a substantial adverse change in the significance of a historic resource or the demolition of a listed or eligible historic resource.

Effect: The modification or demolition of a structure more than 50 years in age may be significant.

Effect: Discovery of archaeological resources in areas outside of the riparian corridors, as a result of construction activities.

Effect: Construction in an area of high archaeological sensitivity.

Cumulative Impacts

Effect: No additional cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Archaeological or historic mitigation measures pertinent to the project being analyzed in this Initial Study are found on page V-8-16 through V-8-20 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project:

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-8.B of the MEIR discloses impacts on archaeological/historical resources resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
8. DISTURBANCE OF ARCHAEOLOGICAL/ HISTORICAL SITES				
1) The proposed project is inconsistent with the archaeological/historical resource policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would demolish a building eligible for listing as a historic resource or remove a landmark from the Modesto inventory.	☐	☐	☐	☒
3) The proposed project would modify or demolish a structure more than 50 years in age.	☐	☐	☒	☐
4) The project would adversely affect a cultural resource that is either listed or eligible for listing in the California Register of Historical Resources.	☐	☐	☐	☒
5) Conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	☐	☐	☐	☒

Discussion:

(1) The project would be consistent with the archeological and historical resource policies in the General Plan.

(2-4) The project proposes the rezone of two properties from Low Density Residential (R-1) to the Professional Office (P-O) Zone, and the removal of two existing residences with replacement by two new professional office buildings. While the residences were built in 1952 and 1954, respectively, and therefore are older than 50-years in age, the residences are not designated as landmarks in the City's General Plan. Additionally, they are not listed on the National Register of Historic Places, nor are listed as eligible for inclusion (as of July 2015), and are not listed on the California Register of Historical Resources.

(5) The project would not conflict with a local policy or ordinance protecting biological resources. The City of Modesto does not have a tree preservation policy or ordinance.

9. INCREASED DEMAND FOR STORM DRAINAGE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on storm drainage expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: The population of Stanislaus County is projected to increase in a fashion similar to that of Modesto, resulting in additional urban development and associated increases in impervious surface area and associated increases in storm water runoff. Cumulative hydrologic impacts of storm water flows from Modesto urban areas and other areas of the County could occur due to the fixed capacity of MID and TID irrigation canals to convey drainage west to the San Joaquin River. If drainage channels in some areas prove insufficient to handle the increased drainage discharges, existing storm water runoff from urban and agricultural areas during large storm events would have to be interrupted until water levels receded to a point allowing the resumption of discharges to the channel. Ceasing discharges to drainage channels could cause inundation in and around the drainage conveyance pipeline systems, surface drainage channels, detention basins, and other urban areas. This cumulative impact is considered significant and unavoidable.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Storm Drainage mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-9-4 through V-9-9. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project:

Discussion:

The appropriate mitigation to be applied to this project includes: SD-7 and SD-9 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-9.B of the MEIR discloses impacts on the demand for storm drainage resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
9. INCREASED DEMAND FOR STORM DRAINAGE				
1) The proposed project is inconsistent with the storm drainage policies in the Urban Area General	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Plan.				
2) The proposed project would substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or offsite, as compared to impacts anticipated to result from the Urban Area General Plan or create substantial unanticipated sources of polluted runoff.	☐	☐	☐	☒
3) The proposed project does not utilize Low Impact Development strategies to reduce runoff from the site and increase infiltration, resulting in no net increase in runoff before and after development.	☐	☐	☐	☒

Discussion:

(1) The project would not be inconsistent with the storm drainage policies of the General Plan.

(2-3) The project will be required to handle and treat storm water runoff on-site in accordance to City Standards.

10. FLOODING AND WATER QUALITY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on flooding and water quality expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Flooding and Water Quality mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-10-6 through V-10-9 of the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project:

Discussion:

The appropriate mitigation to be applied to this project includes: FWQ-12 and FWQ-13 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-10.B of the Master EIR provides analysis of Flooding and Water Quality impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
10. FLOODING AND WATER QUALITY				
1) The proposed project is inconsistent with the flooding and water quality policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project does not comply with the regulatory requirements of the federal Clean Water Act or the State Porter-Cologne Act.	☐	☐	☐	☒
3) The proposed project would place more housing within a 100-year flood hazard zone than assumed in the Urban Area General Plan.	☐	☐	☐	☒
4) The proposed project would place structure within a 100-year flood hazard area so that they would impede or redirect floodwater or would substantially alter the existing on-site drainage pattern or a watercourse, in such a way as to cause flooding on- or offsite.	☐	☐	☐	☒
5) The proposed project does not comply with Modesto's Guidance Manual for New Development Storm Water Quality Control Measures.	☐	☐	☐	☒
6) The proposed project would violate water quality standards or waste discharge requirements.	☐	☐	☐	☒
7) The proposed project would substantially alter the existing drainage pattern of the site or area or a watercourse in a manner that would result in substantial erosion or siltation on- or offsite in excess of the assumptions of the Urban Area General Plan.	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
8) The proposed project would create or contribute runoff, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff, not expected as part of Urban Area General Plan implementation.	☐	☐	☐	☒

Discussion:

(1) The proposed project is consistent with the flooding and water quality policies in the Urban Area General Plan.

(2) The project would comply with the Federal Clean Water Act and the Porter Cologne Act requirements.

(3-4) The project site is not within a 100-year flood hazard zone as established by the Federal Emergency Management Agency (FEMA).

(5) The project will comply with the Guidance Manual for New Development Storm Water Quality Control Measures.

(6) The project will not violate water quality standards or waste discharge requirements.

(7) The project would not substantially alter the existing drainage pattern of the site, area or a watercourse in a manner that would result in erosion or siltation.

(8) The project will be required to treat and store on-site storm water drainage. The project was referred to Land Development Engineering who indicated no concerns with the project creating or contributing to runoff in excess of what is expected as part of the General Plan's implementation.

11. INCREASED DEMAND FOR PARKS AND OPEN SPACE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on parks and open space expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Parks and open space mitigation measures pertinent to the proposed project are found on pages V-11-3 through V-11-9 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project:

Discussion:

There are no applicable mitigation measures from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-11.B of the MEIR discloses impacts of the Urban Area General Plan on parks and open space. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
11. INCREASED DEMAND FOR PARKS AND OPEN SPACE				
1) The proposed project is inconsistent with the parks and open space policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would eliminate parks or open space.	☐	☐	☐	☒
3) The proposed project would cause an increase in the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility in question would occur or be accelerated or the proposed project would include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the parks and open space policies in the General Plan.

(2-3) The project will not impact parks or open space, or cause an increase in the use of existing parks. The project involves rezoning property from Low Density Residential (R-1) uses to Professional Office (P-O) uses, which would not impact parks.

12. INCREASED DEMAND FOR SCHOOLS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on school facilities expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR. By statute, the impact of new students is considered to be mitigated below a level of significance by payment of school impact fees and the exercise of any or all of the financing options set out in Government Code Section 65997.

Cumulative Impacts

Effect: Similar to direct impacts of implementation of the Urban Area General Plan, no residual significant direct impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Mitigation relies upon the implementation of the policies in place under the Modesto Urban Area General Plan. As long these policies are applied to all subsequent projects, no new mitigation is necessary. Further, payment of school impact fees and compliance with SB 50 is statutorily deemed to be full mitigation of school impacts (Government Code Section 65995).

The following schools mitigation measures on pages V-12-5 through V-12-7 of the Master EIR are pertinent to the proposed project. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures are listed in Section V, Mitigation Applied to Project.

Discussion:

There are no applicable mitigation measures from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-12.B of the Master EIR discloses impacts resulting from implementation of the Urban Area General Plan associated with increased demand for schools. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
12. INCREASED DEMAND FOR SCHOOLS				
1) The proposed project is inconsistent with the policies relating to schools in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project does not comply with SB 50/Proposition 1A funding provisions, or succeeding measures which state that compliance results in less-than-significant impacts on schools.	☐	☐	☐	☒

Discussion:

(1) The project involves rezoning property from Low Density Residential (R-1) uses to Professional Office (P-O) uses, which would not conflict with policies related to schools in the General Plan.

(2) The project would not conflict with SB50/Proposition 1A funding provisions, or succeeding measures.

13. INCREASED DEMAND FOR POLICE SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on police services expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Police services mitigation measures pertinent to the proposed project are found on pages V-13-2 through V-13-5 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

There are no applicable mitigation measures from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-13.B of the Master EIR discloses impacts on police services resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
13. INCREASED DEMAND FOR POLICE SERVICES				
1) The proposed project is inconsistent with policies relating to police services in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would result in the need for new or significantly altered facilities not considered as part of the Urban Area General Plan or Master EIR which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the policies relating to police services in the General Plan.

(2) The project would not result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives. The project was referred to the City Police Department, who indicated no concerns.

14. INCREASED DEMAND FOR FIRE SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on fire services expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Fire Services mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-14-4 through V-14-7 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

There are no applicable mitigation measures from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-14.B of the Master EIR discloses impacts on fire services resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	**Less Than Significant with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
14. INCREASED DEMAND FOR FIRE SERVICES				
1) The proposed project is inconsistent with the fire service policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would result in the need for new or significantly altered facilities not considered as part of the Urban Area General Plan or Master EIR which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives.	☐	☐	☐	☒
3) The proposed project, based upon substantial evidence, would cause the erosion or elimination of fire protection services in adjoining fire protection districts.	☐	☐	☐	☒

Discussion:

(1) The proposed abandonment is consistent with the fire service policies in the General Plan.

(2) The project would not result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives.

(3) The project would not cause the erosion or elimination of fire protection services. Development of professional office buildings as a result of the rezone will meet City Standards for emergency services access.

15. GENERATION OF SOLID WASTE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on solid waste expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Solid waste mitigation measures pertinent to the proposed project are found on pages V-15-4 through V-15-7 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.
Discussion:

There are no applicable mitigation measures from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-15.B of the Master EIR discloses solid waste impacts resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
15. GENERATION OF SOLID WASTE				
1) The project is inconsistent with the solid waste policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The County is unable to expand its solid waste disposal capacity, as expected, causing all new development to result in cumulative impacts on the County's disposal capacity.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the solid waste policies in the General Plan.

(2) The project would not cause an impact to the disposal capacity of solid waste facilities in the County.

16. GENERATION OF HAZARDOUS MATERIALS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts regarding hazardous materials expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.
Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Hazardous materials mitigation measures pertinent to the proposed project are found on pages V-16-8 through V-16-13 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

There are no applicable mitigation measures from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-16.B of the Master EIR discloses impacts on hazardous materials resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
16. GENERATION OF HAZARDOUS MATERIALS				
1) The project is inconsistent with the hazardous	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
materials policies in the Urban Area General Plan.				
2) The proposed project would emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.	☐	☐	☐	☒
3) The proposed project would be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would create a significant hazard to the public or the environment.	☐	☐	☐	☒
4) The proposed project would be constructed on a contaminated site not known to the State of California as of March 2008.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the hazardous materials policies in the General Plan.

(2) The project will comply with all applicable federal, state, and county standards and regulations relative to the handling, storage, disposal, and transport of hazardous or toxic materials or wastes. (No hazardous materials will be involved with this project).

(3) The project is not located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would not create a significant hazard to the public or the environment.

(4) The project site is not known to contain any contaminants.

17. GEOLOGY, SOILS, AND MINERAL RESOURCES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts related to geology, soils, and mineral resources expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Geology, soils, and mineral resource mitigation measures pertinent to the proposed project are found on pages V-17-9 and V-17-10 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of the proposed project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

There are no applicable mitigation measures from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-17.B of the Master EIR discloses geology, soils, and mineral resource impacts resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	**Less Than Significant with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
17. GEOLOGY, SOILS, AND MINERAL RESOURCES				
1) The project is inconsistent with policies relating to geology, soils, and mineral resources contained in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would expose people or structures to potential substantial adverse effects including the risk off loss, injury, or death involving fault rupture, strong seismic activity; location on an expansive soil; result in the loss of topsoil; location on soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater; result in the loss of known mineral resources that would be of value to the region and the state; or result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with policies relating to geology, soils, and mineral resources in the General Plan.

(2) The project site is not be located on soil that is unstable, or that would become unstable as a result of the project. There are no known mineral resources of value to the region and the state on the property.

18. ENERGY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to energy expected after application of mitigations/policies:

Direct Impacts

Effect: Continued development in the Planned Urbanizing Area would have an impact on available energy supplies. Energy consumption likely would increase substantially by 2025 as a result of implementation of the Urban Area General Plan.

Cumulative Impacts

Effect: Implementation of the Urban Area General Plan will have a cumulatively considerable impact on energy consumption.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following energy mitigation measures pertinent to the proposed project are found on pages V-18-2 through V-18-8 in the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:

There are no applicable mitigation measures from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on energy resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
18. ENERGY				
1) The proposed project is inconsistent with policies relating to energy in the Urban Area General Plan.	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
2) The proposed project would result in energy consumption during construction, operation, maintenance, or removal that is more wasteful, inefficient, and unnecessary than assumed in the Urban Area General Plan.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the energy policies in the General Plan.

(2) The project would not result in energy consumption during construction, operation, maintenance or removal that is more wasteful, inefficient and unnecessary than assumed in the General Plan.

19. EFFECTS ON VISUAL RESOURCES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on visual resources expected after application of mitigations/policies:

Direct Impacts

Effect: New development in the Planned Urbanizing Area will occur in areas that are in agricultural production or are otherwise lightly developed, which could lead to the introduction of light and glare in areas that have little nighttime illumination.

Cumulative Impacts

Effect: No additional cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following visual resources mitigation measures pertinent to the proposed project are found on pages V-19-3 and V-19-4 in the Master EIR. All mitigation measures appropriate to the proposed project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:

There are no applicable mitigation measures from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on energy resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
19. EFFECTS ON VISUAL RESOURCES				
1) The proposed project is inconsistent with policies relating to visual resources in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would degrade views from riverside areas and parks to a greater degree than assumed in the Urban Area General Plan.	☐	☐	☐	☒
3) The proposed project would degrade views of riverside areas from public roadways and nearby properties to a greater degree than assumed in the Urban Area General Plan.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the policies relating the visual resources in the General Plan.

(2-3) The project would not impact views from riverside areas and parks, nor would degrade views of riverside areas and parks from public roadways.

20. LAND USE AND PLANNING

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to land use and planning expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following land use and planning mitigation measures pertinent to the proposed project are found on pages V-20-6 through V-20-17 in the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:

There are no applicable mitigation measures from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-20.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on land use and planning. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
20. LAND USE AND PLANNING				
1) The proposed project is inconsistent with land use and planning policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project contains elements that would physically divide an established community in a way not assumed in the Urban Area General Plan.	☐	☐	☐	☒
3) The proposed project conflicts with a land use plan, policy or regulation established for the purpose of avoiding or mitigating an environmental impact by an agency that has jurisdiction over the proposed project.	☐	☐	☐	☒
4) The proposed project conflicts with an applicable habitat conservation plan or natural community conservation plan.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the Redevelopment Planning District (RPD) land use designation in the General Plan.

(2) The project would not divide an established community. The proposal is to rezone two existing residential properties on an arterial street to Professional Office uses, in an area that is transitioning from residential uses to office uses.

(3) The project is consistent with the land use plan, policies and regulations of the City of Modesto designed to mitigate project impacts.

(4) The project does not conflict with applicable habitat conservation plans or natural community conservation plans.

21. CLIMATE CHANGE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to climate change expected after application of mitigations/policies:

Direct Impacts

Effect: Impacts resulting from implementation of the Urban Area General Plan are not substantial enough to result in a significant direct impact on climate change, as disclosed in the Master EIR.

Cumulative Impacts

Effect: Implementation of the Urban Area General Plan will have a cumulatively considerable impact on climate change.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following climate change mitigation measures pertinent to the proposed project are found on pages V-21-7 through V-21-10 in the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:

There are no applicable mitigation measures from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on climate change. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
21. CLIMATE CHANGE				
1) The proposed project is inconsistent with policies relating to climate change in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would result in average automobile trip lengths or CO_2 emissions higher than those assumed in the Master EIR.	☐	☐	☐	☒
3) The proposed project would conflict with the Sustainable Communities Strategy or Alternative Planning Strategy that the Air Resources Board has agreed will achieve the goals of AB 32.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the policies relating to climate change in the Urban Area General Plan. The project would not have a significance effect on climate change.

(2) The project would not affect automobile trip lengths or CO_2 emissions.

(3) A Sustainable Communities Strategy has not yet been implemented by the ARB. Future development will be required to comply with the provisions of the Sustainable Communities Strategy once it is established.

V. MITIGATION MEASURES APPLIED TO THE PROPOSED PROJECT

If the Initial Study results in the determination that a Finding of Conformance can be adopted for the proposed project Section A below applies. If the Initial Study results in the determination that a Finding of Conformance cannot be adopted and a Mitigated Negative Declaration/EIR must be prepared for the project then Section B, below applies.

A. Master EIR Mitigation Measures Applied to the Project

Pursuant to Public Resources Code Section 21157.1(c), in order for a Finding of Conformance to be made, all appropriate mitigation measures from the Master EIR shall be incorporated into the proposed project. Urban Area General Plan Policies/Master EIR mitigation measures shall be made part of the proposed project prior to approval by means of conditions of project approval or incorporation into the appropriate document or plan.

All applicable and appropriate mitigation measures have been applied to the project (see mitigation measures listed below).

B. New or Additional Mitigation Measures or Alternatives Required

Where the project's effects would exceed the significance criteria for each environmental impact category, a mitigated negative declaration or Focused EIR must be prepared. Staff has reviewed the project against the significance criteria thresholds established in the Master EIR for all impact categories in this Initial Study.

A Mitigated Negative Declaration or Focused EIR shall be prepared for the project. The following additional project-specific mitigation measures listed below are necessary to reduce the identified new significant effect:

Traffic and Circulation:

N/A

Degradation of Air Quality:

AQ-42: All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.

AQ-43: All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.

AQ-44: All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.

AQ-46: When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.

AQ-47: All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (the use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.)

AQ-48: Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.

AQ-49: Within urban areas, track out shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.

AQ-50: Any site with 150 or more vehicle trips per day shall prevent carryout and track out.

Generation of Noise:

N-1: The City has also established a noise ordinance to control noise within the City. The City's noise ordinance (Modesto Municipal Code Section 4-9.101) prohibits the "loud and raucous discharge into the open air of the steam of any steam equipment or exhaust from any stationary internal-combustion engine."

N-2: Additionally, the noise ordinance prohibits the loud and raucous operation or use of any of the following before 7:00 a.m. or after 9:00 p.m. daily (except Saturday and Sunday and state or federal holidays, when the prohibited time shall be before 9:00 a.m. and after 9:00 p.m.):

A hammer, or any other device or implement used to pound or strike an object.

1. An impact wrench, or other tool or equipment powered by compressed air.
2. A hand-powered saw.
3. Any tool or piece of equipment powered by an internal-combustion engine such as, but not limited to, chain saw, backpack blower, and lawn mower.
4. Any electrically powered (whether by alternating current electricity or by direct current electricity) tool or piece of equipment used for cutting, drilling, or shaping wood, plastic, metal, or other materials or objects, such as, but not limited to, a saw, drill, lathe, or router.
5. Any of the following: heavy equipment (such as but not limited to bulldozer, steam shovel, road grader, back hoe), ground drilling and boring equipment (such as but not limited to derrick or dredge), hydraulic crane and boom equipment, portable power generator or pump, pavement equipment (such as but not limited to pneumatic hammer, pavement breaker, tamper, compacting equipment), piledriving equipment, vibrating roller, sand blaster, gunite machine, trencher, concrete truck, and hot kettle pump.
6. Any construction, demolition, excavation, erection, alteration, or repair activity. In the case of urgent necessity and in the interest of public health and safety, the Chief Building Official may issue a permit for exemption from these. Such period shall not exceed three (3) working days in length while the emergency continues but may be renewed for successive periods of three (3) days or less while the emergency continues. The Chief Building Official may limit such permit as to time of use and/or permitted action, depending upon the nature of the emergency and the type of action requested.

N-3: The project shall comply with the City's noise ordinance. Construction equipment and vehicles should be equipped with properly operating mufflers according to the manufacturers'

recommendations. Air compressors and pneumatic equipment should be equipped with mufflers, and impact tools should be equipped with shrouds or shields. Equipment that is quieter than standard equipment should be utilized. Haul routes that affect the fewest number of people should be selected.

Effects on Agricultural Lands:

N/A

Increased Demand for Long-Term Water Supplies:

N/A

Increased Demand for Sanitary Sewer Services:

N/A

Loss of Sensitive Wildlife and Plant Habitat:

N/A

Disturbance of Archaeological/Historic Sites:

N/A

Increased Demand for Storm Drainage:

SD-7: New development shall comply with City requirements for conveyance, retention and detention. New development shall include onsite storage of Stormwater as necessary. Rockwells shall not be allowed for new development except at infill areas smaller than three acres where no other feasible alternative is available. (UAGP Policy V-E.3[f])

SD-9: Construction activities shall comply with the requirements of the City's Storm Water Management Plan under its municipal NPDES Stormwater permit, and the State Water Resources Control Board's General Permit for Discharges of Storm Water Associated with Construction Activity. (UAGP Policy V.E.3[h])

Flooding and Water Quality:

FWQ-12: New development shall comply with City requirements for conveyance, retention and detention. New development shall include onsite storage of Stormwater as necessary. Rockwells shall not be allowed for new development except at infill areas smaller than three acres where no other feasible alternative is available. (UAGP Policy V-E.3[f])

FWQ-13: Construction activities shall comply with the requirements of the City's Storm Water Management Plan under its municipal NPDES Stormwater permit, and the State Water Resources Control Board's General Permit for Discharges of Storm Water Associated with Construction Activity. (UAGP Policy V.E.3[h])

Increased Demand for Parks and Open Space:

N/A

Increased Demand for Schools:

N/A

Increased Demand for Police Services:

N/A

Increased Demand for Fire Services:

N/A

Generation of Solid Waste:

N/A

Generation of Hazardous Materials:

N/A

Geology, Soils, and Mineral Resources:

N/A

Energy:

N/A

Effects on Visual Resources:

N/A

Land Use and Planning:

N/A

Climate Change:

N/A

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-475

RESOLUTION REAPPOINTING RICHARD DALTON AND JON RODRIGUEZ TO THE BOARD OF BUILDING APPEALS

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions, and

WHEREAS, the City Council approved, by Resolution Number 2013-424, the appointments of Richard Dalton and Jon Rodriguez for the term ending January 1, 2017, and

WHEREAS, Richard Dalton has expressed interest in continuing to serve as a member of the Board of Building Appeals, and

WHEREAS, Jon Rodriguez has expressed interest in continuing to serve as a member of the Board of Building Appeals, and

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto as follows:

Richard Dalton is hereby reappointed to the Board of Building Appeals with a term expiration of January 1, 2021,

Jon Rodriguez is hereby reappointed to the Board of Building Appeals with a term expiration of January 1, 2021.

The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Board of Building Appeals, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of December, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Madrigal

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-476

PRINT

RESOLUTION AMENDING SECTION 5 (EMERGENCY SOLUTIONS GRANTS PROGRAM POLICIES) OF THE HOUSING AND URBAN DEVELOPMENT POLICIES & PROCEDURES MANUAL

WHEREAS, on October 25, 2016, by Resolution No. 2016-425 the City Council consolidated all Housing and Urban Development policies & procedures into one comprehensive manual entitled Housing and Urban Development Policies & Procedures Manual (HUD Policies & Procedures Manual), and

WHEREAS, an amendment to Section 5 (Emergency Solutions Grans Programs Policies) of the HUD Policies & Procedures Manual is proposed to reflect current goals and policies as set forth in 24 Code of Federal Regulations, and

WHEREAS, on October 19, 2016, the City of Modesto's Citizen's Housing & Community Development Committee reviewed, approved and forwarded an amended Section 5 (Emergency Solutions Grants Program Policies) of the HUD Policies & Procedures Manual, to the City Council for review and approval,

NOW, THEREFORE, BE IT RESOLVED, that the Modesto City Council hereby amends Section 5 (Emergency Solutions Grans Program Policies) of the Housing and Urban Development Policies & Procedures Manual, as set forth in **Exhibit A**, which is **attached** hereto and hereinafter incorporated by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of December, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Madrigal

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Section 5

Emergency Solutions Grant Program
Policies

City of Modesto
Community Development Division
1010 10th Street, Suite 3100, Modesto, CA 95354
(209) 577-5211, TDD 209-
housing@modestogov.com

City of Modesto
Citizens Housing and Community Development Committee (CH&CDC) Approved [redacted]*

*These policies supersede any previously adopted policies and are subject to review and revision by the City of Modesto's Citizens Housing and Community Development

EQUAL HOUSING OPPORTUNITY

City of Modesto Emergency Solutions Grant Policies

1.0 APPLICABLE LAWS AND REGULATIONS

1.1 The Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act revised the Emergency Shelter Grants program and renamed it the Emergency Solutions Grants (ESG) program. The HEARTH Act broadened the emergency shelter and homelessness prevention activities of the Emergency Solutions Grants program beyond those of its predecessor program, the Emergency Shelter Grants program, and added short- and medium-term rental assistance and services to rapidly re-house persons experiencing homelessness. The change in the program's name reflects the change in the program's focus from addressing the needs of homeless people in emergency or transitional shelters to assisting people to quickly regain stability in permanent housing after experiencing a housing crisis or becoming homeless.

1.1.1 The ESG program awards funds, on a formula basis, to state governments, metropolitan cities, urban counties, and U.S. territories for five components, plus Administrative activities:

- 1.1.1.1 Street Outreach;
- 1.1.1.2 Emergency Shelter;
- 1.1.1.3 Rapid Re-housing;
- 1.1.1.4 Homelessness Prevention; and
- 1.1.1.5 Homeless Management Information System (HMIS).

1.1.2 ESG funds are available for the following purposes:

- 1.1.2.1 Engage homeless individuals and families living on the street;
- 1.1.2.2 Improve the number and quality of emergency shelters for homeless individuals and families;
- 1.1.2.3 Help operate these shelters;
- 1.1.2.4 Provide essential services to shelter residents;
- 1.1.2.5 Rapidly re-house homeless individuals and families; and
- 1.1.2.6 Prevent families/individuals from becoming homeless.

1.1.3 Territories and local governments that receive ESG funds may carry out the program directly and/or subgrant all or part of their ESG funds to private nonprofit organizations to carry out eligible program activities. States receiving ESG funds must subgrant all of the ESG funds they receive, except for their allowable portion of the grant for administration costs, and HMIS costs if the recipient is the HMIS lead, to units of general purpose local government and/or private nonprofit organizations to carry out the program.

1.1.4 Emergency Solutions Grants are governed by following code of federal regulations: 24 CFR 576.400(a); 24 CFR 576.500(a); 24 CFR 576.400(e)(3); 24 CFR 576.401(a), (b), and (c); 24 CFR 576.500(a), (b), (c), and (e); 24 CFR 576.405(a); 24 CFR 576.405(b); 24 CFR 576.500(q); 24 CFR 576.406(e); 24 CFR 576.500(r); 24 CFR 576.406(e); 24 CFR 576.500(r).

1.2 HOMELESS DEFINITIONS

1.2.1 For program participants who qualified as homeless because their primary nighttime residence was a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground, or because they were living in a supervised shelter designed to provide temporary living arrangements. [24 CFR 576.500(b)(1)]

1.2.2 For program participants who qualified as homeless because they were exiting an institution where they resided for 90 days or less and had resided in an emergency shelter or place not meant for human habitation immediately before entering that institution. [24 CFR 576.500(b)(2)]

1.2.3 For program participants who qualified as homeless because they were exiting an institution where they resided for 90 days or less and had resided in an emergency shelter or place not meant for human habitation immediately before entering that institution, immediately prior to entering the institution. [24 CFR 576.500(b)(2)]

1.2.4 For program participants who qualified under paragraph (2) of the homeless definition in 24 CFR 576.2, would they have lost their primary nighttime residence (including housing they own, rent, or share with others) within 14 days of the date of application for homeless assistance. [24 CFR 576.500(b)(3)(i)]

1.2.5 For youth and families who qualified under paragraph (3) of the homeless definition in 24 CFR 576.2, confirm that the unaccompanied youth or family with children and youth met the homeless definition of another federal statute as evidenced by a certification of homeless status signed by the local private nonprofit organization or state or local governmental entity responsible for administering assistance under that statute. [24 CFR 576.500(b)(4)(i)]

1.2.6 For youth and families who qualified under paragraph (3) of the homeless definition in 24 CFR 576.2, confirm that the program participants did not have a lease, ownership interest, or occupancy agreement in permanent housing at any time during the 60 days immediately preceding the date of application for homeless assistance. [24 CFR 576.500(b)(4)(ii)]

1.2.7 For youth and families who qualified under paragraph (3) of the homeless definition in 24 CFR 576.2, with indication that each program participant's records contain a written self-certification that the program participant moved two or more times during the 60-day period immediately before the program participant applied for homeless assistance AND one or more of the following documentation, as applicable, to support the self-certification. [24 CFR 576.500(b)(4)(iii)]

1.2.8 For youth and families who qualified under paragraph (3) of the homeless definition in 24 CFR 576.2, confirming program participants' persistent instability was likely to continue for an extended period of time because of: chronic disabilities; chronic physical health or mental health conditions; substance addiction; histories of domestic violence or dating violence or childhood abuse; the presence of a child or youth with a disability; two or more barriers to employment (including lack of high school degree or GED; illiteracy; low English proficiency; a history of incarceration; or detention for criminal activity; and/or a history of unstable employment). [24 CFR 576.500(b)(4)(iv)]

1.2.9 Where the program participant qualifies under paragraph (4) of the definition of homeless in 24 CFR 576.2 and was served by a victim service provider. [24 CFR 576.500(b)(5)]

1.2.10 Where the program participant qualified under paragraph (4) of the definition of homeless in 24 CFR 576.2 and was served by an organization that is not a victim service provider, do the records contain the required documentation and support for the program participant's oral statement that the individual or family:

- 1.2.10.1 Was fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions that relate to violence;
- 1.2.10.2 Lacked the resources or support networks needed to obtain other permanent housing; and
- 1.2.10.3 Had no other subsequent residence identified. [24 CFR 576.500(b)(5)]

1.2.11 Where the program participant qualified as at-risk of homelessness under paragraph (1) of the definition in 24 CFR 576.2, reflecting that the household's income is below 30 percent of the area median income, as evidenced by an income evaluation form containing HUD's minimum requirements. [24 CFR 576.500(c)(1)(i); 24 CFR 576.500(e)]

1.2.12 Where the program participant qualified as at-risk of homelessness under paragraph (1) of the definition in 24 CFR 576.2, with the program participant's written certification that the program participant has insufficient financial resources and support networks immediately available to attain housing stability and meets one or more of the conditions under paragraph (1)(iii) of the "at risk of homelessness" definition[24 CFR 576.500(c)(1)(ii)]

1.2.13 Where the program participant qualified as at-risk of homelessness under paragraph (1) of the definition in 24 CFR 576.2, with records showing reasonable efforts to verify that the program participant did not have sufficient resources or support networks immediately available to prevent them from moving to an emergency shelter or another place. [24 CFR 576.500(c)(1)(iii)]

1.2.14 Where the program participant qualified as at-risk of homelessness under paragraph

(1) of the definition in 24 CFR 576.2, with records showing reasonable efforts to verify that the program participant met one of the seven conditions under paragraph (1)(iii). [24 CFR 576.500(c)(1)(iv)]

1.2.15 Where the program participant qualified as at-risk of homelessness under paragraph (2) in 24 CFR 576.2, with records reflecting that the program participant met the definition of homeless under one of the following federal statutes, as evidenced by a certification of the child or youth's homeless status by the agency or organization responsible for administering assistance under the statute. [24 CFR 576.500(c)(2)]

1.2.16 Where the program participant qualified as at-risk of homelessness under paragraph (3) in 24 CFR 576.2, with records reflecting that the child or youth in the household qualified as homeless under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act, as evidenced by certification of the child or youth's homeless status by an agency or organization that administers assistance under the Education for Homeless Children and Youth Program.

1.2.16.1 Under this paragraph of At-Risk of Homelessness, the certification need only specify that the child or youth meets the definition under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act. [24 CFR 576.500(c)(2)]

2.0 <u>CONSULTATION WITH CONTINUUM OF CARE</u>

2.1 <u>Coordination with Other Targeted Homeless Services</u>: The City of Modesto will annually confirm that each subrecipient's records reflect that it coordinated and integrated, to the maximum extent practicable, ESG-funded activities with the programs, including those listed under 24 CFR 576.400(b), that are targeted to homeless people in the area covered by the Continuum of Care (CoC) or area over which the services are coordinated to provide a strategic, community-wide system to prevent and end homelessness for that area. [24 CFR 576.400(b); 24 CFR 576.500(m)]

2.2 <u>System and Program Coordination with Mainstream Resources</u>: The City of Modesto will annually confirm subrecipient's records reflect that it coordinated and integrated, to the maximum extent practicable, ESG-funded activities with mainstream housing, health, social services, employment, education, and youth programs for which homeless and at-risk persons might be eligible. [24 CFR 576.400(c); 24 CFR 576.500(m)]

2.3 <u>Use of the Coordinated Assessment System</u>: If the CoC for the area in which the program or project is located has established a coordinated assessment system that meets HUD's requirements, the City of Modesto will confirm their records show:

2.3.1 That the subrecipient (unless it is a victim service provider) uses that assessment system; and

2.3.2 All initial evaluations were conducted in accordance with the coordinated assessment system requirements.

2.3.3 ESG-funded victim service providers may choose not to use the CoC's coordinated

assessment system. [24 CFR 576.400(d); 24 CFR 576.401(a); 24 CFR 576.500(g)

2.4 Coordinated Assessment (Consistency with Written Standards): The City of Modesto will confirm each subrecipient works with the CoC to ensure that the screening, assessment, and referral of program participants are consistent with the ESG written standards required under 24 CFR 576.400(e) [24 CFR 576.400(d)]

3.0 RECORDKEEPING (RECORD RETENTION)

3.1 Recordkeeping (Subrecipients): If applicable, the City of Modesto will confirm the subrecipient retains copies of all solicitations of and agreements with its subrecipients; including records of all payment requests by and dates of payments made to subrecipients, and documentation of all monitoring and sanctions of subrecipients. [24 CFR 576.500(v)]

3.2 Recordkeeping (Contractors): If a subrecipient procured goods and services, the City of Modesto records will reflect that it did so in compliance with the Uniform Administrative Requirements, including the codes of conduct and conflict of interest requirements, and did the subrecipient retain copies of all procurement contracts [24 CFR 576.404(b); 24 CFR 84.40 – 84.48; 24 CFR 85.36 and 24 CFR 576.500(v)]

4.0 RECORDKEEPING (PROGRAM PARTICIPANT ELIGIBILITY)

4.1 Recordkeeping (Eligibility): Annually, the City of Modesto confirms each subrecipient's records document that staff followed the recipient's policies and procedures to:

4.1.1 Conduct an initial evaluation and re-evaluations as required, and

4.1.2 Document eligibility in accordance with HUD's requirements. [24 CFR 576.400(e)(3); 24 CFR 576.401(a), (b), and (c); 24 CFR 576.500(a), (b), (c), and (e)]

4.2 Recordkeeping (Program Participant Records): Annually, the City of Modesto reviews subrecipient records ensure that each program participant documents are in compliance with applicable requirements for providing services and assistance to that program participant under the program components and eligible activities provisions at 24 CFR 576.101 through 24 CFR 576.106. [24 CFR 576.500(f)]

4.3 Confidentiality: Annually, the City of Modesto confirms each subrecipient has written procedures to ensure confidentiality, including:

4.3.1 All records containing personally identifying information of any individual or family who applies for and/or receives ESG assistance are kept secure and confidential;

4.3.2 The address or location of any domestic violence, dating violence, sexual assault, or stalking shelter project assisted under ESG; and

4.3.3 The address or location of any program participant housing. [24 CFR 576.500(x)]

4.4 Recordkeeping (Record Retention): Annually, the City of Modesto confirms its subrecipients retain copies of the required records for the greater of 5 years or the applicable time period below:

4.4.1 for emergency shelters subject to a 10-year minimum period of use: at least 10 years

from the date that ESG funds were first obligated for the major rehabilitation or conversion of the building; or

4.4.2 for program participant files: at least 5 years after the expenditure of all funds from the grant under which the program participant was served. [24 CFR 576.500(y)]

5.0 HOMELESS PARTICIPATION (LOCAL GOVERNMENTS)

5.1 The City of Modesto will confirm each subrecipient involves homeless individuals and families, to the maximum extent practicable, in constructing, renovating, maintaining, and operating facilities assisted under ESG, in providing services assisted under ESG, and in providing services for occupants of facilities assisted under ESG (could include employment or volunteer services). [24 CFR 576.405(c)]

6.0 NON-DISCRIMINATION AND OTHER FEDERAL REQUIREMENTS

6.1 Drug-Free Workplace: The City of Modesto will confirm each subrecipient has a drug-free workplace statement per the requirements of 2 CFR part 2429. [24 CFR 5.105(d) and 24 CFR 576.407(a)]

6.2 Non-Discrimination, Section 504 of the Rehabilitation Act of 1973, and Other Equal Opportunity Requirements: City of Modesto records demonstrate that each subrecipient is in compliance with the applicable requirements in 24 CFR part 5, Subpart A, including the nondiscrimination and equal opportunity requirements at 24 CFR part 5.105(a). [24 CFR part 5, Subpart A; 24 CFR 576.407(a); 24 CFR 576.500(s)(1)]

6.3 Affirmative Outreach: The City of Modesto and its subrecipients shall:

6.3.1 Make known that the use of the facilities, assistance, and services are available to all on a nondiscriminatory basis, and establish additional procedures, as required under 24 CFR 576.407(b), to ensure that the "target population" who may qualify are made aware of the availability of these facilities, assistance, or services; and

6.3.2 Take appropriate steps to ensure effective communication with persons with disabilities; and

6.3.3 Take reasonable steps to ensure meaningful access to programs and activities for limited English proficiency persons [24 CFR part 5, Subpart A; 24 CFR 576.407(b); 24 CFR 576.500(s)(1)]

6.4 Applicability of Uniform Administrative Requirements and OMB Circulars: When reviewed the City of Modesto must ensure that each subrecipient maintain records documenting compliance with the applicable requirements outlined in the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. [24 CFR 576.407(c); 24 CFR 576.500(s)(2)]

6.5 Audits: When reviewed, the City of Modesto must ensure that each subrecipient is in compliance with the Single Audit Act of 1984, as amended, and implementing regulations. [24 CFR 84.26; 24 CFR 85.26; 24 CFR 576.407(c)]

6.6 Section 3: When reviewed, the City of Modesto must make sure that each subrecipient in compliance with the applicable requirements of Section 3 of the Housing and Urban Development Act of 1968. [24 CFR part 135; 24 CFR 576.407(a); 24 CFR 576.405(c)];

7.0 **FAITH-BASED ACTIVITIES (REHABILITATION)**

7.1 The City of Modesto must ensure each subrecipient does not engage in inherently religious activities as part of the programs or services funded under ESG. If the subrecipient conducted these activities, were they offered separately, in time or location, from the programs or services funded under ESG, and was participation voluntary for all program participants. [24 CFR 576.406(b); 24 CFR 576.500(r)]

7.2 The City of Modesto must ensure that it did not discriminate against a program participant or prospective program participant on the basis of religion or religious belief. [24 CFR 576.406(d); 24 CFR 576.500(r)]

7.3 Annually, the City of Modesto will ensure each subrecipient does not use ESG funds for the rehabilitation of sanctuaries, chapels, or other rooms that an ESG-funded religious congregation uses as its principal place of worship. [24 CFR 576.406(e); 24 CFR 576.500(r)]

7.4 When a structure is used for both eligible and inherently religious activities, the City of Modesto ensures that the amount of ESG funds used was limited to the costs of those portions of the rehabilitation that are attributable to eligible activities in accordance with the cost accounting requirements applicable to ESG funds. [24 CFR 576.406(e); 24 CFR 576.500(r)]

8.0 **MONITORING AND FINANCIAL MANAGEMENT AND COST ALLOWABILIITY:**

8.1 The City of Modesto (the recipient) and its subrecipients must have written policies and procedures to ensure that ESG funds are used in accordance with ESG requirements and sufficient records to enable HUD and the recipient to determine whether ESG requirements are being met. [24 CFR 576.500(a)]

8.2 As the lead agency for ESG funds, the City of Modesto will monitor all subrecipients on a regular basis through written contacts, phone conversations, electronic information transfers, face-to-face monitoring visits (at least once annually), and project file review, pursuant to applicable regulation.

8.3 Monitoring will be conducted to ensure statutory and regulatory requirements are being met and that information submitted to City of Modesto is accurate and complete.

8.4 Monitoring will normally be conducted utilizing a three (3) tiered approach, depending upon the risk involved:

8.4.1 Limited Review

8.4.1.1 A limited review will be conducted of all subrecipients and projects on an annual basis. The timing of this monitoring will be in alignment with an

organization's submittal of a Quarterly Performance Report and an Invoice for Payment for expenses incurred against their City grant over the previous 90 days.

8.4.1.2 At least one quarter review will focus on the year-end financial statement or audit, and where applicable, the Single Audit. If the Single Audit contains audit findings or contains a management letter, the subrecipient will be selected for an In Depth Review (see Section 8.4.3). The goal of a Limited Review is to provide clarification to a specific unknown submission that cannot be determined from the subrecipient reports, and to identify areas of technical assistance needed by each subrecipient.

8.4.2 On-Site Monitoring Review

8.4.2.1 An on-site monitoring review will be a site visit to a subrecipient program assisted with HUD funds and will achieve a balance between programmatic and fiscal reviews, and much documentation review can be done prior to the on-site visit. The on-site monitoring includes a tour of the program facilities as appropriate, an explanation of the services provided, discussions with program and administrative staff, and introduction to one or more actual beneficiaries, if possible. As a result of this visit, staff will determine whether an in-depth review is needed for further clarification of one or more issues identified during the on-site visit.

8.4.2.2 ***A Program review*** will focus on the specific subrecipient program activities. Program staff may be asked to define the strategic plans for the related programs and, as applicable, how those plans are used to help clients in those programs.

8.4.2.3 ***A Financial review*** will make the connections between the program budget, expenditures and actual beneficiaries assisted, including evidence of case managers time in client files, reviewing payroll documents for the period clients are reported, determining eligibility of clients based on income documentation in client files, the general relationship between the contents of client files (excluding Attorney Client or HIPAA confidential data) and benefit data reported by the subrecipient on the same clients.

8.4.2.4 ***The number of case files*** to be reviewed will reflect approximately 10% of the total clients served in the program, or more if there appear to be any systemic issues that need to be addressed.

8.4.2.5 ***Invoices*** may be randomly selected for review and traced back from City reimbursement to the original organization's advance expenditure and

client assisted (if appropriate). For example, exact dollars billed for housing accessibility modifications can be traced directly to one client. Conversely, a different review model is required when dollars billed provided case management for multiple homeless individuals. It is expected that staff will review original invoices, cancelled checks, and other such documentation evidencing the expenditure, the relationship to the CDBG program objective, the appropriate proportion of CDBG expenditure in comparison to other funding, and accounting receipt of the federal grant funds.

8.4.3 In-Depth Review

8.4.3.1 An in-depth review will be a concentrated and focused review around a particular activity or program area. This will typically be a concentrated review of a known high-risk area or critical function, such as but not limited to:

8.4.3.1.1 Financial review for expenditures for ineligible activities,
8.4.3.1.2 Financial review for expenditures that cannot be traced through supporting documentation,
8.4.3.1.3 A program which requires donations as a condition of receiving service,
8.4.3.1.4 Management practices in affordable housing,
8.4.3.1.5 Section 504 compliance reviews upon receipt of a complaint from a person with disabilities,
8.4.3.1.6 A fair housing complaint from a home seeker treated differently while trying to obtain housing from the subrecipient,
8.4.3.1.7 Denial of services for no valid reason, or
8.4.3.1.8 Failure to meet prevailing wage requirements in construction activities subject to Davis Bacon, etc.

8.5 At the conclusion of each monitoring review, staff will send each subrecipient written documentation of the monitoring review, summarizing what was reviewed, and indicating any findings of regulatory non-compliance or concerns of program weaknesses. Additionally, staff will provide technical assistance to correct any deficiencies noted, and will acknowledge the performance level of the program, and whether they will either meet or fall short of contract goals.

9.0 HOMELESS MANAGEMENT INFORMATION SYSTEM (HMIS):

9.1 Data Collection and Recordkeeping: HMIS records must reflect that each subrecipient entered data on all persons it served under ESG and on all of its ESG activities into the applicable community-wide HMIS or, for victim services providers (and legal services providers that opt out), into a comparable database, in accordance with HUD's HMIS data standards. [24 CFR 576.400(f); 24 CFR 576.500(n); 2014 HMIS Data Standards]

9.2 Eligible costs (HMIS): If the subrecipient is not a victim service provider, or a legal service provider that uses a comparable database, ESG funds must only be used for costs eligible for the purpose of

contributing data to the HMIS designated by the CoC. [24 CFR 576.107(a)(1)]

9.3 Data entry (Comparable database): If the subrecipient is a victim service provider, or a legal services provider that uses a comparable database, the data maintained is in the comparable database and not contributed or entered into an HMIS. [24 CFR 576.400(f)]

9.4 Eligible costs (Comparable database): If the subrecipient is a victim service provider, or a legal services provider that uses a comparable database, the funds must be used for establishing and operating a comparable database that complies with HUD's HMIS requirements, including collecting client-level data over time (i.e., longitudinal data) and generating unduplicated aggregate reports. [24 CFR 576.400(f); 24 CFR 576.107(a)(3); 24 CFR 576.107(b)]

10.0 **ADMINISTRATIVE COSTS AND FINANCIAL MANAGEMENT:**

10.1 Eligible activities: A subrecipients' expenses must be allowable, allocable, and reasonable. [24 CFR 576.100-576.109; 24 CFR 576.500(u)(2); 24 CFR 84.21(b)(6); 24 CFR 85.22]

10.2 Eligible Costs: Each subrecipient will charge staff and overhead costs directly related to carrying out activities eligible under one of the component to the applicable activity, and retain supporting documentation for all costs charged to the grant. [24 CFR 576.100(d); 24 CFR 576.108(a); 24 CFR 576.500(u)]

10.3 Eligible Administrative Costs: When a subrecipient receives Administrative funds:

10.3.1 All the administrative costs must be eligible in accordance with 24 CFR 576.108; and

10.3.2 The costs of carrying out the environmental review will be charged as an Administrative activity. [24 CFR 576.108(a)(1), (2), and (4)];

10.4 Training Costs: If any staff time was spent on training:

10.4.1 It is only for providing training on ESG requirements, attending HUD-sponsored ESG training, training staff on using HMIS or a comparable database, or attending HUD-approved training on HMIS and the ESG program; and

10.4.2 Is charged to the appropriate component (only HMIS for HMIS-related training, and Administrative costs for all other training). [24 CFR 576.108(a)(1), (2), and (4); 24 CFR 576.107]

10.5 Indirect Costs: If any indirect costs were charged to the grant, all allocations made to each eligible activity must be consistent with an indirect cost rate proposal developed in accordance with the Uniform Administrative Requirements. [24 CFR 576.109; 2 CFR 576.500(u)]

10.6 Eligible activities: A review of personnel costs charged to ESG, including a review of job

descriptions, should reveal that, all staff time paid for with ESG funds was working on eligible ESG activities. [24 CFR 576.500(u)]

11.0 STREET OUTREACH:

11.1 Street Outreach: Street outreach costs are limited to the costs of: providing essential services necessary to reach out to unsheltered homeless people; connecting unsheltered homeless people with emergency shelter, housing, or critical services; and providing urgent, non-facility-based care to unsheltered homeless people who are unwilling or unable to access emergency shelter, housing, or an appropriate health facility. [24 CFR 576.101(a)]

11.2 Engagement: ESG funds used for Street Outreach engagement are limited to the costs listed under 24 CFR 576.101(a)(1).

11.3 Case Management: ESG funds used only for the costs of assessing housing and service needs, arranging, coordinating, and monitoring the delivery of individualized services to meet the needs of the program participant, for services and activities listed under 24 CFR 576.101(a)(2).

11.4 Emergency Health Services: ESG funds used for emergency health services limited to the costs of direct outpatient treatment of medical conditions (as listed under 24 CFR 576.101(a)(3)) that is provided:

11.4.1 By licensed medical professionals operating in community-based settings, including streets, parks, and other places where unsheltered homeless people are living, and

11.4.2 Only to the extent that other appropriate health services are inaccessible or unavailable within the area. [24 CFR 576.101(a)(3)]

11.5 Emergency Mental Health Services: ESG funds used for emergency mental health services limited to the costs associated with direct outpatient treatment (as listed under 24 CFR 576.101(a)(4)) that is provided:

11.5.1 By licensed professionals of mental health conditions operating in community-based settings including streets, parks, and other places where unsheltered people are living, and

11.5.2 Only to the extent that other appropriate health services are inaccessible or unavailable within the area. [24 CFR 576.101(a)(4)]

11.6 Transportation: ESG funds used for transportation limited to the following eligible costs:

11.6.1 The transportation costs of travel by outreach workers, social workers, medical professionals, or other service providers, and that the travel took place during the provision of services eligible under this section; and

11.6.2 The costs of transporting unsheltered people to emergency shelters or other service facilities, as listed under 24 CFR 576.101(a)(5).

12.0 **INVOLUNTARY FAMILY SEPARATION (EMERGENCY SHELTER):**

12.1 The City of Modesto has and will ensure its subrecipients have policies and procedures in place to ensure that providers of emergency shelter that serve households with children under 18 do not deny admission to a family based on the age of any child under 18. [24 CFR 576.102(b)]

13.0 **WRITTEN STANDARDS**

13.1 All activities carried out will be in compliance with the applicable written policies and procedures for admission, diversion, referral, and discharge by emergency shelters assisted under ESG, including standards regarding length of stay, if any, and safeguards to meet the safety and shelter needs of special populations (e.g., victims of domestic violence, dating violence, sexual assault, and stalking; and individuals and families who have the highest barriers to housing and are likely to be homeless the longest. [24 CFR 576.400(e)(1); 24 CFR 576.400(e)(2); 24 CFR 576.400(e)(3)(iii)]

13.2 All activities carried out will be in compliance with the applicable written policies and procedures for assessing, prioritizing, and reassessing individuals' and families' needs for essential services related to emergency shelter. [24 CFR 576.400(e)(1), (2), and (3)(iv)]

13.3 All activities carried out in compliance with the applicable written policies and procedures for coordination among emergency shelter providers, essential services providers, homelessness prevention, and rapid re-housing assistance providers; other homeless assistance providers; and mainstream service and housing providers. [24 CFR 576.400(e)(1); 24 CFR 576.400(e)(2); 24 CFR 576.400(e)(3)(v)]

14.0 **HOMELESS PREVENTION AND RAPID RE-HOUSING:**

14.1 The City of Modesto and/or its subrecipients will periodically adopt written standards for the provision of homelessness prevention and rapid re-housing assistance, as required by 24 CFR 576.400(e)(1) and 24 CFR 576.400(e)(2).

14.2 These written standards cover the following topics (listed in 24 CFR 576.400(e)(3)):

14.2.1 Evaluating individuals' and families' eligibility for assistance under ESG;

14.2.2 Coordination among emergency shelter providers, essential services providers, homelessness prevention and rapid re-housing assistance providers, other homeless assistance providers, and mainstream service and housing providers;

14.2.3 Determining and prioritizing which eligible families and individuals would receive homelessness prevention assistance and which eligible families and individuals would receive rapid re-housing assistance;

14.2.4 Determining what percentage or amount of rent and utilities costs each program participant must pay while receiving homelessness prevention or rapid re-housing assistance;

14.2.5 Determining how long the program participant will be provided with rental assistance and whether and how the amount of that assistance would be adjusted over time;

14.2.6 Determining the type, amount, and duration of housing stabilization and/or relocation

services to provide to the program participant.

14.3 The City of Modesto will confirm the program participant records show that homelessness prevention and rapid re-housing assistance were provided in accordance with the applicable written standards. [24 CFR 576.400(e)(1); 24 CFR 576.400(e)(2); 24 CFR 576.400(e)(3)(i); 24 CFR 576.400(e)(3)(v); 24 CFR 576.400(e)(3)(vi); 24 CFR 576.400(e)(3)(vii); 24 CFR 576.400(e)(3)(viii); 24 CFR 576.400(e)(3)(ix); 24 CFR 576.500(f)]

15.0 HOUSING RELOCATION AND STABILIZATION SERVICES

15.1 Financial Assistance Costs: Must be eligible costs as listed in 24 CFR 576.105(a) and paid only to a housing owner, utility company, or other third party (not directly to the program participant). [24 CFR 576.105(a)].

15.2 Rental Assistance (Limit): Each program participant's total rental assistance, including any rental arrears and last month's rent, stay within the limit of 24 months during any 3-year period. [24 CFR 576.106(a)]

16.0 MATCHING REQUIREMENTS

16.1 The City of Modesto is a metropolitan city, it makes matching contributions to supplement its ESG program in an amount that equals the amount of ESG funds provided by HUD. [24 CFR 576.201(a)(1)]

16.2 All matching contributions meet the following requirements:

16.2.1 All requirements that apply to the ESG funds provided by HUD, except the expenditure limits;

16.2.2 The matching contributions were provided after the date that HUD signed the grant agreement;

16.2.3 Cash contributions were expended within the expenditure deadline and noncash contributions were made within the expenditure deadline;

16.2.4 Contributions used to match a previous ESG grant were not used to match a subsequent ESG grant;

16.2.5 Contributions that have been or will be counted as satisfying a matching requirement of another federal grant or award were not counted as satisfying ESG matching requirements; and

16.2.6 The statutes governing any of the federal funds the recipient used as matching contributions do not prohibit the use of those funds as match for ESG. [24 CFR 576.201(c)(1)-(5); 24 CFR 576.201(b)(2)(i); 24 CFR 576.203]

17.0 PROCURMENT REQUIREMENTS

17.1 The City of Modesto and its subrecipients are required to use established written procurement procedures. [24 CFR 84.44(a); 24 CFR 85.36(b)(1)]

18.0 EQUIPMENT AND EQUIPMENT DISPOSITION REQUIREMENTS

18.1 Sample Equipment Tracking Table

18.1.1 This or a similar tracking table will be utilized for any equipment acquired of disposed of utilizing ESG funding.

Complete the table below after selecting equipment transactions for review. (If additional rows are needed, please attach an additional sheet.)						
Item	Date Acquired	Acquistion Cost	Federal Share of Acquisition Cost	Disposition Date	Disposition Proceeds	Federal Share of Disposition Proceeds (in $)

18.2 Equipment Management

18.2.1 The City of Modesto and its subrecipients maintain equipment records that contain the information required by the applicable regulations. [24 CFR 84.34; 24 CFR 85.32(d)(1); 24 CFR 576.407(c)]

18.3 Equipment Disposition

18.3.1 The City of Modesto and its subrecipients' must have procedures requiring efforts to obtain the highest possible return for sale of equipment. [24 CFR 84.34(f)(6); 24 CFR 85.32(d)(5); 24 CFR 576.407(c)]

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-477

PRINT

RESOLUTION RESCINDING RESOLUTION 2016-247 TO APPROVE THE REVISED MEMORANDUM OF UNDERSTANDING BETWEEN STANISLAUS COUNTY, THE CITY OF MODESTO, THE CITY OF CERES AND STANISLAUS CONSOLIDATED FIRE PROTECTION DISTRICT TO CONTINUE THE REGIONAL FIRE INVESTIGATIONS UNIT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE REVISED MEMORANDUM OF UNDERSTANDING

WHEREAS, this Memorandum of Understanding (MOU) authorizes the City of Modesto Fire Department (MFD) to participate in a county wide fire investigation task force; this is a continuation of services that was previously agreed to in 2015, and

WHEREAS, last year, the Modesto Fire Department, the Stanislaus Regional Fire Investigation Unit, the Stanislaus County District Attorney's Office, the Stanislaus County Fire Warden's Office, the Stanislaus County Sheriff's Department, the Stanislaus Consolidated Fire Protection District, and the Ceres Fire Department launched a new regional Fire Investigation Unit, and

WHEREAS, the Fire Investigation Unit includes (4) fire investigators, the City of Modesto Fire Department will continue to contribute (2) fire investigators, while other participating departments will contribute another (2) fire investigators, and

WHEREAS, the District Attorney's Office will contribute (1) full time investigator and will provide an additional "shared time" supervisor for the Unit, and

WHEREAS, the two (2) Investigator positions are allocated, staffed with existing personnel, and included in the General Fund Operating Budget, and

WHEREAS, the original version of this MOU was approved by Resolution No. 2016-247 on June 14, 2016 but was never executed by the parties and has had substantial revisions since approval, and

WHEREAS, the **attached** MOU now includes language specific to the use of MFD Station 8 as the primary location for the FIU. There is no rental charged to the FIU for use of MFD Station 8, however the FIU agrees to maintain the grounds, minor facility needs and will be responsible for the electric utility bill at MFD Station 8. The MFD will continue to pay for water and sewer at MFD Station 8, and

WHEREAS, this revised MOU will allow the City of Modesto to accurately account for the value of resources dedicated to the FIU for Fiscal Year 2016-2017. The amount of $350,000 reflects staffing, equipment, training, and use of Station 8. This agreement will not require any changes to the current approved FY16/17 budget.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby rescinds Resolution 2016-247 in order to approve the revised Memorandum of Understanding between Stanislaus County, the City of Modesto, the City of Ceres and Stanislaus Consolidated Fire Protection District to continue the Regional Fire Investigations Unit.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the revised Memorandum of Understanding, in a form approved by the City Attorney..

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of December, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Madrigal

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Stanislaus Regional
Fire Investigation Unit
(FIU)

A Multi-Jurisdictional, Multi-Discipline Public Safety Program

July 1, 2016

MEMORANDUM OF UNDERSTANDING

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STANISLAUS REGIONAL FIRE INVESTIGATION UNIT (FIU)

Memorandum of Understanding

PREAMBLE

Parties to the Understanding:

This Memorandum of Understanding (MOU) is between Stanislaus County, including the Stanislaus Regional Fire Investigation Unit, herein referred to as "FIU", the Stanislaus County District Attorney's Office, the Stanislaus County Fire Warden's Office, the Stanislaus County Sheriff's Department, along with the Stanislaus Consolidated Fire Protection District, the Modesto Fire Department, and the Ceres Fire Department, herein referred to as "Member Agencies." The employees of the member agencies that are assigned to the FIU are herein referred to as "Members".

By authority of the Stanislaus County Board of Supervisors (BOS) the Stanislaus County Fire Warden, in accordance with the Fiscal Year 2016-2017 Stanislaus County Fire Authority Business Plan, intends to partner with law enforcement, fire and the DA to implement the Regional FIU. The purpose of this Memorandum is to identify the process by which the FIU Member Agencies will carry out the fire investigations portion of the Fiscal Year 2016-2017 Stanislaus County Fire Authority Business Plan adopted by the Stanislaus County Board of Supervisors on May 17, 2016 "Exhibit A".

I. OVERVIEW

The Stanislaus Regional Fire Investigations Unit (FIU), under the leadership of the Stanislaus County District Attorney's Office, the County Fire Chiefs via the Stanislaus County Fire Authority and the County Law Enforcement Executives via the Stanislaus LEX Committee, have developed a regional and collaborative approach to providing fire investigations services in Stanislaus County. The FIU consists of the Stanislaus County District Attorney's Office, Stanislaus Consolidated Fire Protection District, Modesto Fire Department, Ceres Fire Department, and the Stanislaus County Fire Warden. These agencies have joined together as a team to properly investigate the origin and cause of all fires and to provide for the effective criminal investigation and prosecution of arson fires.

II. MISSION

The goal of the FIU is the proper investigation of all fires and explosions while providing for the effective criminal investigation and prosecution of those incidents that are determined to be criminal acts. This will be accomplished by providing the proper training and leadership to the FIU members so that they can conduct thorough investigations consistent with current national standards, utilizing modern scientific methods to ensure accurate findings and ultimately the speedy apprehension and prosecution of criminals while protecting the rights of the accused.

III. OBJECTIVES

A. Carry out the FY 2016-2017 Stanislaus County Fire Authority Business Plan as adopted by the Stanislaus County Board of Supervisors.

B. Properly investigate fires and explosions consistent with NFPA 921, *Guide for Fire and Explosion Investigations.*

C. Provide Investigators who meet or exceed the qualifications specified in NFPA 1033, *Standards for Professional Qualifications for Fire Investigators.*

D. Ensure that the supervision of the unit is consistent with NFPA 1037, *Standard for Professional Qualifications for Fire Marshals* (who supervise Fire Investigators).

E. Attempt to decrease the number of arson related fires within Stanislaus County by identifying, arresting, and prosecuting serial arsonists.

F. Gather and analyze statistical data to identify arson trends in Stanislaus County and to deploy FIU resources accordingly with a primary focus on the serial/complex/large financial loss arson incidents.

G. Analyze the statistical data to ensure that the workload between the areas served by the Less Than County Wide Fire Service Tax and those served by the City of Modesto remain fair and equitable.

H. Provide assistance to agencies for specific arson related problems within their respective jurisdictions and to provide a high level of investigative knowledge and expertise.

I. Provide training in the area of arson recognition, investigative techniques, evidence collection, and enforcement methods to allied agencies' personnel.

J. Maintain membership in and attend the California Conference of Arson Investigators (CCAI), Round Table 18 (Stanislaus, San Joaquin, Calaveras, and Tuolumne Counties) training meetings.

K. Vigorously prosecute all fire and explosives related crimes as a deterrent for potential arsonists in the future.

IV. FIU ORGANIZATION

The FIU will be a multi-agency, multi-discipline task force involving law enforcement and fire agencies. The FIU will be managed and supervised by a Lieutenant from the Stanislaus County District Attorney's Office, (SCDA) Bureau of Investigation and will be coordinated by a District Attorney's Office, Bureau of Investigation Criminal Investigator. Full time FIU Fire Investigators will be assigned from the career fire agencies within the county based on training, experience, and agency willingness to participate. The FIU fire agency staffing consist of one Investigator from the Ceres Fire Department (CFD), one Investigator from the Stanislaus Consolidated Fire Protection District (SCFPD), and two Investigators from the Modesto Fire Department (MFD).

Responsibility for the day-to-day conduct of the FIU operations is vested in the District Attorney's Office or their designee. The FIU will be comprised of an FIU Manager, FIU Coordinator, FIU Administrative Investigator/Assistant Coordinator (40 hour), and three (3) FIU Duty (Shift) Investigators.

A. <u>FIU Manager</u>

1. In recognition that the field of fire investigation is primarily a law enforcement function, the FIU Manager will be a Lieutenant from the Stanislaus County District Attorney's Office, Bureau of Investigation.

2. The FIU Manager will be responsible for the management of the FIU as well as the supervision of the FIU members. The FIU Manager will provide the direction of the FIU via the FIU Coordinator. The FIU Manager will establish a projected yearly budget for the FIU and provide an accounting of money expenditures to the Stanislaus County Fire Warden's Office which serves as the fiscal agent for the FIU.

3. The FIU Manager will serve as the liaison between the FIU and the member's parent agencies as well as the county Fire Chiefs via the Stanislaus County Fire Authority and the county Police Chiefs via the Stanislaus Law Enforcement Executives. The FIU Manager position was added as a collateral duty to an existing SCDA Bureau of Investigation Lieutenant up to 50% of his time. The FIU Manager reports to the Chief Investigator for the Stanislaus County District Attorney's Office, Bureau of Investigation.

B. FIU Coordinator

1. The FIU Coordinator position will be at the rank of District Attorney's Office, Bureau of Investigation, Criminal Investigator II, and will be responsible for the day-to-day operation and coordination of the FIU. The FIU Coordinator will also conduct the review of all reports generated by FIU members will report directly to the FIU Manager. The FIU Coordinator will serve as the primary law enforcement Investigator in the FIU and as such will be responsible for the criminal investigation of fires determined to be criminal acts and for the triage and assignment of follow up investigation as needed to other FIU members. The FIU Coordinator will liaison with the other law enforcement investigative units in the county and will coordinate the investigations that cross jurisdictional lines. The FIU Coordinator is funded internally though the District Attorney's Office budget.

C. FIU Administrative Investigator/Assistant Coordinator

1. The FIU Administrative (Admin) Investigator/Assistant Coordinator position will be at the rank of Fire Investigator. The FIU Admin Investigator will work a forty (40) hour week and as the Assistant Coordinator will serve as the FIU Coordinator in the Coordinator's absence. The Admin Investigator will also conduct technical and administrative reviews of the FIU reports. The Admin Investigator will assist the FIU Coordinator in conducting follow up investigation, scheduling training, acquiring equipment, and maintaining the FIU statistics. The Admin Investigator will assist the FIU Manager and FIU Coordinator in making decisions related to fire investigation from a fire agency perspective.

2. The FIU Administrative Investigator will be selected by the FIU Manager and FIU Coordinator based on qualifications and the needs of the FIU. The Admin Investigator can be rotated among the FIU members at the discretion of the FIU Manager however; the position will normally be staffed for a minimum of 3 years at a time.

D. FIU Duty (Shift) Investigators

1. The FIU Duty (Shift) Investigator's position will be at the rank of Fire Investigator. The Duty Investigators will be assigned to A, B, or C shift and will work a 48 hour on, 96 hour off schedule. The Duty Investigator is responsible for the 24 hour monitoring of active fire responses within the Regional FIU area of operation. The FIU Duty Investigators will respond to, conduct and properly document the origin and cause investigation for fire incidents consistent with the Standard Operating Procedures (SOP's) for the FIU.

2. The FIU Duty Investigators will report directly to the FIU Coordinator and in his absence to the Admin Investigator. This will ensure the investigations are conducted in an appropriate manner consistent with NFPA 921.

E. Seniority in the FIU

1. It is understood that personnel assigned to the FIU will have seniority within their own agency. That seniority and the benefits associated with it within their parent agency as dictated by their own collective bargaining MOU and agency policies will not be affected by assignment to the FIU. That agency seniority however, will not carry over to the FIU. The seniority of members assigned to multi-agency units is normally determined by the date one begins service in the unit. In this case where the entire unit is being established at one time, this methodology will not initially apply.

2. In recognition of this, for purposes of shift assignment, time off, vehicle/equipment assignment, training opportunities, or any other purpose traditionally handled by seniority, the members of the FIU will either come to mutual agreement or the decision will be made by the FIU Coordinator and FIU Manager.

F. Selection

1. The FIU will be staffed by qualified personnel initially referred by the participating agencies. Due to the critical nature of the program and the stringent training requirements for Fire Investigators as established by NFPA 1033, *Standard for Professional Qualifications for Fire Investigators*, the final decision on which personnel will be assigned to the FIU will be with the District Attorney's Office. This will be based on training and qualifications, past job performance, investigative aptitude, willingness to learn, and ability to work well with others in a task force type assignment. Assignment to the FIU should normally be for a minimum of 3-5 years and may be extended upon mutual agreement.

G. Certification

1. It is recognized that the science used in fire investigation has changed tremendously in the past decade and will continue to evolve as the science improves. It is the intention of the Regional FIU to have highly trained and independently certified Investigators conducting fire investigations for the purpose of finding the truth, not simply to seek arrests and prosecutions. To that end, the FIU Investigators will be encouraged to seek independent and tested certification through one of the professional fire investigation organizations to include but not be limited to; The International Association of

Arson Investigators (IAAI), the National Association of Fire Investigators (NAFI), or the California Conference of Arson Investigators (CCAI).

H. Discipline

1. Personnel assigned to the FIU but not meeting an acceptable level of performance or standards, or refusing to comply with the FIU standard operating procedures, may be removed from the FIU and transferred back to their parent agency. If the FIU Manager has cause to remove an FIU member, he will discuss the issue with the parent agency. If the parent agency disagrees with the determination, the matter will be referred to the District Attorney who will confer with the parent agency executive but will retain the final authority. It is agreed that the resolution of operational issues at the lowest level is in the best interest of the FIU.

2. In all cases where a violation of a policy or procedure is alleged and formal discipline is being considered, the internal investigation and imposition of discipline (if any) will be handled by the FIU member's parent agency. If the allegation involves a matter that is best investigated by a law enforcement agency or is determined to be law enforcement related, (i.e.; excessive use of force, improper search and seizure, or similar), then the parent agency can request that the District Attorney's Office conduct the investigation via the FIU Manager and Coordinator.

3. Any internal investigation would be conducted in accordance with the Firefighter Bill of Rights as specified in 3250-3262 of the California Government Code, and/or the Peace Officer Bill of Rights as specified in 3300-3312 of the California Government Code. Upon completion of the internal investigation a recommendation would be forwarded to the parent agency which has sole discretion on whether a violation is sustained and whether to impose discipline. In any case, the District Attorney's Office retains the right to transfer a member back to their parent agency as previously specified.

V. FISCAL PROCEDURES

A. Background of Fiscal Model

1. The FIU is a multi-jurisdictional team formed to improve fire investigations in our County, leveraging financial support/contributions from all participating agencies.

2. Member agencies will provide staff and funding to support the model, remain responsible for their own home-agency funding requirements, and report

financial/statistical data as needed for FIU accounting & budget performance analysis.

3. For Fiscal Year 2016-2017, Stanislaus County will allocate $350,000 of the Less-Than-Countywide Fire Tax, as approved by the BOS to fire investigations, with an additional one-time expenditure of $38,670 allocated for specific training and equipment.

4. The Member Agencies accounting and budget operations must provide for documentation of resources dedicated to the FIU for compliance with funding requirements of the Less-Than-Countywide Fire Tax (LTCW) funds, and upon request, be available for audit purposes.

B. Accounting & Budget Roles

1. Program Administration & Operations Management – District Attorney Investigations Bureau will be the Lead Agency for FIU oversight and operations; this is the primary business contact for the FIU. Key functions include: review and verify member agency resource contributions to the FIU on a quarterly basis; approve billings for payment by the Stanislaus Fire Warden, certifying resources provided to the FIU meet the requirements specific to the LTCW Fire Tax funding; compile and produce data/statistics related to FIU performance, including monthly/quarterly/annual fire incidents as outlined in the MOU and consistent with the Fiscal Year 2016-2017 Business Plan.

2. Fiscal Agent – The Stanislaus Fire Warden will be the primary County Budget Entity. Key functions include: receive quarterly billing statements and reports approved and certified by the DA's office for reimbursement to participating member agencies ; if the conditions set forth in this Agreement are met, issue payments to member agencies within 30 days of receipt of the approved/audited invoice from the DA's office and consistent with MOU requirements; if the conditions are not met, payment will be made when the necessary processing is completed; compile annual reconciliation of total FIU costs, total fire incidents from the prior fiscal year, and documentation of compliance with requirements of the Less-Than-Countywide Fire Tax funding. The Fiscal Agent will not pay for unauthorized costs or services rendered by member agencies.

3. Fire Investigations Unit Member Agencies – Ceres Fire Department, City of Modesto Fire Department, Stanislaus Consolidated Fire Protection District, Stanislaus County District Attorney, and Stanislaus County Fire Warden will participate in the FIU per the MOU. Each member agency will prepare quarterly billing statements/memo billing of resources contributed to the FIU and deliver documents to the District Attorney's office no later than the 5th of the month following the end of the quarter (October 5, January 5, April 5, July

5) for submission to the Stanislaus Fire Warden by the 10th of each month following the end of the quarter as outlined above. Each member agency will provide certification of costs with back-up documentation for billing statements or in the case of memo billing, a certification statement to maintain records available for audit for five years from the end of each accounting period. Member agencies agree to share data/statistics budget information and actual costs as needed for FIU billing, reporting, audit and in support of government accounting standards, including requirements of the Less-Than-Countywide Fire Tax funding.

C. Accounting & Budget Model Requirements

1. Approximately half of the fire investigations that occur each year are in the City of Modesto, with the remaining half in the LTCW Fire jurisdiction. For simplicity, the Accounting & Budget Model will require reporting of all documented investigations to determine origin and cause, direct costs to the FIU Fiscal Agent for comparison and evaluation at year-end, to ensure that the total cost of all resources which could be attributed to the LTCW service area are equal to or greater than the percentage of incidents which occur in the LTCW jurisdiction on an annual basis.

2. While staff in the FIU will be assigned across the County, the combination of incidents and the full reporting of all entities costs associated with FIU, but not reimbursed by LTCW funds, will likely "over-match" the LTCW funding at year-end.

3. By authority of the Stanislaus County Board of Supervisors (BOS) and in accordance with the Fiscal Year 2016-2017 Business Plan, LTCW Funds of $350,000 and a one-time allocation of $38,670 has been appropriated to provide Fire Investigations Services to the LTCW jurisdictions. The funding shall be used in accordance with the 2016-2017 Business Plan and dedicated as follows:

    - Stanislaus Consolidated Fire Protections District– up to $165,000 for one Fire Investigator position and related tools/materials/supplies.
    - Ceres Fire Department – up to $165,000 for one Fire Investigator position and related tools/materials/supplies.
    - Stanislaus County DA - up to $20,000 for operational overhead/equipment/materials/supplies to operate the FIU.
    - An additional one-time allocation of $38,670 for specific training and equipment of the FIU members to be managed by the Stanislaus County District Attorney. These funds must be equally matched by other resources outside of LTCW Fire jurisdiction in accordance with the approved Fire Authority Business Plan.

4. LTCW funded member agencies accounting requirements include:

    - Quarterly invoice, with documentation/supporting records for actual personnel costs, along with direct charges for tools/materials/supplies. An indirect cost rate/administrative overhead, not to exceed 10% of direct salaries and benefits may also be applied.
    - Reimbursement will be made quarterly, for actual costs, and in the case of the fire entities, not to exceed, a cumulative quarterly total of $41,250.
    - It is anticipated that the DA will have significant "in-kind" memo billings associated with dedicated investigations staff, management and administrative costs.
    - All member agencies will bear the costs of overtime as "in-kind" support to the FIU.

5. In addition to the resources dedicated to LTCW services/funds, the City of Modesto Fire Department will provide approximately $350,000 of resources to the FIU for Fiscal Year 2016-2017, primarily associated with two Fire Investigator positions, related tools/materials/supplies and specific training and equipment for the FIU. The value of the resources contributed to the FIU will be compiled in a quarterly memo billing along with documentation of the costs provided in support of fire incidents in the County.

6. The DA will provide reporting of FIU performance to all member agencies, including incidents on a monthly/quarterly/annual basis as described in this MOU, and consistent with the County Fire Authority Business Plan.

7. All member agencies understand and agree that the County shall not be obligated to make any payment hereunder except out of revenue from the LTCW Fire Tax. The County will not provide any additional compensation, nor will the member agencies be asked to provide any additional funding beyond the agreed upon staff/direct support specified in this MOU.

8. Member agencies shall prepare and maintain all writings, documents and records prepared or compiled in connection with the performance of this agreement for a minimum of five (5) years from the termination or completion of this agreement.

9. The Stanislaus Fire Warden as FIU Fiscal Agent, will store and maintain all fiscal records in accordance with Stanislaus County Records Retention policies and the Governmental Accounting Standards Board (GASB). The fiscal records may be accessed by any authorized representative of the Member Agencies, with reasonable advance notice, for the purpose of audit, evaluation or examination.

10. In the event of an audit exception or exceptions, the member agency responsible for not meeting the program or funding requirement or requirements shall be responsible for the deficiency.

D. Year-End Analysis & FIU Performance Outcome

1. The Fiscal Agent will provide an annual reconciliation of total costs per fiscal year, and member agency's resource contributions along with all incidents in the County.

2. It is anticipated that the incidents, from the prior fiscal year, in the LTCW jurisdiction will be equal to or less than the ratio of LTCW funds used in support of the total FIU.

3. It is anticipated that consistency of high quality fire investigations and this shared model of leveraging member agency financial contributions will be cost-effective and assist in future analysis of sustainable operations.

VI. LIABILITY

A. Each member agency shall be solely liable for the negligent or wrongful acts or omissions of its officers, representatives and employees occurring in the performance of this Memorandum. If any member agency becomes liable for damages caused by a member's solely negligent or wrongful acts or omission, the negligent member agency shall pay such damages without contribution by the Regional FIU or by a party to this agreement.

B. In the event the Regional FIU is named as a defendant in an action and the member agency whose officers or employees are alleged to have committed the negligent or wrongful act is not so named, or if the identity of the officers or employees who are alleged to be at fault cannot be determined by the pleadings, the County of Stanislaus shall initiate the defense of the action of the Regional FIU. In every case, a member agency not named as a defendant in an action shall promptly take action to intervene in a pending action when it is or becomes apparent that one of its officers or employees is alleged to be at fault; provided, however, that failure of a member agency to become a defendant shall not relieve the member agency of its obligation to indemnify another member agency as provided herein.

C. Personnel assigned to the Regional FIU shall be deemed to be continuing under the employment of their respective jurisdictions and shall have the same powers, duties, privileges, responsibilities, and immunities as are conferred upon them as a peace officer and/or fire investigator in their own jurisdictions.

D. Each member agency shall be responsible for the acts of their respective members, as well as for any losses, damages, claims, demands, vehicle accidents,

or other liabilities arising out of that member's services and activities while participating in the Regional FIU. When a member drives a vehicle owned by another agency, the driver's agency assumes all liability associated with the operation of such vehicle, except for the vehicle's mechanical condition. Each member agency shall also be liable for any and all workers compensation benefits for their personnel injured in the course and scope of duty while assigned to the Regional FIU.

VII. OFFICE SPACE AND EQUIPMENT

A. The Modesto Fire Department has agreed to provide, without reimbursement, work space for the Regional FIU at Modesto Fire Station 8, located at 737 Airport Way in Modesto, CA. If this office space becomes unavailable or the needs of the Regional FIU change, other locations may be considered. The member agencies shall provide office furniture and supplies. Telephones and miscellaneous office equipment are currently in place and the Modesto Fire Department has authorized its use by the FIU without reimbursement.

B. The FIU agrees to maintain the station 8 grounds and to pay for all electrical utility costs. The Modesto Fire Department agrees to continue to maintain the facility itself and pay for water and sewer utility costs.

C. In the event funds or property are contributed to the Regional FIU by one or more of the parties or by an outside source or donation, the Regional FIU shall be strictly accountable for all such funds and property.

D. Disposition of Assets on Termination

1. At the termination of this Memorandum, any and all personal property which can be identified as having been contributed by a member agency shall be returned to that member agency. Property purchased from Regional FIU funds, contributed by the agency members, or funds granted by a non-party, and property given to the Regional FIU by a non-party, shall become the property of Stanislaus County or their designee. Supplies/assets purchased with LTCW funds, not fully utilized during the course of this agreement will remain the property of Stanislaus County and will be dedicated for use in Fire Investigations and/or other programs/services approved for LTCW funds as administered by the Stanislaus County Fire Warden.

VIII. VEHICLES

A. FIU Members will provide a vehicle from their parent member agency for their use. This vehicle may be a take home vehicle as the investigators may be required

to respond to fires while off duty. This agreement does not supersede any member agency policy or procedure related to take home vehicles. The member agency providing the vehicle for FIU use will be responsible for fuel and maintenance of the vehicle.

B. It is recognized that as a multi-agency unit, individual members may need to operate vehicles belonging to the other member's agencies. Regardless of specific policies prohibiting non employees from operating agency vehicles, it is agreed that Regional FIU members are authorized to operate other members' agency vehicles to carry out the assignment of the FIU. As described in "Liability", each member's agency accepts liability for their member while driving a motor vehicle regardless of owner, except in the case of mechanical defect.

C. The Stanislaus County District Attorney's Office with the assistance of the Sheriff's Department has purchased a dedicated FIU response truck (County ID 94-90) for larger incidents. It is agreed that any member of the FIU can drive this vehicle to accomplish the mission of the FIU. It is agreed that all Stanislaus County District Attorney's Office policies and procedures related to vehicle use will be followed by any FIU members operating county vehicles.

D. It is recognized that responses to most fire incidents occur in a Code 3 (Lights and Siren) manner. Regional FIU members shall abide by their departments' Code 3 policy and the California Vehicle Code when operating in this manner.

E. Pursuits involving unmarked vehicles shall be strongly discouraged. However, when Regional FIU members become involved in a pursuit, they shall abide by their departments' pursuit policy established by their respective agency. If a member agency does not have a pursuit policy, they will default to the Stanislaus County District Attorney's Office policy governing pursuits.

IX. ARSON TASK FORCE

A. The Stanislaus County Arson Task Force was established in 1981 in order to create a system of mutual aid for the suppression of arson fires and apprehension of arsonists. Pursuant to Stanislaus County Board of Supervisors Resolution 2000-360, the task force was reorganized in 2000 with a Joint Powers Agreement addressing the operation and goals of the task force.

B. In 2006 after the loss of many of the arson task force members through attrition, the City of Modesto was awarded a contract to provide fire investigation services throughout the county under resolution 2006-751. This contract essentially nullified the need for the arson task force, however no action was ever taken to disband the task force or its authority and the task force went inactive.

C. In 2011, the Stanislaus County District Attorney, who serves as the chairperson of the arson task force governing committee, reinstituted the arson task force for

purposes of training and collaboration with the Fire Investigators in the county. A Stanislaus County District Attorney, Bureau of Investigation Lieutenant who is also a Certified Fire and Explosives Investigator was assigned as the coordinator of the arson task force to provide that training and collaboration. The task force members currently meet bi-monthly.

D. It is the intention of the District Attorney to now disband the Stanislaus County Arson Task Force and merge the function of that task force into the Regional FIU.

E. All fire and law enforcement agencies within Stanislaus County are encouraged to participate in the Regional FIU instead of the Arson Task Force. It is the intention of the regional FIU that the future full time, FIU Fire Investigators will come from the part time members who will be referred to as "On Call" Investigators. These Investigators can also, upon certification, be available for filling overtime shifts created when full time, FIU investigators take approved time off of work. The level of certification necessary to be eligible to fill overtime shifts, and whether an On Call Investigator meets that level of certification, will be determined by the FIU Manager.

X. STANDARD OPERATING PROCEDURES

The member agencies agree to develop standard operating procedures (SOP's) which will be disseminated to all members. The SOP's will include Reporting, Records Retention and Release requirements, which will be mutually agreed to by all member agencies. In any case where the SOP's of the Regional FIU conflict with the policies or procedures of a member's employing agency, the member shall abide by the directives of his or her own agency.

XI. REPORTING

The Regional FIU Coordinator will be responsible for implementing a reporting system for tracking FIU activity and resource utilization. This reporting system will serve as the basis for quarterly reports to the Fiscal Agent and Stanislaus County Fire Warden to ensure accountability of personnel and resources. The quarterly report will be filed with the quarterly invoices, and in accordance with the 2015-2016 Business Plan.

No later than the 15th of each month, the Regional FIU Coordinator will submit an electronic activity report to each Fire agency having jurisdiction as well as the Stanislaus County Fire Warden's office providing status updates on all open and fiscal year-to-date investigations in their jurisdiction. This report will be provided prior to the following month's County Fire Chiefs' meeting.

A. Report Review

1. In coordination with the San Joaquin County FIU, the Stanislaus Regional FIU has agreed to share resources as necessary for the effective investigation

of fires and review of reports as required in NFPA 921. To that end, the Coordinator for the San Joaquin County FIU, or his approved designee, may be tasked with conducting administrative, technical, and peer reviews of Stanislaus Regional FIU reports, and in turn the Stanislaus Regional FIU Manager, Coordinator and Admin Investigator may review San Joaquin FIU reports. Additionally, discussions are taking place that would include the other two counties in the CCAI Round Table 18 area (Calaveras and Tuolumne) to share this same valuable resource. The member agencies agree that a report review by an Investigator from another jurisdiction has the same effect as a review from the Regional FIU staff.

XII. AMENDMENTS TO THE AGREEMENT OR FIU SOP's

The member agencies agree that the Regional FIU will develop and implement standard operating procedures (SOP's). As issues develop, new policies and procedures may need to be developed to address them. The member agencies agree to remain in communication regarding these changes and meet as necessary to confer prior to implementation.

XIII. TERM OF AGREEMENT

The term of this agreement is from July 1, 2016 through June 30, 2017. Participating agencies may elect to leave the Regional FIU agreement at any time. Any agency wishing to do so shall indicate such intent in writing to the Stanislaus County District Attorney's Office and the Stanislaus County Fire Warden. The termination shall be deemed to take effect not less than 180 days after receipt of the written notice or upon a date established by mutual agreement.

XIV. SIGNATURES

The undersigned represent authority to execute this agreement on behalf of their respective agencies; and in signing this formal agreement, represent concurrence with and support of the Stanislaus County Regional FIU as set forth in this agreement and for the period and purposes as stated herein.

Stan Risen, Chief Executive Officer
Stanislaus County

Jim Holgersson, City Manager
City of Modesto

Adam Christianson, Sheriff
Stanislaus County

Sean Slamon, Fire Chief
City of Modesto

Birgit Fladager, District Attorney
Stanislaus County

Adam Lindgren, City Attorney
City of Modesto (as to form)

Thomas E. Boze, Assistant County Counsel
Stanislaus County (as to form)

Toby Wells, City Manager,
City of Ceres

Shayne Strasser, President
Stanislaus Consolidated Fire Prot. Dist.

Bryan Nicholes, Fire Chief
City of Ceres

Christopher Diaz, Counsel
Stanislaus Consolidated Fire Prot. Dist.
(as to form)

Tom Hallinan, City Attorney
City of Ceres (as to form)

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-478

RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE CLEANING, INSPECTION, AND REPAIR SERVICE OF PERSONAL PROTECTION EQUIPMENT (PPE) FOR THE MODESTO FIRE DEPARTMENT TO SCOTTS PPE RECON INC. (LODI, CA), ISSUE A PURCHASE AGREEMENT FOR A TWO (2) YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS AT THE SOLE DISCRETION OF THE CITY, FOR AN ESTIMATED ANNUAL COST OF $65,400, AND OVER FIVE (5) YEARS OF $327,000 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for the Cleaning, Inspection, and Repair Service of Personal Protection Equipment (PPE), and

WHEREAS, the Purchasing Division issued RFB No. 1617-06 on the City's website under the commodity codes for "Fire Protection Equipment and Supplies," "Fire Fighting Equipment Maintenance and Repair," "Laundry and Linen Service," "Miscellaneous Services," and "Sewing, Embroidery, Embossing, and Alteration Services," and

WHEREAS, prospective bidders were noticed online of the bid opportunity, and

WHEREAS, four (4) companies chose to download the RFB document, and

WHEREAS, bids were formally opened in the City Clerk's Office. Three (3) companies chose to respond, none of which were a local company. All three (3) companies responding provided a responsive and responsible bid, and

WHEREAS, based on providing a responsive and responsible bid, City staff recommends the award of bid for the Cleaning, Inspection, and Repair Service of Personal Protection Equipment (PPE) to Scotts PPE Recon Inc. (Lodi, CA), for an estimated annual cost of $65,400, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of bid for the Cleaning, Inspection, and Repair Service of Personal Protection Equipment (PPE) to Scotts PPE Recon Inc. (Lodi, CA), conforms to the Modesto Municipal Code, 8-3.203, and

WHEREAS, funds are budgeted each Fiscal Year, in Appropriation Unit: 0100-18210-52160 (General Fund).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid for the Cleaning, Inspection, and Repair Service of Personal Protection Equipment (PPE) to Scotts PPE Recon Inc. (Lodi, CA) for a term of two (2) years with three (3) one-year extension options at the sole discretion of the City, for a total of five (5) years.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreements for an estimated annual cost of $65,400, and over five (5) years of $327,000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of December, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Madrigal

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-479

RESOLUTION APPROVING AN AGREEMENT WITH BARTKIEWICZ, KRONICK & SHANAHAN, P.C., SACRAMENTO, CA, TO PROVIDE LEGAL SERVICES REGARDING THE CITY'S COMMENTS TO THE DRAFT SUBSTITUTE ENVIRONMENTAL DOCUMENT FOR PHASE 1 OF THE BAY/DELTA WATER QUALITY CONTROL PLAN IN AN AMOUNT NOT TO EXCEED $57,300 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $17,700 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF $75,000, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto provides water service to over 73,000 accounts and over 200,000 customers throughout the City of Modesto, the communities of Salida, Empire, Grayson, Del Rio, and portions of the Cities of Ceres and Turlock, and

WHEREAS, the City's water sources consist of approximately two-thirds groundwater and one-third treated surface water purchased from the Modesto Irrigation District (MID), and

WHEREAS, on September 15, 2016, the SWRCB released a revised Draft Substitute Environmental Document (SED) in support of Phase 1 of its Bay-Delta Water Quality Control Plan, which is over 1,850 pages, not including appendices, and

WHEREAS, the state proposes to take 40 percent of unimpaired flow from the Tuolumne River for fish and wildlife beneficial uses and salinity control, and

WHEREAS, this proposal will have a major impact to the existing water supplies and operations of the Don Pedro Reservoir, which is jointly operated by both MID and Turlock Irrigation District (TID), and

WHEREAS, this proposed action would severely impact the City's domestic water supplies, as the Tuolumne River is the source of Modesto's surface water, and

WHEREAS, the reduction of surface water would result in additional groundwater pumping to meet the City's municipal water demands, and will not be sustainable under the Sustainable Groundwater Management Act (SGMA), which was effective January 1, 2016, and

WHEREAS, in addition, the Modesto water rate payers have a substantial investment for the construction of the two phases of the Modesto Regional Water Treatment Plant, which has the capacity to ultimately treat more than 60 million gallons per day, and

WHEREAS, BKS has previously worked the City with water-rights related issues, most recently on the North Valley Regional Recycled Water Program in 2015, and provided exceptional assistance and support, and

WHEREAS, BKS will assist the City with the preparation of comments to the Draft SED, coordinating their efforts with MID, and

WHEREAS, BKS's focus of work will be on the areas where the City can add significant new information to the comments that MID and other interested parties will be submitting to the SWRCB, primarily on direct and indirect impacts on the City's groundwater supplies, local businesses and the local economy,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Bartkiewicz, Kronick & Shanahan, P.C., Sacramento, CA, to provide legal services regarding the City's comments to the Draft Substitute Environmental Document for Phase 1 of the Bay/Delta Water Quality Control Plan in an amount not to exceed $57,300 for the identified scope of services, plus $17,700 for additional services (if needed), for a maximum total amount of $75,000.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of December, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Madrigal

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-480

RESOLUTION APPROVING THE JOINT POWERS AGREEMENT FORMING THE WEST TURLOCK SUBBASIN GROUNDWATER SUSTAINABILITY AGENCY, AND AUTHORIZING THE CITY OF MODESTO TO PARTICIPATE AS A GOVERNING BOARD MEMBER

WHEREAS, the Sustainable Groundwater Management Act (SGMA) was passed in 2014 and became law on January 1, 2015, and

WHEREAS, the Department of Water Resources (DWR) has prioritized 127 of California's 515 groundwater basins as high or medium priority, and SGMA requires that all high and medium priority groundwater basins be managed by one or more groundwater sustainability agencies (GSA) that develop one or more groundwater sustainability plans (GSP), and

WHEREAS, each basin that is subject to SGMA must have all geographic areas covered by one or more GSAs by June 30, 2017, and

WHEREAS, any public agency that has water or land use management authority may elect to be a GSA, and

WHEREAS, each GSA is responsible for developing a GSP or working with other GSAs in the basin to develop a collective GSP, and

WHEREAS, the GSA will be comprised of Board Members and Associate Members, and

WHEREAS, the City of Modesto will be a Board Member, and

WHEREAS, Board Members will pay an annual obligation of $10,000 and will have one vote per agency except that City of Turlock and TID shall each have the power to veto most actions of the Board; Associate members will pay an annual obligation of

$2,000 but will not have the power to vote or become an officer of the Agency, but shall be entitled to participate in the meetings and discussions of the Governing Board, and

WHEREAS, the purpose of the Joint Powers Agreement is to create the West Turlock Subbasin GSA to enable that agency to form a GSA with the State and manage groundwater for the western portion of the Turlock Groundwater Subbasin, and

WHEREAS, staff has been working with potential members of the West Turlock Subbasin GSA to form the joint powers agency and the City's legal counsel has reviewed the Joint Powers Agreement, and

WHEREAS, currently, the membership includes City of Ceres, City of Hughson, City of Modesto, City of Turlock, Delhi County Water District, Denair Community Services District, Hilmar County Water District, Merced County, Stanislaus County, Turlock Irrigation District as Board Members and City of Waterford for Hickman, Monterey Park Tract Community Services District, Stevinson Water District and Keyes Community Services District as Associate Members, and

WHEREAS, interested eligible parties per Article 14.2 may join the GSA at any time,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Joint Powers Agreement Forming the West Turlock Subbasin Groundwater Sustainability Agency, and authorizing the City of Modesto to participate as a Governing Board member.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute said Joint Powers Agreement Forming the West Turlock Subbasin Groundwater Sustainability Agency on behalf of the City.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of December, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Madrigal

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-481

PRINT

RESOLUTION ACCEPTING THE COLLECTOR AND ARTERIAL REHABILITATION PROJECT AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASE SECURITIES AND RELEASE PAYMENTS TOTALING $1,530,237.53 TO VSS INTERNATIONAL, INC., OF SACRAMENTO, CALIFORNIA

WHEREAS, the Collector and Arterial Rehabilitation Project has been completed by VSS International, Inc. of Sacramento, California in accordance with the contract agreement dated July 14, 2015,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Collector and Arterial Rehabilitation Project is hereby accepted as complete from said contractor, VSS International, Inc. of Sacramento, California, and that the City Clerk is authorized to complete all necessary steps to file with the County Recorder, release securities and payments totaling $1,530,237.53, as is authorized and provided in the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of December, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Madrigal

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-482

RESOLUTION ACCEPTING THE 2013-14 SEWER COLLECTION SYSTEM REPLACEMENT PROJECT AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASE SECURITIES AND RELEASE PAYMENTS TOTALING $1,602,246.19 TO DSS COMPANY DBA KNIFE RIVER CONSTRUCTION, OF STOCKTON, CALIFORNIA

WHEREAS, the 2013-14 Sewer Collection System Replacement Project has been completed by DSS Company dba Knife River Construction of Stockton, California in accordance with the contract agreement dated August 5, 2015,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2013-14 Sewer Collection System Replacement Project is hereby accepted as complete from said contractor, DSS Company dba Knife River Construction of Stockton, California, and that the City Clerk is authorized to complete all necessary steps to file with the County Recorder, release securities and payments totaling $1,602,246.19, as is authorized and provided in the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of December, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Madrigal

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-483

PRINT

RESOLUTION APPROVING A TWO-YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSTIONS FOR THE SOLE SOURCE PROCUREMENT OF UV LAMPS AND AUTHORIZING THE DIRECTOR OF FINANCE OR HER DESIGNEE TO ISSUE A PURCHASING AGREEMENT WITH DC FROST ASSOCIATES, WALNUT CREEK, CA, FOR THE UTILITIES DEPARTMENT, WASTEWATER DIVISION, FOR AN ESTIMATED ANNUAL COST OF $100,583 AND OVER FIVE YEARS OF $521,382

WHEREAS, the City of Modesto, Utilities Department, Wastewater Services Division, utilizes Tertiary Treatment for the treatment of the City of Modesto Wastewater, and

WHEREAS, the final phase of the Tertiary Treatment process is the disinfection of the wastewater by UV lamps which have a lifetime of 10,000 hours each, and

WHEREASE, the UV lamps are a specialized system component that must be purchased and contracted from a Trojan UV Water Confidence manufacturer in order to keep the equipment performance intact, and

WHEREAS, the local exclusive manufacturer representative is DC Frost and Associates, and

WHEREAS, the UV lamps must be replaced when they reach 10,000 hours, and

WHEREAS, it is anticipated that each year a minimum of 350 lamps will need to be replaced to ensure the efficiency of Tertiary Treatment, and

WHEREAS, the City of Modesto, Utilities Department, Wastewater Services Division has negotiated with DC Frost and Associates to hold the cost of the lamps for two years; for the following three years there will be an increase of 3% each year, and

WHEREAS, in order to maintain the equipment guarantee for the Tertiary equipment, staff finds that the justification meets the City's sole source criteria as identified under the Modesto Municipal Code 8-3.204(b), and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the procurement of UV lamps and approving a sole source agreement with DC Frost Associates, Walnut Creek, CA for the Utilities Department, Wastewater Division, for five years at an annual cost of $100,582.46 and over five years of $521,381.95.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to issue the purchase agreements, in forms approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of December, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Ridenour, Zoslocki Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Madrigal

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-484

RESOLUTION ACCEPTING THE 2014-2015 STORM DRAIN IMPROVEMENTS PROJECT AS COMPLETE AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASE SECURITIES, AND RELEASE PAYMENTS TOTALING $693,778 TO ROLFE CONSTRUCTION COMPANY OF ATWATER, CA

WHEREAS, the 2014-2015 Storm Drain Improvements Project has been completed by Rolfe Construction Company of Atwater, Ca in accordance with the contract agreement dated December, 8th, 2015,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2014-2015 Storm Drain Improvements Project is hereby accepted as complete from said contractor, Rolfe Construction Company of Atwater, Ca, and that the City Clerk is authorized to complete all necessary steps to file with the County Recorder, release securities and payments totaling $693,778, as is authorized and provided in the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of December, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Madrigal

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-485

RESOLUTION ACCEPTING THE FISCAL YEAR 2015-16 ANNUAL REPORT OF FUNDS HELD FOR FUTURE IMPROVEMENTS, AND MAKING FINDINGS RELATED TO EACH SECURITY ON FILE

WHEREAS, California Government Code Sections 66000 and 66006 require that the City make certain information available to the public and findings relating to the necessity of collecting fees for new development, and

WHEREAS, the City is collecting impact fees as security for future improvements that will be needed as a condition of approval for new development, and

WHEREAS, $2,500 in impact fees were paid by Fuentes Construction on March 8, 2001, as a condition of approval for the project located at 1024 Florence Avenue, Modesto, for future improvements including connection to the City sewer system and the installation of curb, gutter and sidewalk improvements, and

WHEREAS, $29,393.72 in impact fees were collected from American Home Builders as a condition of approval for its project located at 3055 Floyd Avenue, Modesto, on September 2, 2005, for future improvements including the expansion of Beta Street to the north of the property, and

WHEREAS, $27,165 in impact fees were collected from Best Modesto Partners on September 30, 2008, as a condition of approval for its project located at 3019 Floyd Avenue, Modesto, for future improvements including the construction of an on-site driveway and the reconstruction of the nearby bus turnout and off-site driveway, and

WHEREAS, it has been determined that full funding for the various improvements has not yet been received, and

WHEREAS, it has been determined by staff that the impact fees collected for all three projects should be retained until additional funding can be obtained, and

WHEREAS, a public hearing at the City Council in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California was set for December 6, 2016, to enable the public to have the opportunity to comment on the impact fees collected.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby makes the following findings:

1. The impact fees collected for future improvements are necessary to fund future infrastructure needed for new development; and

2. The revenue anticipated for the full development of infrastructure improvements required for these projects has not been fully collected to complete the financing of said improvements. It is presently anticipated that there will be no regular sources of funding to develop the required improvements apart from impact fees collected from neighboring properties; and

3. The anticipated dates for the full collection of fees is unknown at this time as impact fees are based on development activity which is not controlled by the City. The funding for the future improvements to include connection to the City sewer system and the installation of curb, gutter and sidewalk improvements located at 1024 Florence Avenue, Modesto, is not yet known,

but there is still a need, and therefore fees should still be retained for these purposes; and

4. The timing for the future improvements including the expansion of Beta Street to the north of the property located at 3055 Floyd Avenue, Modesto, is not yet known, but there is still a need, and therefore fees should still be retained for these purposes; and

5. The timing for the future improvements including the construction of an on-site driveway and the reconstruction of the nearby bus turnout and off-site driveway located at 3019 Floyd Avenue, Modesto, is not yet known, but there is still a need, and therefore fees should still be retained for these purposes.

BE IT FURTHER RESOLVED, that the City Council of the City of Modesto accepts the Fiscal Year 2015-16 Annual Report of funds held for future improvements.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of December, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Madrigal

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-486

PRINT

RESOLUTION CALLING A SPECIAL ELECTION FOR THE CITY OF MODESTO TO ANNEX TERRITORY TO CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2004-1 (VILLAGE ONE #2)

WHEREAS, this Council did, on October 25, 2016, adopt its Resolution No. 2016-422 (the "Resolution of Intention to Annex") to indicate its intention to annex certain territory to the City's Community Facilities District No. 2004-1 (Village One #2) (the "District") and authorize the levy of the District special taxes within the territory proposed to be annexed (the "Annexed Territory"), pursuant to Chapter 2.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act"), and set a hearing thereon, and

WHEREAS, pursuant to the Act, this Council did, by its Resolution No. 2004-681, adopted on December 14, 2004, clarify the Rate and Method of Apportionment with respect to the Maximum Special Taxes to be generated by a parcel that has been rezoned, and

WHEREAS, pursuant to the Act, this Council did, by its Resolution No. 2004-683, adopted on December 14, 2004, create Tax Zone #2 within the District, and

WHEREAS, the One-Time Facilities Special Tax component of the special taxes is higher in Tax Zone #2 than in Tax Zone #1, and

WHEREAS, the Annexed Territory will be annexed to and subject to the special taxes in Tax Zone #2, and

WHEREAS, notice of the hearing was duly published as required by law, as evidenced by the proof of publication on file with the City Clerk, and

WHEREAS, a map of the Annexed Territory, entitled "Proposed Boundaries of Annexation No. 15 of Community Facilities District No. 2004-1 (Village One #2) of the City of Modesto, County of Stanislaus, State of California," was recorded on November 4, 2016, in the Office of the County Recorder of the County of Stanislaus, in Book 5 of Maps of Assessment and Community Facilities Districts, at page 52, and

WHEREAS, at the time and date set for the hearing (December 6, 2016) pursuant to the Resolution of Intention to Annex, this Council held the public hearing, as required by the Act, related to the proposed annexation and the levy of the District special taxes for Tax Zone #2 within the Annexed Territory, and all other matters set forth in the Resolution of Intention to Annex, and

WHEREAS, at the hearing all persons desiring to be heard on all matters pertaining to the proposed annexation and the levy of the District special taxes for Tax Zone #2 within the Annexed Territory, and all other matters set forth in the Resolution of Intention to Annex, including all interested persons for or against the proposed annexation to the District and the levy of the District special taxes for Tax Zone #2 within the Annexed Territory were heard and considered, and a full and fair hearing was held thereon, and

WHEREAS, at the hearing evidence was presented to this Council on the matters before it, and this Council, at the conclusion of the hearing, was fully advised as to all matters related to the proposed annexation and the levy of the District special taxes for Tax Zone #2 within the Annexed Territory, and all other matters set forth in the Resolution of Intention to Annex, and

WHEREAS, written protests against the proposed annexation and the levy of the District special taxes for Tax Zone #2 within the Annexed Territory have not been filed with the City Clerk by 50 percent or more of the registered voters or six registered voters, whichever is more, residing within the District or residing within the Annexed Territory, or the owners of one-half or more of the land in the District, or in the Annexed Territory, and

WHEREAS, the Stanislaus County Registrar of Voters has certified there are less than 12 registered voters residing in the Annexed Territory; accordingly, the qualified electors are the landowners, and

WHEREAS, the City Clerk, being the Council's designated election official for purposes of the election herein called, has concurred in the election date herein set forth for the election,

NOW THEREFORE, BE IT RESOLVED, ORDERED AND FOUND by the City Council of the City of Modesto that:

SECTION 1. The foregoing recitals are true and correct.

SECTION 2. All prior proceedings taken with respect to the annexation of the Annexed Territory to the District, and the levy of the District special taxes for Tax Zone #2 within the Annexed Territory were valid and in conformity with the requirements of the Act. This determination shall be final and conclusive upon all persons.

SECTION 3. The proposed annexation of the Annexed Territory to the District and the levy of the District special taxes for Tax Zone #2 within the Annexed Territory have not been precluded by majority protest pursuant to Section 53339.5 of the Act.

SECTION 4. As stated in the Resolution of Intention to Annex, it is the intention of this Council, subject to the approval of the qualified electors of the Annexed Territory, to annex the Annexed Territory to the District and levy the District special taxes for Tax Zone #2 within the Annexed Territory. Upon such approval the Council will be authorized to levy the District special taxes for Tax Zone #2 within the Annexed Territory.

SECTION 5. A special election is hereby called at which the question of levying the District special taxes for Tax Zone #2 within the Annexed Territory shall be submitted to the qualified electors of the Annexed Territory. The election shall be held in accordance with and subject to the Act, all of the terms of which shall, unless waived as herein provided, be applicable to such election. The ballot measure shall be substantially in the form **attached** hereto as **Exhibit** A.

SECTION 6. Fewer than 12 persons have been registered to vote within the Annexed Territory for each of the 90 days preceding the close of the hearing referenced herein. Accordingly, the vote shall be by the landowners of the Annexed Territory, and each such landowner shall have one vote for each acre or portion thereof that he or she owns within the Annexed Territory. The ballots shall be distributed by mail with return postage prepaid, or by personal service, to each landowner, all as provided in Section 53326 of the Act.

Since the City Clerk has received an appropriate waiver of time limits and other requirements pertaining to the conduct of the election by the owner of all of the land in the Annexed Territory (the "Landowner"), the election shall be held on the 6th day of

December, 2016. The election shall be conducted by the City Clerk in the manner required by this resolution, the Act and applicable laws.

The City Clerk shall accept the ballots of the qualified electors in the office of the City Clerk up to and including 5:30 p.m., Pacific Time, on December, 2016, and/or up to the conclusion of the Public Hearing, whether said ballots shall be personally delivered or received by mail.

SECTION 7. In accordance with Section 53327(b) of the Act, analysis and arguments, as required by Section 53327(a) of the Act are hereby waived, as the City Clerk has received the unanimous consent to such waivers from the Landowner.

SECTION 8. The publication of this Resolution as notice of the special election is hereby waived as the City Clerk has received the unanimous consent to such waiver from the Landowner.

SECTION 9. The Annexed Territory shall constitute a single election precinct for the purpose of holding the election.

SECTION 10. The City Clerk is hereby authorized to take any and all steps necessary for the holding of the election, and to perform and render all services and proceedings incidental to and in connection with the election.

SECTION 11. The City Clerk shall canvass the returns and certify the results of the election to this Council. If two-thirds or more of the votes cast are in favor of levying the District special taxes for Tax Zone #2 in the Annexed Territory, this Council may thereafter order the annexation of the Annexed Territory to the District and levy the District special taxes in the Annexed Territory in the amount and for the purposes specified in Resolution No. 2004-199 adopted by this Council on April 6, 2004 (the

"Resolution of Formation"). The Special Tax will be levied only at the rate and apportioned only in the manner specified in the Resolution of Formation, as clarified by the City Council on December 14, 2004 (Resolution No. 2004-681), and at the rates set forth in Tax Zone #2 created by the City Council on December 14, 2004 (Resolution No. 2004-683).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of December, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Madrigal

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT A

OFFICIAL BALLOT

BALLOT NO. 1

CITY OF MODESTO
COMMUNITIES FACILITIES DISTRICT NO. 2004-1
(VILLAGE ONE #2)

ANNEXATION NO. 15

SPECIAL TAX ELECTION

December 6, 2016

NUMBER OF VOTES ENTITLED TO BE CAST: 1
(VOTER MAY REMOVE AND RETAIN THIS STUB)

INSTRUCTIONS TO VOTERS

To vote, make a mark (x) in the voting area to the right of the word "YES" or "NO."

All distinguishing marks or erasures are forbidden and make the ballot void. If you wrongly mark, tear or deface this ballot, telephone the Office of the City Clerk of the City of Modesto for instructions as soon as possible at (209) 577-5200, Monday through Friday, between the hours of 9:00 a.m. and noon

MARK YOUR CHOICE IN THIS MANNER ONLY: ☒

MEASURE SUBMITTED TO VOTE OF VOTERS

Proposition A. Shall special taxes for Tax Zone #2, with maximum rates, method of apportionment, and manner of collection as provided in Exhibit A to the City's Resolution No. 2004-683, entitled "A Resolution of the City Council of the City of Modesto Creating Tax Zone #2 in Community Facilities District No. 2004-1 (Village One #2), Approving an Increase in the One-Time Facilities Special Tax Therein, and Approving Updates of the Rate and Method of apportionment of Special Taxes for the District", adopted by the City Council of the City of Modesto on December 14, 2004, which is incorporated herein by this reference, be levied within the territory proposed to be annexed to Tax Zone #2 of the City of Modesto Community Facilities District No. 2004-1 (Village One #2) pursuant to the City's Resolution No. 2016-422, entitled "A Resolution of the City Council of the City of Modesto of Intention to Annex Territory to Community Facilities District No. 2004-1 (Village One #2) and to Authorize the Levy of Special Taxes therein (Annexation No. 14)" adopted by the City Council of the City of Modesto on October 25, 2016, for the purposes set forth in Resolution No. 2004-199, entitled "A Resolution of the City Council of the City of Modesto of Formation, Establishing City of Modesto Community Facilities District No. 2004-1 (Village One #2), Authorizing the Levy of Special Taxes within the District, Preliminarily Establishing an Appropriations Limit for the District, and Calling an Election for the Purpose of Submitting the Levy of the Special Taxes and the Establishment of the Appropriations Limit to the Qualified Electors of the District", adopted by the City Council of the City of Modesto on April 6, 2004, which is incorporated herein by this reference?

YES ☐

NO ☐

BALLOT NO. 1

THIS BALLOT HAS A VALUE OF 1 VOTES

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-487

RESOLUTION DECLARING THE RESULTS OF THE DECEMBER 6, 2016 SPECIAL ELECTION AND ORDERING THE ANNEXATION OF THE ADDITIONAL TERRITORY TO CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2004-1 (VILLAGE ONE #2)

WHEREAS, this Council is conducting proceedings pertaining to the annexation of certain territory to the City's Community Facilities District No. 2004-1 (Village One #2) (the "District") and the levy of the District special taxes (the "District Special Taxes") within such territory, as described in its Resolution No. 2016-422 entitled "A Resolution of the City Council of the City of Modesto of Intention to Annex Territory to Community Facilities District No. 2004-1 (Village One #2) and to Authorize the Levy of Special Taxes therein (Annexation No. 1)", pursuant to Chapter 2.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act"),and

WHEREAS, the owners of all the property within the territory proposed to be annexed to the District waived those provisions related to the timing and conduct of the election referenced in Sections 5, 6, 7 and 8 of this Council's Resolution No. 2016-_____, adopted on December 6, 2016, and, as a result, this Council called an election within the territory proposed to be annexed to the District (the "Election") for December 6, 2016, or as soon thereafter as practicable, relative to the foregoing, and

WHEREAS, on December 6, 2016, the Election was held, and

WHEREAS, the City Clerk has certified that at the Election the proposition of levying the District Special Taxes within the territory proposed to be annexed to the District was approved by more than two-thirds (2/3) of the votes cast at the Election.

NOW, THEREFORE, BE IT RESOLVED, ORDERED AND FOUND by the City Council of the City of Modesto that:

SECTION 1. The Election was duly and validly conducted in conformity with all applicable laws pertaining thereto. It is hereby determined that the owner or owners of the territory proposed to be annexed are as set forth in the Certificate of City Clerk as to Distribution of Official Ballots, submitted to this Council and on file with the City Clerk.

SECTION 2. The ballot proposition presented to the qualified electors of the territory proposed to be annexed at the Election received at least two-thirds (2/3) of the votes cast at the Election. A copy of the City Clerk's certificate of election results is **attached.**

SECTION 3. Pursuant to Section 53339.8 of the Act, it is hereby ordered that the territory proposed to be annexed to the District pursuant to Resolution No. 2016-422 be annexed to and be a part of the District with full legal effect, and that the District Special Taxes be levied within the territory.

SECTION 4. The City Clerk is hereby directed to enter this resolution on the minutes of this City Council, which shall constitute the official declaration of the result of the Election.

SECTION 5. The City Clerk is further authorized and directed to record an amendment to the Notice of Special Tax Lien with the County Recorder of the County of Stanislaus, within 15 days from the date hereof, in accordance with the provisions of Sections 3114.5 and 3117.7 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of December, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Madrigal

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

CERTIFICATE OF CITY CLERK

I, STEPHANIE LOPEZ, City Clerk of the City of Modesto, hereby certify that, pursuant to Resolution No. 2016-_____, A Resolution of the City Council of the City of Modesto Calling an Election for the Purpose of Submitting the Levy of the City of Modesto Community Facilities District No. 2004-1 (Village One #2) Special Taxes to the Qualified Electors of the Territory Proposed to be Annexed to the District (Annexation No. 1) adopted on December 6, 2016, by the City Council of the City of Modesto, I did conduct the Special Tax Election on December 6, 2016, and that the election was conducted by mail or in person at the City Hall of the City of Modesto.

I further certify that the following shows the full text of the measure submitted to the voters at the election and the full and true totals of all votes cast for and against the measure.

Proposition A. Shall special taxes for Tax Zone #2, with maximum rates, method of apportionment, and manner of collection as provided in Exhibit A to the City's Resolution No. 2004-683, entitled "A Resolution of the City Council of the City of Modesto Creating Tax Zone #2 in Community Facilities District No. 2004-1 (Village One #2), Approving an Increase in the One-Time Facilities Special Tax Therein, and Approving Updates of the Rate and Method of apportionment of Special Taxes for the District", adopted by the City Council of the City of Modesto on December 14, 2004, which is incorporated herein by this reference, be levied within the territory proposed to be annexed to Tax Zone #2 of the City of Modesto Community Facilities District No. 2004-1 (Village One #2) pursuant to the City's Resolution No. 2016-422, entitled "A Resolution of the City Council of the City of Modesto of Intention to Annex Territory to Community Facilities District No. 2004-1 (Village One #2) and to Authorize the Levy of Special Taxes therein (Annexation No. 14)" adopted by the City Council of the City of Modesto on October 25, 2016, for the purposes set forth in Resolution No. 2004-199, entitled "A Resolution of the City Council of the City of Modesto of Formation, Establishing City of Modesto Community Facilities District No. 2004-1 (Village One #2), Authorizing the Levy of Special Taxes within the District, Preliminarily Establishing an Appropriations Limit for the District, and Calling an Election for the Purpose of Submitting the Levy of the Special Taxes and the Establishment of the Appropriations Limit to the Qualified Electors of the District", adopted by the City Council of the City of Modesto on April 6, 2004, which is incorporated herein by this reference?

TOTAL VOTES CAST: YES ___ NO ___

_____
Stephanie Lopez
City Clerk of the City of Modesto

Dated: _____, 2016

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-488

RESOLUTION ACCEPTING THE CAPITAL FACILITIES FEES ANNUAL REPORT FOR FISCAL YEAR 2015-16 AND MAKING FINDINGS RELATING TO EACH OF THE FEE CATEGORIES

WHEREAS, the City of Modesto imposes fees to mitigate the impacts of development, pursuant to Government Code section 66000 *et seq.*, and

WHEREAS, California Government Code sections 66001 and 66006 require cities to annually make certain fee-related information available to the public and findings relating to the necessity of collecting fees for new development, and

WHEREAS, the City, in accordance with Government Code section 66006(a) and Section 8-1.904 of the Modesto Municipal Code, established Capital Facilities Fees ("CFF") for the purpose collecting fees to fund the construction of public improvements that will be needed as a result of new development, and

WHEREAS, on March 22, 2011, the City Council, by Resolution No. 2011-105, established the nexus for fees imposed by each land use, said nexus and fees were later amended by Resolution No. 2013-177 on May 7, 2013, and

WHEREAS, the following fees were established by Resolution No. 2013-177:

- The Streets CFF fund was established to accrue funds for arterial roadways, intersections, expressways, freeway interchanges and associated landscaping, and
- The Public Transportation CFF fund was established to accrue funds for the expansion of the City's transit system including additional buses and their associated facilities, and

- The Air Quality Mitigation CFF Fund was established to accrue funds to assist in the reduction of automobile travel, specifically for the development of park and ride lots, Class I Bike Trails, and
- The Police CFF Fund was established to accrue funds for additional policing needs including an additional station, police cars and associated equipment, a northeast area precinct, a training facility, a computer aided dispatch system, and an expanded radio system, and
- The Fire CFF Fund was established to accrue funds for the construction of additional fire stations, fire vehicles, and a new training station, and
- The Parks CFF Fund was established to accrue funds for the development of additional regional parks, community centers, and neighborhood parks, and the expansion of the McClure Country Place, and
- The General Government CFF Fund was established to accrue funds for the debt service payments on City Hall, related parking facilities, the corporation yard and related facilities, City vehicles and the City's information technology expansion, and

WHEREAS, the Capital Facilities Fee Annual Report for Fiscal Year 2015-16 has been completed and is on file with the City Clerk and is **attached** as **Exhibit "A"**, and

WHEREAS, a public hearing at the City Council in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California was set for December 6, 2016, to enable the public to have the opportunity to comment on the CFF collected.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby makes the following findings relating to each of the fee categories:

1) The Capital Facilities Fee program, set forth in City Council Resolution No. 2013-177, and incorporated herein by reference, continues to be a necessary program to fund future infrastructure needed for new development.

2) The Capital Facilities Fee Annual Report for Fiscal Year 2015-16 (**Exhibit A**) reports on the below information for each of the fee categories:

   a. The amount of the fee. (Table 1)

   b. The beginning and ending balance of the account or fund. (Table 3)

   c. The amount of the fees collected and the interest earned. (Table 2)

   d. An identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with fees. (Table 10)

3) The CFF revenue anticipated for the full development of infrastructure improvements for new development has not been fully collected to complete the financing of incomplete improvements. It is presently anticipated that there will be no regular sources of funding to develop CFF infrastructure improvements apart from CFF collections.

4) The anticipated dates for the full collection of fees is unknown at this time as fees are based on development activity which is not controlled by the City.

5) The necessary funds for constructing and/or purchasing the following have not yet been accumulated and the approximate date is not yet known, but there is still a need

as outlined in Resolution No. 2013-177, and therefore fees should still be collected for the following purposes:

- Additional fire stations, fire vehicles, and a new training station, and
- An additional police station, police cars and associated equipment, a northeast area precinct, a training facility, a computer-aided dispatch system, and an expanded radio system, and
- Development of additional regional parks, community centers, neighborhood parks, and the expansion of McClure Country Place, and
- Debt service payments on City Hall, related parking facilities, the corporation yard and related facilities, City vehicles and the City's information technology expansion, and
- Reduction of automobile travel, specifically for the development of park and ride lots and Class I Bike Trails, and
- Arterial roadways, intersections, expressway, freeway interchanges and all of their associated landscaping, and
- Expansion of the transit system.

6) All reportable fees, collections and expenditures have been received, deposited, invested and expended in compliance with the relevant sections of the California Government Code and all other applicable laws for the Fiscal Year 2015-16.

7) No refunds and allocations of reportable fees, as required by California Government Code section 66001, are deemed payable at this time.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby accepts the Fiscal Year 2015-16 Capital Facilities Fees Report as described in **Exhibit "A", attached** hereto and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of December, 2016, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

City of Modesto Capital Facilities Fees Annual Report Fiscal Year 2015-16

Prepared By:

Community & Economic Development
Infrastructure Financing Program

December 2016

DRAFT

MODESTO
CALIFORNIA

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LEGAL REQUIREMENTS

A. What Are Impact Fees?

California Government Code §66000 allows a local jurisdiction to establish an impact fee to mitigate the impacts of new development. These fees may be used for the purchase, construction, expansion, rehabilitation, or acquisition of public facilities, and must be consistent with the adopted fee program, which is updated every five years.

New development increases the demand for health and safety service provided by a city, affects the quality of the community's infrastructure, and increases the need for public facilities. Typically, impact fees are paid to a city at the time a building permit is issued and assist in paying for the cumulative impact of new development through infrastructure improvements and additions. Facilities partly funded by impact fees include police, fire and administrative buildings, park sites, bike trails, public landscape areas, community centers, transportation and transit facilities and roadway improvements. Impact fees cannot be used for maintenance of existing or future city facilities.

B. Establishing An Impact Fee Program

The City of Modesto ("City") impact fee program, more commonly known as the Capital Facilities Fees Program ("CFF Program"), was established in 1987 and has been updated periodically to reflect the changes in land values, projects and costs. Impact fees imposed on new development must have the proper nexus to any project on which they are imposed. The CFF Program sets forth the relationship between contemplated future developments, facilities needed to serve future development and the estimated cost of those improvements based on the current General Plan for build-out. Estimated project costs and the summary of fee apportionment for each CFF Program fee category are identified in the 2003 and 2011 CFF Program updates.

C. Adoption of a Capital Improvement Program

California Government Code §66002 requires local agencies that have implemented an impact fee program to adopt a Capital Improvement Program (CIP) indicating the approximate location, size, and time of projects, plus an estimate for the costs of all facilities or improvements to be financed by the impact fees. At a minimum, a formal CIP is recommended as a five-year plan. The City annually produces a five-year CIP which assists in maintaining and updating the City's General Plan.

The City's CIP connects annual capital expenditures to a long-range plan for public improvements. The City's CIP also assists in maximizing the funds available, connecting the plan for public improvements to the City's capacity for funding, and projecting expenditures over a period of years. This type of fiscal management is particularly

important during periods where budgetary demands exceed financial resources. The City's CIP is financed in part by the impact fees collected through the CFF Program.

D. Reporting

Annual reporting of a local agency's impact fee program is required by Government Code §66006. The impact fees collected must be segregated from general and other funds containing fees collected for other improvements. Interest on each impact fee fund or account must be credited to that fund or account and be used only for the purpose for which the impact fee was collected.

California Government Code §66006(b) requires that a local agency make the following information available to the public for each separate impact fee fund on an annual basis and that the local agency review that information at a public meeting. The law also requires the annual report include the following information for the prior fiscal year and be made available within 180 days after the last day of each fiscal year:

- Describe the type of impact fee in the account or fund.
- Identify the amount of the impact fee.
- Provide the beginning and ending balance of the account or fund.
- Provide the amount of impact fees collected and interest earned.
- Identify each public improvement on which impact fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with the impact fee.
- Identify an approximate date by which the construction of the public improvement will commence, if the local agency determines that sufficient funds have been collected to complete financing on an incomplete public improvement and the public improvement remains incomplete.
- Describe each interfund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned impact fees will be expended, and, in the case of an interfund loan, the date on which the loan will be repaid and the rate of interest that the account or fund will receive on the loan.
- Provide the amount of refunds made due to sufficient funds being collected to complete financing on incomplete public improvements, and the amount of reallocation of impact funds made to administrative costs of refunding unexpended revenues exceeding the amount to be refunded.

If an agency no longer needs the funds for the purposes collected or fails to make the required findings or perform certain administrative tasks prescribed, the agency may be required to refund, on a prorated basis to owners of the properties upon which the impact fees for the improvement were imposed, the monies collected for that project and any interest earned on those funds.

California Government Code §66001(d) also requires that the local agency make all of the following findings every fifth year with respect to that portion of the account remaining unexpended, whether committed or uncommitted:

- Identify the purpose to which the impact fee is to be allocated.
- Demonstrate a reasonable relationship between the impact fee and the purpose for which is it charged.
- Identify all sources and amounts of funding anticipated to complete financing of incomplete improvements.
- Designate the approximate dates on which the funding is expected to be deposited into the appropriate account or fund.
- In any action imposing a fee as a condition of approval of a development project by a local agency, the local agency shall determine how there is a reasonable relationship between the amount of the impact fee and the cost of the public facility or portion of the public facility attributable to the development on which the impact fee is imposed.

DESCRIPTION OF CAPITAL FACILITIES FEES

The CFF Program mitigates the impacts associated with new development on certain public facilities. The CFF Program is used to finance the acquisition, construction, and improvement of public facilities as a result of new development. The City has the following eight (8) CFF Program fee categories:

Streets Capital Facilities Fee – Fund 3410
This fee is collected for roadway improvements such as expressways, interchanges, arterial and collector roads, turn lanes, intersections and traffic signals.

Public Transportation Capital Facilities Fee – Fund 3420
This fee is collected for new buses, bus shelters, bus stops, the bus maintenance facility, and the northeast transfer station.

Air Quality Mitigation Capital Facilities Fees – Fund 3430
This fee is collected for facilities that reduce automobile travel by facilitating alternative modes of travel such as the Amtrak station parking lot, park and ride lots, vanpooling, carpooling, Class I bike trails, bike storage, turn lanes, footpaths, and pedestrian accesses.

Police Capital Facilities Fee – Fund 3440
This fee is collected for the Police Tactical Training Center, police vehicles, parking facilities, communication systems, special equipment, and the future Northeast Area Precinct (to be shared with Fire).

Fire Capital Facilities Fee – Fund 3450
This fee is collected for fire facility expansions, fire vehicles, special equipment, and the future Northeast Area Precinct (to be shared with Police).

Parks Capital Facilities Fees – Fund 3460
This fee is collected for land and construction costs for neighborhood, community, and regional parks, sports facilities, and community buildings.

City Hall and Other Government Facilities Capital Facilities Fee – Fund 3470
This fee is collected for debt service payments on City Hall, related parking facilities, the corporation yard and related facilities, City vehicles, and the City's information technology expansion.

Administration Capital Facilities Fee – Fund 3480
This fee is collected for the administration of the CFF Program. This includes preparation of an Annual CFF Program Report, preparation of a Five-Year CFF Report, day-to-day management of the CFF Program including preparation of annual CIP budgets, CFF Program annual inflationary updates, land value analyses and updates and CFF Program Proformas.

CURRENT FEE SCHEDULES

The current CFF Program allows for an annual inflationary adjustment equal to the increase in the annual change in the San Francisco Bay Area Engineering News Record Construction Cost Index through the month of December of the preceding year. No increase was applied in Fiscal Year 2015-16. Table 1 provides the adopted fee schedule for Fiscal Year 2015-16.

COMBINING STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES[1]

The Combining Statement of Revenues, Expenditures and Changes in Fund Balances provided in Table 2 outlines the beginning and ending balance of each fund for Fiscal Year 2015-16. Expenditures are identified by general categories. All revenue, unless collected under the deferral program, is collected at the time a building permit is issued. Since the CFF Program is a "pay-as-you-go" program, the City must accrue enough revenue prior to commencing construction of a project, resulting in an "aging" of fund balances. The aging or accumulation occurs until enough revenue has been collected to construct a project.

1 - Financial data is current as of September 15, 2016

FIVE YEAR REVENUE AND EXPENSE HISTORY[2]

As previously discussed, most revenue is collected when a building permit is issued for new development. Overall, CFF Program revenues decreased 41.8% between Fiscal Years 2014-15 and 2015-16 while expenditures decreased 11.07% over the same time period. Tables 3 and 4 provide a five-year snapshot of the CFF Program revenues and expenditures, respectively. Table 5 offers a combined picture of revenues, expenses and fund balance levels over the past five years.

DEFERRED CAPITAL FACILITIES FEES

Multi-Family, Commercial and Industrial

CFF Deferral Programs for Multi-Family, Commercial, and Industrial developments have been in place since 1991. Deferrals assist in off-setting the cost of new development by allowing applicants to pay a portion of the CFF due at the time of building permit issuance and the balance, plus interest, over a predetermined period of time. Table 6 details the four (4) active deferrals in Fiscal Year 2015-16.

REFUNDS

CFF may be refunded if a building permit expires, is revoked, voluntarily surrendered or voided, and no construction or improvement of land has commenced. In addition, CFF paid for placement of Trailers may be refunded if requested in writing within six years of payment, minus the administration component.

The City of Modesto issued a refund of CFF in the amount of $934.00 for fees charged in error on Building Permit #BLD2015-72936. Table 7 details the financial impact of this refund.

CREDITS

CFF credits are granted when previously existing building(s) are removed and new building(s) are constructed. These credits may off-set up to but not more than 100% of the CFF due for the new development. Table 8 details the credits provided in Fiscal Year 2015-16.

2 - Financial data is current as of September 15, 2016

TRANSFERS

A total of five (5) inter-fund transfers occurred in Fiscal Year 2015-16. The transfers included the Tenth Street Place (City Hall) Debt Service payment and police loans. Table 9 offers details of each transfer.

CAPITAL IMPROVEMENT PROJECTS[3]

Information on projects funded by the CFF Program can be found in Table 10. The information in the table includes a listing of current projects, estimated construction start and end dates, estimated project costs, percentage of project funded by the CFF Program and general accounting information.

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3- Financial data is current as of September 15, 2016

Table 1: Fee Schedules Effective July 1, 2015 through June 30, 2016

2011 CFF PROGRAM - Development within City Limits

Fee Category	Unit Measure Per	Streets	Public Transp.	Air Quality	Police	Fire	Parks	General Gov't.	Admin	Total
Single-Family Residential	Dwelling Unit	$ 6,592	$ 96	$ 576	$ 896	$ 382	$ 5,461	$ 504	$ 286	$ 14,793
Multi-Family Residential	Dwelling Unit	4,566	67	759	540	176	3,395	309	154	9,966
Senior Housing	Dwelling Unit	3,978	36	741	526	172	3,311	303	109	9,176
Hotel/Motel	Room	3,427	60		204	67		117	86	3,962
Retail <50,000 SF	1,000 SF	9,910	197		243	80		140	268	10,838
Retail 50,000-100,000 SF	1,000 SF	8,227	162		243	79		139	223	9,073
Retail 100,000-300,000 SF	1,000 SF	6,944	137		244	80		140	189	7,734
Retail >300,000 SF	1,000 SF	6,478	126		243	79		140	177	7,243
Medical Office	1,000 SF	12,518	250		406	133		232	345	13,885
General Office	1,000 SF	6,058	107		406	133		233	156	7,093
Hospital	1,000 SF	8,779	155		405	133		233	218	9,922
Daycare	1,000 SF	4,847	85		406	133		233	126	5,831
Church	1,000 SF	1,033	18		411	134		237	36	1,868
Nursing Home	1,000 SF	1,512	26		409	134		236	47	2,364
Industrial (Manufacturing)	1,000 SF	2,348	41		174	57		100	60	2,780
Industrial (Warehousing)	1,000 SF	1,647	29		175	57		100	44	2,052

2011 CFF PROGRAM - Development within City's Sphere of Influence

Fee Category	Unit Measure Per	Streets	Public Transp.	Air Quality	Police	Fire	Parks	General Gov't.	Admin	Total
Single-Family Residential	Dwelling Unit	$ 7,167	$ 76	$ 1,453					$ 185	$ 8,882
Multi-Family Residential	Dwelling Unit	5,158	55	921					126	6,260
Senior Housing	Dwelling Unit	3,018	33	1,008					100	4,158
Hotel/Motel	Room	3,613	38						54	3,704
Retail <50,000 SF	1,000 SF	10,309	108						150	10,567
Retail 50,000-100,000 SF	1,000 SF	8,583	90						126	8,800
Retail 100,000-300,000 SF	1,000 SF	7,276	77						107	7,460
Retail >300,000 SF	1,000 SF	6,797	73						100	6,970
Medical Office	1,000 SF	13,107	139						192	13,438
General Office	1,000 SF	6,415	67						98	6,580
Hospital	1,000 SF	9,180	97						137	9,414
Daycare	1,000 SF	5,176	55						80	5,311
Church	1,000 SF	1,239	13						26	1,278
Nursing Home	1,000 SF	1,747	18						33	1,797
Industrial (Manufacturing)	1,000 SF	2,497	26						38	2,561
Industrial (Warehousing)	1,000 SF	1,782	19						28	1,829

Table 2: Combining Statement of Revenues, Expenditures and Changes in Fund Balances Year Ended June 30, 2016[1]

	3410 Streets	3420 Public Transp	3430 Air Quality	3440 Police	3450 Fire	3460 Parks	3470 General Gov't	3480 Admin.	TOTAL
REVENUES:									
Grant Monies	$95,318		$17,408						$112,726
Fees Collected	$1,154,289	$19,642	$31,925	$125,740	$45,888	$300,445	$71,594	$36,462	$1,785,985
Interest and Rent	$209,320	$1,641	$1,417	$3,607	$640	$23,574	$436	$534	$241,169
Net Change in Fair Value of Investments	$29,571	$229	$201	$226	$81	$3,307	$60	$75	$33,750
Miscellaneous									
TOTAL REVENUES	**$1,488,498**	**$21,512**	**$50,951**	**$129,573**	**$46,609**	**$327,326**	**$72,090**	**$37,071**	**$2,173,630**
EXPENDITURES:									
Current:									
General Gov't.								$29,399	$29,399
Community Development	$2,393,138		$25,957			$4,795			$2,423,890
Public Works									
Parks & Recreation									
Public Safety	-	-	-	-	-	-	-	-	-
Capital Outlay:	-	-	-	-	-	-	-	-	-
TOTAL EXPENDITURES	**$2,393,138**	**-**	**$25,957**	**-**	**-**	**$4,795**	**-**	**$29,399**	**$2,453,289**
EXCESS (DEFICIENCY) OF REVENUES OVER (UNDER) EXPENDITURES	**($904,640)**	**$21,512**	**$24,994**	**$129,573**	**$46,609**	**$322,531**	**$72,090**	**$7,672**	**($279,659)**
OTHER FINANCING SOURCES (USES)									
Transfers in *	$27,396					$4,795			$32,191
Transfers Out*				($71,354)	($7,557)		($63,000)		($141,911)
Sale of Assets		-							
TOTAL OTHER FINANCING SOURCES	**$27,396**	**-**	**-**	**($71,354)**	**($7,557)**	**$4,795**	**($63,000)**		**($109,720)**
EXCESS (DEFICIENCY) OF REVENUES & OTHER USES	($877,244)	$21,512	$24,994	$58,219	$39,052	$327,326	$9,090	$7,672	($389,379)
FUND BALANCES, July 1	$24,909,548	$164,964	$169,386	$175,116	($993,537)	$2,614,260	$50,849	$72,925	$27,163,511
PRIOR PERIOD ADJUSTMENT	($190,300)								($190,300)
FUND BALANCES, June 30	**$23,842,004**	**$186,476**	**$194,380**	**$233,335**	**($954,485)**	**$2,941,586**	**$59,939**	**$80,597**	**$26,583,832**

* See Table 9 for transfer details

1 – Financial data is current as of September 15, 2016

Table 3: Five Year Revenue History

Fund	2011-12	2012-13	2013-14	2014-15	2015-16[1]	Five Year Total[1]
FUND 3410 – STREETS						
Fees Collected	$638,746	$761,394	$559,440	$1,776,952	$1,154,289	**$4,890,821**
Grant Monies	$2,855,733	$6,639,777	$3,596,856	$1,413,948	$95,318	**$14,601,632**
All Other Revenue Sources	$111,356	$29,354	$100,917	$173,198	$209,320	**$624,145**
Subtotal	***$3,605,835***	***$7,430,525***	***$4,257,213***	***$3,364,098***	***$1,458,927***	***$20,116,598***
FUND 3420 – PUBLIC TRANSP.						
Fees Collected	$11,694	$12,247	$7,803	$26,822	$19,642	**$78,208**
Grant Monies	-	-	-	-	-	-
All Other Revenue Sources	$447	$204	$551	$1,097	$1,641	**$3,940**
Subtotal	***$12,141***	***$12,451***	***$8,354***	***$27,919***	***$21,283***	***$82,148***
FUND 3430 – AIR QUALITY						
Fees Collected	$13,488	$27,323	$1,291	($17,013)	$31,925	**$57,014**
Grant Monies	-	-	-	$1,078	$17,408	**$18,486**
All Other Revenue Sources	$575	$341	$218		$1,417	**$2,551**
Subtotal	***$14,063***	***$27,664***	***$1,509***	***($15,935)***	***$50,750***	***$78,051***
FUND 3440 – POLICE						
Fees Collected	$41,697	$35,574	$12,107	$92,348	$125,740	**$307,466**
Grant Monies	-	-	-	-	-	-
All Other Revenue Sources	($55)	$8,283	$6,581	$5,156	$3,607	**$23,572**
Subtotal	***$41,642***	***$43,857***	***$18,688***	***$97,504***	***$129,347***	***$331,038***
FUND 3450 – FIRE						
Fees Collected	$15,859	$12,113	$4,030	$31,133	$45,888	**$109,023**
Grant Monies	-	-	-	-	-	-
All Other Revenue Sources	$120	$50	$25	$195	$640	**$1,030**
Subtotal	***$15,979***	***$12,163***	***$4,055***	***$31,328***	***$46,528***	***$110,053***
FUND 3460 – PARKS						
Fees Collected	$128,909	$138,017	$10,612	$59,138	$300,445	**$637,121**
Grant Monies	-	$150,000	-	-	-	**$150,000**
All Other Revenue Sources	$21,923	($10,573)	$22,403	$16,912	$23,574	**$74,239**
Subtotal	***$150,832***	***$277,444***	***$33,015***	***$76,050***	***$324,019***	***$861,360***
FUND 3470 – GENERAL GOV'T						
Fees Collected	$24,113	$20,474	$7,038	$52,998	$71,594	**$176,217**
Grant Monies	-	-	-	-	-	-
All Other Revenue Sources	($165)	($137)	$85	$221	$436	**$440**
Subtotal	***$23,948***	***$20,337***	***$7,123***	***$53,219***	***$72,030***	***$176,657***
FUND 3480 – ADMINISTRATION						
Fees Collected	$20,558	$20,406	$11,424	$40,401	$36,462	**$129,251**
Grant Monies	-	-	-	-	-	-
All Other Revenue Sources	$430	$32	$152	$322	$534	**$1,470**
Subtotal	***$20,988***	***$20,438***	***$11,576***	***$40,723***	***$36,996***	***$130,721***
TOTAL	**$3,865,428**	**$7,844,879**	**$4,341,533**	**$3,674,936**	**$2,139,880**	**$21,866,626**

1 – Financial data is current as of September 15, 2016

Table 4: Five Year Expenditure History

Fund	2011-12	2012-13	2013-14	2014-15	2015-16[1]	Five Year Total
Fund 3410 – Streets	(6,540,817.00)	(7,801,737.00)	(3,463,454.00)	(2,734,430.00)	(2,393,138.00)	(22,933,576.00)
Fund 3420 – Public Transp.	-	-	-	-	-	-
Fund 3430 – Air Quality	-	-	-	-	(25,957.00)	(25,957.00)
Fund 3440 – Police	-	-	-	-	-	-
Fund 3450 – Fire	-	-	-	-	-	-
Fund 3460 – Parks	(1,142,808.00)	(9,259,700.00)	(83,586.00)	(3,443.00)	(4,795.00)	(10,494,332.00)
Fund 3470 – General Gov't	-	-	-	-	-	-
Fund 3480 – Administration	(56,686.00)	(38,805.00)	(29,336.00)	(20,679.00)	(29,399.00)	-
TOTAL	(7,740,311.00)	(17,100,242.00)	(3,576,376.00)	(2,758,552.00)	(2,453,289.00)	(33,453,865.00)

1 – Financial data is current as of September 15,2016

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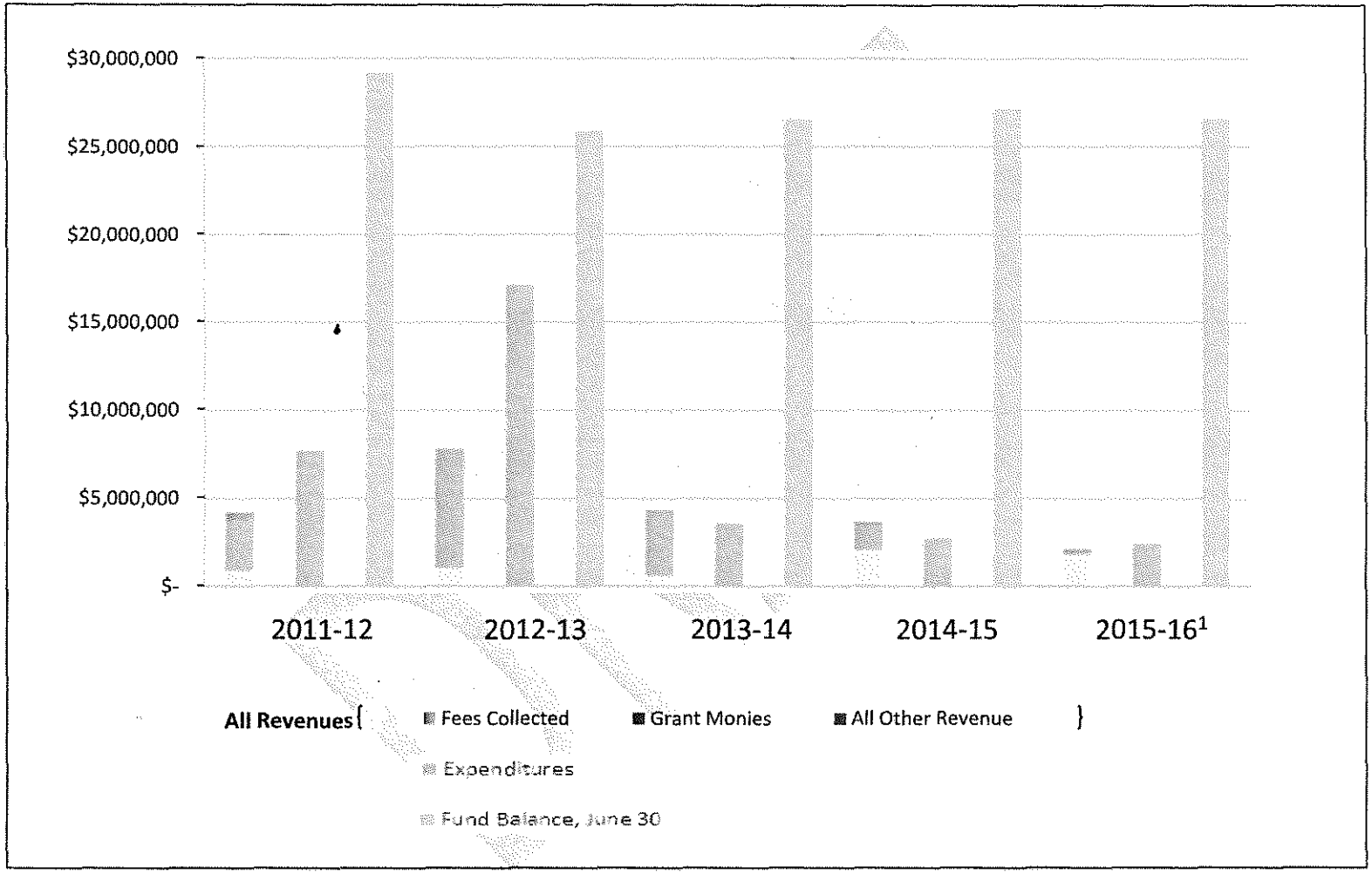
Table 5: Five Year Revenue and Expenditure History



1 – Financial data is current as of September 15, 2016

Table 6: Multifamily, Commercial and Industrial Deferrals

Receivable Fund	Applicant	Agreement Start Date	Agreement End Date	Years Remaining	Balance 30-Jun-15	Payoffs	Outstanding Balance 30-Jun-16
Fund 3410 Streets	Village Corners - 3 Permits[1]	7/9/2010	4/30/2015	-	$8,784.52	$8,784.52	$0.00
	Central Cal Invst, LLC – 1 Permit	9/7/2012	9/1/2017	2	$5,452.38	$1,817.46	$3,634.92
	Brahaman Maha Sabha of USA – 1 Permit	1/11/2013	1/1/2019	2	$2,338.52	$779.51	$1,559.01
	Fernando Arredondo – 1 Permit	4/11/2014	5/1/2019	3	$55,256.17	$13,814.04	$41,442.13
				Subtotal	***$71,831.59***	***$25,195.53***	***46,636.06***
Fund 3420 Public Transportation	Village Corners - 3 Permits	7/9/2010	4/30/2015	-	$173.88	$173.88	$0.00
	Central Cal Invst, LLC – 1 Permit	9/7/2012	9/1/2017	2	$107.93	$35.98	$71.95
	Brahaman Maha Sabha of USA – 1 Permit	1/11/2013	1/1/2019	2	$46.29	$15.43	$30.86
	Fernando Arredondo – 1 Permit	4/11/2014	5/1/2019	3	$1,093.76	$273.44	$820.32
				Subtotal	***$1,421.86***	***$498.73***	***$923.13***
Fund 3440 Police	Village Corners - 3 Permits	7/9/2010	4/30/2015	-	$215.19	$215.19	$0.00
	Central Cal Invst, LLC – 1 Permit	9/7/2012	9/1/2017	2	$133.57	$44.52	$89.05
	Brahaman Maha Sabha of USA – 1 Permit	1/11/2013	1/1/2019	2	$57.29	$19.10	$38.19
	Fernando Arredondo – 1 Permit	4/11/2014	5/1/2019	3	$1,353.61	$338.40	$1,015.21
				Subtotal	***$1,759.66***	***$617.21***	***$1,142.45***
Fund 3450 Fire	Village Corners - 3 Permits	7/9/2010	4/30/2015	-	$71.10	$71.1	$0.00
	Central Cal Invst, LLC – 1 Permit	9/7/2012	9/1/2017	2	$44.12	$14.71	$29.41
	Brahaman Maha Sabha of USA – 1 Permit	1/11/2013	1/1/2019	2	$18.93	$6.31	$12.62
	Fernando Arredondo – 1 Permit	4/11/2014	5/1/2019	3	$447.17	$111.80	$335.37
				Subtotal	***$581.32***	***$203.92***	***$377.40***
Fund 3470 General Gov't.	Village Corners - 3 Permits	7/9/2010	4/30/2015	-	$123.93	$123.93	$0.00
	Central Cal Invst, LLC – 1 Permit	9/7/2012	9/1/2017	2	$76.92	$25.64	$51.28
	Brahaman Maha Sabha of USA – 1 Permit	1/11/2013	1/1/2019	2	$33.00	$11.00	$22.00
	Fernando Arredondo – 1 Permit	4/11/2014	5/1/2019	3	$779.53	$194.89	$584.64
				Subtotal	***$1,013.38***	***$355.46***	***$657.92***
Fund 3480 Administration	Village Corners - 3 Permits	7/9/2010	4/30/2015	-	$237.29	$237.29	$0.00
	Central Cal Invst, LLC – 1 Permit	9/7/2012	9/1/2017	2	$147.88	$49.29	$98.59
	Brahaman Maha Sabha of USA – 1 Permit	1/11/2013	1/1/2019	2	$63.41	$21.13	$42.28
	Fernando Arredondo – 1 Permit	4/11/2014	5/1/2019	3	$1,498.64	$374.65	$1,123.99
				Subtotal	***$1,947.22***	***$682.36***	***$1,264.86***
				TOTAL	***$78,555.03***	***$27,553.21***	***$51,001.82***

[1] Last payment received for CFF Deferral Agreement.

Table 7: Refunds of Capital Facilities Fees

Receivable Fund	Applicant / Project	Amount Refunded
Fund 3410 Streets	Christ Community Church of Modesto – 3242 Carver Road	($516.41)
Fund 3420 Public Transportation	Christ Community Church of Modesto – 3242 Carver Road	($8.97)
Fund 3430 Air Mitigation	Christ Community Church of Modesto – 3242 Carver Road	$0.00
Fund 3440 Police	Christ Community Church of Modesto – 3242 Carver Road	($205.67)
Fund 3450 Fire	Christ Community Church of Modesto – 3242 Carver Road	($66.78)
Fund 3460 Parks	Christ Community Church of Modesto – 3242 Carver Road	$0.00
Fund 3470 General Gov't.	Christ Community Church of Modesto – 3242 Carver Road	($118.34)
Fund 3480 Administration	Christ Community Church of Modesto – 3242 Carver Road	($17.83)
	TOTAL	($934.00)

TABLE 8 –Credits for Previously Existing Buildings

Fund	Applicant / Project	CFF Due	CFF Credit	CFF Paid
Fund 3410 Streets	Aracelia Placencia	$ 6,591.76	$ (6,591.76)	$ -
	Erika Sosa	$ 6,591.76	$ (6,591.76)	$ -
	Golden Valley Health Centers	$ 37,155.55	$ (27,040.43)	$ 10,115.12
	OCAT INC	$ 26,569.43	$ (26,569.43)	$ -
	Fund 3410 Subtotal	$ 76,908.50	$ (66,793.38)	$ 10,115.12
Fund 3420 Public Transportation	Aracelia Placencia	$ 96.15	$ (96.15)	$ -
	Erika Sosa	$ 96.15	$ (96.15)	$ -
	Golden Valley Health Centers	$ 741.19	$ (539.85)	$ 201.34
	OCAT INC	$ 525.93	$ (525.93)	$ -
	Fund 3420 Subtotal	$ 1,459.42	$ (1,258.08)	$ 201.34
Fund 3430 Air Mitigation	Aracelia Placencia	$ 576.93	$ (576.93)	$ -
	Erika Sosa	$ 576.93	$ (576.93)	$ -
	Fund 3430 Subtotal	$ 1,153.86	$ (1,153.86)	$ -
Fund 3440 Police	Aracelia Placencia	$ 896.46	$ (896.46)	$ -
	Erika Sosa	$ 896.46	$ (896.46)	$ -
	Golden Valley Health Centers	$ 1,203.35	$ (875.75)	$ 327.60
	OCAT INC	$ 650.87	$ (650.87)	$ -
	Fund 3440 Subtotal	$ 3,647.14	$ (3,319.54)	$ 327.60
Fund 3450 Fire	Aracelia Placencia	$ 381.66	$ (381.66)	$ -
	Erika Sosa	$ 381.66	$ (381.66)	$ -
	Golden Valley Health Centers	$ 391.50	$ (284.92)	$ 106.58
	OCAT INC	$ 215.02	$ (215.02)	$ -
	Fund 3450 Subtotal	$ 1,369.84	$ (1,263.26)	$ 106.58
Fund 3460 Parks	Aracelia Placencia	$ 5,461.58	$ (5,461.58)	$ -
	Erika Sosa	$ 5,461.58	$ (5,461.58)	$ -
	Fund 3460 Subtotal	$ 10,923.16	$ (10,923.16)	$ -
Fund 3470 General Gov't.	Aracelia Placencia	$ 504.44	$ (504.44)	$ -
	Erika Sosa	$ 504.44	$ (504.44)	$ -
	Golden Valley Health Centers	$ 688.22	$ (500.86)	$ 187.36
	OCAT INC	$ 374.83	$ (374.83)	$ -
	Fund 3470 Subtotal	$ 2,071.93	$ (1,884.57)	$ 187.36
Fund 3480 Administration	Aracelia Placencia	$ 284.02	$ (284.02)	$ -
	Erika Sosa	$ 284.02	$ (284.02)	$ -
	Golden Valley Health Centers	$ 1,030.27	$ (749.79)	$ 280.48
	OCAT INC	$ 720.60	$ (720.60)	$ -
	Fund 3480 Subtotal	$ 2,318.91	$ (2,038.43)	$ 280.48
	Total	$ 99,852.76	$ (88,634.28)	$ 11,218.48

Table 9: Transfers within Capital Facilities Fees Funds[1]

Fund	Transfer Description	Loan Maturity Date	Rate of Interest	Transfer Amount
Fund 3410-Streets	Transfer in from Fund 1700 – Capital Grants – CIP Projects	-	-	$27,936
Fund 3440 – Police	Transfer out to Fund 0100 – Tenth Street Place Debt Service Payment	2034	Variable Interest	($71,354)
Fund 3440 – Parks	Transfer in from Fund 3130 – Mary E. Grogan Community Park Maintenance Facility Building	-	-	$4,795
Fund 3450 –Fire	Transfer out to Fund 0100 – Interfund Advance #1 Repayment	-	-	($7,557)
Fund 3470 – General Gov't	Transfer out to Fund 0100 – Tenth Street Place Debt Service Payment	2034	Variable Interest	($63,000)
			TOTAL	($109,220)

[1] Financial data is current as of September 15, 2016

Table 10: Capital Improvement Project (CIP) Expenditures[1]

Project Number	Project Number	Project Name	% Funded by Fee	% Funded by Other	Budget	Previous FYs Expenditures	Committed Funds	FY 2015-16 Expenditures	Balance Available	Estimated Construction Start FY	Estimated Construction End FY
Fund 3410 Streets	100032	New Traffic Signals 2010		100.00%	$ 850,000	$ (764,098.51)	$ -	$ (113.49)	$ 85,788.00	2012/13	2015/16
	100046	Pelandale Interchange at SR99	73.13%	26.87%	$10,430,225	$ (8,529,016.48)	$ 462,647	$ (3,241.52)	$ 1,435,320.00	2014/15	2016/17
	100048	Claratina/McHenry Plan Line			$ 341,500	$ (38,815.00)	$ 31,413	$ -	$ 271,272.00	2018/19	2019/20
	100049	Oakdale Road Widening	100.00%		$ 400,000	$ (12,412.00)	$ -	$ -	$ 387,588.00	2018/19	2019/20
	100051	Claratina: McHenry/Coffee (4) Lanes	47.53%	52.46%	$ 4,104,936	$ (854,653.80)	$ 10,871	$ (1,951,147.20)	$ 1,288,264.00	2018/19	2019/20
	100053	Carpenter Road Bridge Seismic		100.00%	$11,103,399	$ (10,483,693.63)	$ -	$ (8,420.37)	$ 611,285.00	2011/12	2015/16
	100585	Right Turn Lane – Oakdale to Scenic	11.47%	88.53%	$ 395,346	$ (138,704.16)	$ -	$ (6,111.84)	$ 250,530.00	2017/18	2018/19
	100586	7th St Bridge Tuolumne	31.07%	68.92%	$ 383,500	$ (124,280.00)	$ -	$ -	$ 507,780.00	2018/19	2019/20
	100614	State Route 132 W. Expressway	100.00%		$ 415,000	$ (141,532.42)	$ -	$ (18,520.58)	$ 254,947.00	2016/17	2018/19
	100631	Oakdale/Sylvan Intersection Improvement		100.00%	$ 1,995,120	$ (154,975.50)	$ 9,984	$ (2,088.55)	$ 1,828,072.00	2013/14	2018/19
	100632	Right Turn Lane McHenry to Briggsmore	63.77%	36.23%	$ 525,300	$ (361,954.57)	$ 16,728	$ (47,792.43)	$ 98,825.00	2016/17	2017/18
	100635	Traffic Model Maintenance		100.00%	$ 400,000	$ (251,084.25)	$ -	$ (31,759.75)	$ 117,156.00	2011/12	2017/18
	100787	Pelandale I/C Monument Sign	70.34%	29.66%	$ 397,819	$ (152,575.11)	$ 217,916	$ (27,081.89)	$ (246.00)	2014/15	2016/17
	100862	Kodiak/ Lincoln Oak Roundabout		100.00%	$ 348,177	$ (70,047.81)	$ -	$ (259,681.19)	$ (18,448.00)	2014/15	2016/17
Subtotal:								*$ (2,355,998.01)*			
Fund 3430 Air Quality	100882	MJC Bike Path Phase 2	29.66%	70.34%	$ 730,000	$ (6,800.77)	$ -	$ (25,957.23)	$ 697,242.00	2016/17	2017/18
Subtotal:								*$ (25,957.23)*			
Fund 3460 Parks	100677	Lighting Playground & Shade	100.00%		$ 285,834	$ (2,559.00)	$ -	$ -	$ 283,275.00	2010/11	2016/17
	100779	MGCP Maintenance Facility	100.00%		$ 500,000	$ (172.29)	$ -	$ (4,794.71)	$ 495,033.00	2015/16	2017/18
Subtotal:								*$ (4,794.71)*			
Fund 3480 Administration	100026	2008 Streets CFF Update	100.00%		$ 184,120	$ (144,110.00)	$ 93	$ -	$ 39,917.00	2010/11	2015/16
Subtotal:								*$ -*			
TOTAL:								*$ (2,386,710.75)*			

[1] Financial data is current as of September 15, 2016

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-489

RESOLUTION AMENDING SECTION 1 (CITIZEN PARTICIPATION PLAN) OF THE HOUSING AND URBAN DEVELOPMENT POLICIES & PROCEDURES MANUAL

WHEREAS, on October 25, 2016, by Resolution No. 2016-425, the City Council consolidated all Housing and Urban Development policies & procedures into one comprehensive manual entitled Housing and Urban Development Policies & Procedures Manual (HUD Policies & Procedures Manual), and

WHEREAS, an amendment to Section 1 (Citizen Participation Plan) of the HUD Policies & Procedures Manual is proposed to reflect current goals and policies as set forth in 24 Code of Federal Regulations, and

WHEREAS, on November 16, 2016, the City of Modesto's Citizen's Housing & Community Development Committee reviewed, approved and forwarded an amended Section 1 (Citizen Participation Plan) of the HUD Policies & Procedures Manual, to the City Council for review and approval,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto hereby amends Section 1 (Citizen Participation Plan) of the Housing and Urban Development Policies & Procedures Manual, as set forth in **Exhibit A.**

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of December, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Madrigal

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Section 1

City of Modesto
Citizen Participation Plan
For HUD Programs

CITY OF
MODESTO
CALIFORNIA

City Of Modesto
Community and Economic Development Department
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City of Modesto
Citizen Participation Plan

1. INTRODUCTION

1.1. The City of Modesto (City) is a federal entitlement jurisdiction that receives federal grant funding from the U.S. Department of Housing and Urban Development (HUD) for the following programs: Community Development Block Grants (CDBG), HOME Investment Partnerships Program (HOME) and Emergency Solutions Grants (ESG).

1.2. As a requirement for receiving the above named entitlement grants, the City is required to prepare the following documents:

1.2.1. Consolidated Plan: A five year Consolidated Plan to identify local community development needs and set forth a funding strategy to address those needs.

1.2.2. Annual Action Plan: An Annual Action Plan that summarizes the activities that will be undertaken in the upcoming Fiscal Year (FY) to address the needs outlined in the Consolidated Plan.

1.2.3. Consolidated Annual Performance Evaluation Report (CAPER): A Performance Report that evaluates the progress during the fiscal year in carrying out the activities outlined in the Annual Action Plan.

1.2.4. Assessment of Fair Housing: Identify local and regional fair housing issues and set goals for improving fair housing choice and access to opportunity. Assessment of Fair Housing uses the Assessment of Fair Housing tool to guide grantees through the identification process of fair housing issues and related contributing factors.

1.3. Under HUD's Code of Federal Regulations for the Consolidated Plan (24 CFR Part 91 Sec.91.105), the City must adopt a Citizen Participation Plan that sets forth the City's policies and procedures for citizen participation in the planning, execution, and evaluation of the Assessment of Fair Housing, Consolidated Plan, Annual Action Plan and CAPER. The guidelines established in this Citizen Participation Plan apply to the development and adoption of all of the above-listed documents (hereafter referred to as "the Plans").

2. OBJECTIVE

2.1. The Citizen Participation Plan establishes standards to promote citizen participation in the development of the Plans and related documents. The Citizen Participation Plan is designed to especially encourage participation by low and moderate-income persons, including those living in blighted areas. As an entitlement jurisdiction for the respective HUD programs, the City is responsible for the implementation of the Citizen Participation Plan.

3. CITIZEN PARTICIPATION

3.1. The City provides for and encourages the participation of residents and stakeholders in the development of all the documents covered by the Citizen Participation Plan. The City further encourages participation by low- and moderate-income persons, particularly those living in blighted areas, in areas where HUD funds are proposed to be used and by residents of predominantly low- and moderate-income neighborhoods. The City encourages participation in all stages of the Consolidated Planning process by all residents, including minorities and non-English speaking persons, as well as persons with mobility, visual, or hearing impairments, and residents of assisted housing developments and recipients of tenant-based assistance.

4. CONSULTATION REQUIREMENTS (24 CFR 91.100)

4.1. In the development of the Plans, the City will consult other public and private agencies and public organizations including but not limited to those providing:

- 4.1.1. Assisted housing;
- 4.1.2. Health services; and
- 4.1.3. Social services and fair housing services (including those focusing on services to children, elderly persons, persons with disabilities, persons with HIV/AIDS and their families, homeless persons, economic development, neighborhood development and other housing and community development services).

4.2. When preparing the section of the Plans describing the City's homeless strategy and the resources to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) and persons at risk of homelessness, the City will consult with:

- 4.2.1. The local Continuum of Care;
- 4.2.2. Public and private agencies that address housing, health, social service, victim services, employment, or education needs of low-income individuals and families ; homeless individuals and families, including homeless veterans; youth; and/or other persons with special needs;
- 4.2.3. Publicly funded institutions and systems of care that may discharge persons into homelessness (such as health-care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); and
- 4.2.4. Business and civic leaders.

4.3. When preparing the portion of the Plans concerning lead-based paint hazards, the City will consult with State or local health and child welfare agencies and examine existing data related to lead-based paint hazards and poisonings, including health department data on the addresses of housing units in which children have been identified as lead poisoned.

4.4. When preparing the description of priority non-housing community development needs, the City of Modesto will notify adjacent units of general local government, to the extent practical.

4.5. The City of Modesto will consult with adjacent units of general local government, such as adjacent HUD entitlement jurisdictions and local government agencies with metropolitan-wide planning responsibilities, particularly for problems and solutions that go beyond the City's jurisdiction.

4.6. The City of Modesto will consult with the Housing Authority of the County of Stanislaus (HACS), the local public housing agency (PHA), concerning consideration of public housing needs, planned programs and activities, the Assessment of Fair Housing, strategies for affirmatively furthering fair housing, and proposed actions to affirmatively further fair housing in the consolidated plan.

4.7. The City will consult with community based and regionally based organizations that represent protected class members, and organizations that enforce fair housing laws, such as State or local fair housing enforcement agencies, fair housing organizations and other nonprofit organizations that receive funding under the Fair Housing Initiative Program (FHIP), and other public and private fair housing service agencies operating within the City. Consultation will occur, at a minimum, during the fair housing planning process, in the development of the Assessment of Fair Housing and the Consolidated Plan. Consultation on the Consolidated Plan will specifically seek input into how the goals identified in the accepted Assessment of Fair Housing informed the priorities and objectives of the Consolidated Plan.

4.8. As a recipient of ESG funds, the City will consult with the Continuum of Care in determining how to allocate its ESG funds toward eligible activities; in developing the performance standards for, and evaluating the outcomes of, projects and activities assisted by ESG funds; and in developing funding, policies, and procedures for the operation and administration of the Homeless Management Information System (HMIS).

4.9. In addition, in accordance to the ESG Final Rule requirements, the City will consult with the following entities in the planning for ESG related activities:

4.9.1. Public and private agencies that address housing, health, social service, victim services, employment, or education needs of low-income individuals and families;

4.9.2. Homeless individuals and families, including homeless veterans; youth; and/or other persons with special needs;

4.9.3. Publicly funded institutions and systems of care that may discharge persons into homelessness (such as health-care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); and

4.9.4. Business and civic leaders.

4.10. A variety of mechanisms may be utilized to solicit input from the persons/service providers/agencies listed above. These include posting and/or mailing notices of public meetings and hearings, telephone or personal interviews, mail surveys, internet-based feedback and consultation workshops

5. AVAILABILITY OF DRAFT AND APPROVED DOCUMENTS

5.1. When developing the Consolidated Plan and the Assessment to Fair Housing, the following criteria will apply:

5.1.1. As soon as feasible after the start of the public participation process, the HUD provided data and any other supplemental information to be incorporated into the Assessment of Fair Housing will be made available to the residents, public agencies, and any other interested parties.

5.1.2. The City of Modesto may make the HUD provided data available to the public by cross-referencing the data on HUD's website.

5.2. The draft versions of Consolidated Plans and Annual Action Plans will make available to residents, public agencies, and other interested parties information that includes the estimated amount the City expects to receive (including grant funds and program income) and the range of activities that may be undertaken, including the estimated amount that will benefit persons of low and moderate income.

5.3. The draft and final versions Consolidated Plans, Annual Action Plans, CAPERs, Assessments of Fair Housing, and Citizen Participation Plans, and all related amendments, will be made available for public review online at the City of Modesto Housing and Urban Development Publications and Reports website: https://www.modestogov.com/1848/Publications-Reports. Public review periods will vary as outlined in Section 7.4, below.

5.4. Hard copies of the documents will be available at the City of Modesto, Community Development Division, 1010 10th Street, Suite 3100, 3rd Floor, Modesto, California, 95354.

5.5. Written comments will be accepted by the Community Development Manager, or designee, during public review periods. A summary of the comments received, written and verbal, will be attached to the final Consolidated Plans, Annual Action Plans, Substantial Amendments, approved CAPERs, or draft Assessments of Fair Housing prior to submission to HUD. Copies will be made available following the process described in Section 7.4 of this document.

6. AMENDMENTS

6.1. Amendments will be necessary whenever any of the criteria under each Plan listed below is proposed. Substantial amendments to any of the Plans will be subject to Citizen Participation Plan requirements.

6.2. Consolidated Plan Amendment Considerations

6.2.1. A "substantial change" to a Consolidated Plan is defined as an addition or deletion of Consolidated Plan priorities or goals.

6.2.2. All other changes may be handled administratively and are not subject to the public hearing requirements of this Citizen Participation Plan; however, public outreach and City Council approval will be conducted as required by City practice.

6.3. Citizen's Participation Plan Amendment Considerations

6.3.1. A "substantial change" to a Citizen's Participation Plan is defined as an addition or deletion of Citizen's Participation Plan priorities or goals.

6.3.2. All other changes may be handled administratively and are not subject to the public hearing requirements of this Citizen Participation Plan.

6.4. Annual Action Plan Amendment Considerations

6.4.1. A "substantial change" to an Annual Action Plan is defined as:

6.4.1.1. Addition of a new activity not previously identified in the Annual Action Plan;

6.4.1.2. Deletion or cancelation of an activity identified in the Annual Action Plan which has NOT been deemed ineligible or determined to be infeasible (provided any allocated funds are transferred to another approved activity as part of a subsequent Annual Action Plan approval); and

6.4.1.3. The addition of new CDBG Public Service or ESG award grantees.

6.4.2. All other changes may be handled administratively and are not subject to the public hearing requirements of this Citizen Participation Plan; however, public outreach and City Council approval will be conducted as required by City practice. The following changes are considered administrative:

6.4.2.1. Proportional adjustment to CDBG Public Service and ESG award amounts to accommodate actual HUD allocations amounts (provided new sub-recipients are not awarded funds);

6.4.2.2. Reallocation of funds, not exceeding an amount of $100,000 between activities approved in the current or prior Annual Action Plan; and

6.4.2.3. Reallocation of fund balance, in any amount, from a completed activity to another approved activity.

6.4.3. In any case where the reallocation of funds occurs, the reallocation will be reported accordingly in the respective fiscal year CAPER.

6.5. Assessment of Fair Housing

6.5.1. A "substantial change" to an Assessment of Fair Housing is defined as:

6.5.1.1. A material change occurs. A material change shall be a change in circumstances within the City that affects the

information on which the Assessment of Fair Housing is based to the extent that the analysis, the fair housing contributing factors, or the priorities and goals of the Assessment of Fair Housing no longer reflect actual circumstances. Examples include, but are not limited to:

6.5.1.1.1. A Presidentially declared disaster within the City of Modesto that is of such nature as to significantly impact the steps the City may need to take to affirmatively further fair housing;

6.5.1.1.2. Significant demographic changes;

6.5.1.1.3. New significant contributing factors within the City of Modesto; and

6.5.1.1.4. Civil rights findings, determinations, settlements, or court orders.

6.5.1.2. HUD's written notification specifying a material change that requires revision.

7. PUBLIC HEARINGS, NOTIFICATION AND ACCESS

7.1. The City will follow the following procedure in conducting public hearings and providing notification and access to all Consolidated Plan documents discussed in this Citizen Participation Plan:

7.2. Public Hearing Process

7.2.1. The City will conduct at least two public hearings per year to obtain citizens' views and comments on planning documents during the public review and comment period. These meetings will be conducted at different times of the program year and together will cover the following topics:

7.2.1.1. Housing and Community Development Needs

7.2.1.2. Development of Proposed Activities

7.2.1.3. Review of Program Performance

7.2.2. At least one public hearing before the Citizens' Housing and Community Development Committee (CHCDC) prior to the publication of the draft documents will be held to obtain the views and input of citizens, public agencies, and other interested parties. The City, at its discretion, may conduct additional outreach, public meetings or public hearings as necessary to foster citizen access and engagement.

7.3. Public Hearing Notification

7.3.1. Notices will be printed/posted at least 14 days prior to the meeting date. Noticing may include:

7.3.1.1. Printing a public notice in newspaper(s) of general circulation in the City;

7.3.1.2. Display ads and/or press releases; and/or

7.3.1.3. Posting notices at City Hall.

7.3.2. Notices will include information on the subject and topic of the meeting including summaries when possible and appropriate to properly inform the public of the meeting. Notices may be published in additional languages as appropriate and will be accessible to those with disabilities. Meeting location and access is described below.

7.4. Public Review/Comment Period

7.4.1. Public notices will be printed / posted prior to the commencement of any public review/comment period alerting citizens of the documents for review. The minimum public comment/review period for each Consolidated Plan document is listed below:

Document	Public Comment Period
Consolidated Plan	30 days
Action Plan	30 days
Substantial Amendments	30 days
CAPER	15 days
Assessment of Fair Housing	30 days
Citizen Participation Plan	30 days

7.4.2. Copies of all documents and notices will be available for public review at the following location:

City of Modesto
Community and Economic Development Department
1010 10th Street, Suite 3100
Modesto, California, 95354

7.4.3. Documents and notices will also be posted to the City of Modesto website at: https://www.modestogov.com/1848/Publications-Reports

7.5. Access to Meetings

7.5.1. Unless otherwise noted, Public Hearings requiring City Council action will be conducted at City Council meetings located at 1010 10th Street, Lower Level (Basement), Modesto, California, 95354. For public meetings not requiring City Council participation, the City will make every effort to conduct such meetings at a location within the low- and moderate-income target areas accessible and convenient to potential and actual beneficiaries. The City will work with neighborhood groups and other stakeholders for guidance in selecting meeting locations and times.

7.5.2. It is the intent of the City to comply with the Americans with Disabilities Act (ADA) and Title VI of the Civil Rights Act of 1965 and related statutes in all respects. If an attendee or participant at a public hearing and/or meeting needs special assistance beyond what is normally provided, the

City will attempt to accommodate these people in every reasonable manner.

7.6. Access to Records

7.6.1. Approved Plan documents will be kept on file by the City at the Community and Economic Development Department, 1010 10th Street, Suite 3100, Modesto, California, 95354 and online at: : https://www.modestogov.com/1848/Publications-Reports. Copies of the Plans can be made available to those requesting the Plans.

7.6.2. The City will ensure timely and reasonable access to information and records related to the development of the Plans and related documents, and the use of HUD funds from the preceding five (5) years.

7.6.3. Requests for information and records must be made to the City in writing. Staff will respond to such requests within fifteen (15) working days or as soon as possible thereafter.

7.7. Technical Assistance

7.7.1. The City will provide technical assistance, particularly to groups or individuals representing persons with very low or low incomes. Said assistance shall be used to develop funding proposals for assistance under any of the formula programs covered by the Consolidated Plan. City staff shall determine the necessary level and degree of assistance. Such technical assistance might include, but is not limited to, the following:

7.7.1.1. Assisting with forms/applications;
7.7.1.2. Explaining the process for submitting proposals;
7.7.1.3. Explaining federal and local requirements;
7.7.1.4. Providing comments and advice on the telephone or in meetings; and/or
7.7.1.5. Reviewing and commenting on draft proposals.

7.8. Comments and Complaints

7.8.1. Written and verbal comments received at public hearings, public meetings, or during the comment period will be summarized and considered in the development of the Plans and related documents subject to this Citizen Participation Plan, and included as an attachment to final Plans and related documents submitted to HUD. Written comments are strongly encouraged and should be addressed to:

City of Modesto
Community and Economic Development Department
Attn: Community Development Manager
1010 10th Street, Suite 3100
Modesto, California, 95354

7.8.2. A complaint regarding any the Plans and related documents covered by this Citizen Participation Plan must be submitted in writing to the Community Development Manager.

7.8.3. The City will accept written complaints provided they specify:

7.8.3.1. The description of the objection, and supporting facts and data; and

7.8.3.2. Provide name, address, and telephone number of complainant and date of complaint.

7.8.4. Pursuant to the Code of Federal Regulations (Section 24, CFR 91.105 (j), a written response will be made to all written complaints within fifteen (15) working days, acknowledging the letter and identifying a plan of action, if necessary.

7.9. Individuals with Limited English Proficiency

7.9.1. In compliance with Title VI of the Civil Rights Act of 1964, the City will take responsible steps to ensure meaningful access to benefits, services, information, and other important aspects of the programs covered by the Plans and related documents for individuals with Limited English Proficiency. If an individual or participant with Limited English Proficiency needs assistance beyond what is normally provided, the City will attempt to accommodate their request in every reasonable manner.

7.9.2. If anyone needs any information related to the Plans and related documents in an alternate format, please contact the City of Modesto ADA Title II/Civil Rights Title VI Coordinator at (209) 577-5282.

8. ANTI-DISPLACEMENT AND RELOCATION POLICY AND PLAN

8.1. Anti-Displacement Policy

8.1.1. The City seeks to minimize, to the greatest extent feasible, the involuntary displacement, whether permanently or temporarily, of persons (families, individuals, businesses, nonprofit organizations, or farms) from projects funded with CDBG, ESG, or HOME involving single or multi-family rehabilitation, acquisition, commercial rehabilitation, demolition, economic development, or capital improvement activities.

8.1.2. Projects that the City deems beneficial but that may cause displacement may be recommended and approved for funding only if the City of Modesto demonstrates that such displacement is necessary and vital to the project and that they take efforts to reduce the number of persons displaced. Further, it must be clearly demonstrated that the goals and anticipated accomplishments of a project outweigh the adverse effects of displacement imposed on persons who must relocate.

8.1.3. This section describes the City's Anti-displacement and Relocation Plan and how it will assist persons who will be temporarily relocated or permanently displaced due to the use of HUD funds. This plan takes effect whenever the City sponsors projects using CDGB, ESG, or HOME funds that involve the following:

8.1.3.1. Property acquisition; or

8.1.3.2. The demolition or conversion of low- and moderate-income dwelling units.

8.2. Background

8.2.1. Two acts apply whenever any of the above issues are present:

8.2.1.1. The Uniform Relocation Assistance and Real Property Policies Act of 1970 (URA); and

8.2.1.2. Section 104(d) of the Housing and Community Development Act of 1974.

8.2.2. Each of these acts place different obligations on the City.

8.2.3. The URA governs the processes and procedures which the City must follow to minimize the burden placed on low- and moderate-income tenants, property owners, and business owners who must move (either temporarily or permanently) as the result of a project funded in whole or in part by the CDBG, ESG, or HOME programs. The URA applies to:

8.2.3.1. Displacement that results from acquisition, demolition, or rehabilitation for HUD-assisted projects carried out by public agencies, nonprofit organizations, private developers, or others;

8.2.3.2. Real property acquisition for HUD-assisted projects (whether publicly or privately undertaken);

8.2.3.3. Creation of a permanent easement or right of way for HUD-assisted projects (whether publicly or privately undertaken); and

8.2.3.4. Work on private property during the construction of a HUD-assisted project even if the activity is temporary.

8.3. What is Displacement?

8.3.1. Displacement occurs when a person moves as a direct result of federally assisted acquisition, demolition, conversion, or rehabilitation activities[1], because he or she is:

8.3.1.1. Required to move; or

8.3.1.2. Not offered a decent, safe, sanitary and affordable unit in the project;

8.3.1.3. Treated "unreasonably" as part of a permanent or temporary

[1] Persons who voluntary participate in a CDBG, ESG, or HOME funded rehabilitation activity may only qualify for relocation assistance when no other housing options are available to them.

move.

8.3.2. A person may also be considered displaced if the necessary notices are not given or provided in a timely manner and the person moves for any reason.

8.4. <u>What is a Displaced Person?</u>

8.4.1. The term displaced person means any person that moves from real property or moves his or her personal property from real property permanently as a direct result of one or more of the following activities:

8.4.1.1. Acquisition of real property, in whole or in part, for a project;

8.4.1.2. Rehabilitation or demolition of real property for a project;

8.4.2. The City may offer advisory and financial assistance to eligible tenants (or homeowners) who meet the above definition.

8.5. <u>Persons Not Eligible for Assistance</u>

8.5.1. A person is not eligible for relocation assistance under the provisions of the URA if any of the following occurs:

8.5.1.1. The person was evicted for serious or repeated violation of the terms and conditions of the lease or occupancy agreement, violation of applicable Federal, State, or local law, or other good cause. However, if the person was evicted only to avoid the application of URA, then that person is considered displaced and is eligible for assistance;

8.5.1.2. The person has no legal right to occupy the property under State or local law;

8.5.1.3. The City determines that the person occupied the property to obtain relocation assistance and the HUD Field Office concurs in that determination;

8.5.1.4. The person is a tenant-occupant that moved into the property after a certain date, specified in the applicable program regulation, and, before leasing and occupying the property, the City provided the tenant-occupant written notice of the application for assistance, the project's impact on the person, and the fact that he or she would not qualify as a "displaced person" because of the project;

8.5.1.5. The person is a tenant-occupant of a substandard dwelling that is acquired or a tenant-occupant of a dwelling unit to which emergency repairs are undertaken and the HUD field office concurs that:

8.5.1.5.1. Such repairs or acquisition will benefit the tenant;

8.5.1.5.2. Bringing the unit up to a safe, decent, and sanitary condition is not feasible;

8.5.1.5.3. The tenant's new rent and average estimated monthly utility costs will not exceed the greater of:

the old rent/utility costs or 30 percent of gross household income; and

8.5.1.5.4. The project will not impose any unreasonable change in the character or use of the property.

8.5.1.6. The person is an owner-occupant of the property who moves because of an arm's length acquisition;

8.5.1.7. The City notifies the person that they will not displace him or her for the project;

8.5.1.8. The person retains the right of use and occupancy of the real property following the acquisition; or

8.5.1.9. The City determines that the person is not displaced as a direct result of the acquisition, rehabilitation, or demolition for the project and the HUD field office concurs in the determination.

8.6. Minimizing Displacement

8.6.1. The City will take reasonable steps to minimize displacement occurring as a result of its CDBG, ESG, and HOME activities. This means that the City will:

8.6.1.1. Consider if displacement will occur as part of funding decisions and project feasibility determinations;

8.6.1.2. Assure, whenever possible that occupants of buildings to be rehabilitated are offered an opportunity to return;

8.6.1.3. Plan substantial rehabilitation projects in "stages" to minimize displacement; and

8.6.1.4. Meet all HUD notification requirements so that affected persons do not move because they have not been informed about project plans and their rights.

8.7. Displacement Assistance

8.7.1. Consistent with the goals and objectives of the CDBG, ESG, and HOME programs, the City will take all reasonable steps necessary to minimize displacement of persons, even temporarily. If displacement occurs, the City will provide relocation assistance to all persons directly, involuntarily, and permanently displaced according to HUD regulations.

8.7.2. If the City temporarily displaces a low- or moderate-income household, that household becomes eligible for certain relocation payments. The assistance applies to those persons residing in the residence at the time the application is processed and is based on the following procedures:

8.7.2.1. If the structure and its occupants are determined eligible for temporary relocation assistance, the owner-occupants and/or tenants are eligible for the actual reasonable cost (based on fair market rent) of temporary lodging facilities until the structure is determined habitable by a housing or building inspector authorized by the City to make the determination;

8.7.2.2. The City must approve housing and the Lessor and Lessee

must sign a rent agreement before move-in. Housing must be comparable functionally to the displacement dwelling and decent, safe, and sanitary. This does not mean that the housing must be in comparable size. The term "functionally equivalent" means that it performs the same function, has the same principal features present, and can contribute to a comparable style of living. Approved lodging accommodations include apartments and houses. The City of Modesto does not reimburse "rental expenses" for living with a friend or family member;

8.7.2.3. The City may facilitate moving and storage of furniture with a moving company;

8.7.2.4. Damage deposits, utility hookups, telephone hookups and insurance costs are not eligible for reimbursement; and

8.7.2.5. The City may pay the cost of relocation assistance from available Federal funds.

8.8. <u>One-For-One Replacement Dwelling Units</u>

8.8.1. The City will generally avoid awarding funds for activities resulting in displacement. However, should the City fund an activity, specific documentation is required to show the replacement of all occupied and vacant dwelling units demolished or converted to another use. The following exception applies to the demolition of units:

8.8.1.1. Vacant blighted dwelling units that have been determined by the City to be unsafe for human occupancy and subsequently demolished using federal funds shall not require replacement.

8.8.2. Should the City fund an activity resulting in displacement, the City will assure that relocation assistance is provided as described in 24 CFR 570.606(b)(2).

8.8.3. Consistent with the goals and objectives of the CDBG, ESG, and HOME programs, the City will take all reasonable steps necessary to minimize displacement of persons from their homes. The City will avoid funding projects that cause displacement of persons or businesses and will avoid funding any project that involves the conversion of low- and moderate-income housing to non-residential purposes.

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-490

RESOLUTION APPROVING AN AGREEMENT WITH PIERCE MANUFACTURING INC. TO LEASE WITH THE OPTION TO PURCHASE FIVE PIERCE VELOCITY PUMPERS AND TWO VELOCITY TILLERS FOR A TOTAL COST OF $5,883,756.

WHEREAS, the Modesto Fire Department is currently the only department in the City without a fleet replacement program. Overall, the fleet consists of vehicles that range in age from one (1) to 27 years, with an average age of just over 12 years, and

WHEREAS, given the age, condition and high use of MFD's fire vehicles, maintenance and replacement is viewed as a critical issue and one that needs to be addressed, and

WHEREAS, in an effort to best evaluate how to address this issue a committee comprised of representatives from the Fire Department, City Fleet, City Finance, and City Purchasing was established to recommend a fleet replacement program, and

WHEREAS, the committee reviewed several options for apparatus replacement and compared costs, viability, and sustainability, and

WHEREAS, through a competitive procurement process completed through the Houston-Galveston Area Council (H-GAC) the City will be "piggybacking" on the contract with Pierce Manufacturing Inc., Appleton, WI, which will conform to MMC Section 8-3.202(h), and

WHEREAS, staff recommends entering into a contract with Pierce Manufacturing (Pierce) and PNC Financial (PNC) five (5) Velocity Pumpers and two (2) Velocity Tillers through the "Pierce Financial Solutions for Fleet Replacement" program. The lease term

would be ten (10) years for all equipment which would establish a fleet replacement program that can then be evaluated, and

WHEREAS, the Great Safe Neighborhoods Committee reviewed this item on February 9th, 2016 and recommended it be forwarded to Council for approval,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with Pierce Manufacturing Inc. to lease with the option to purchase five (5) Velocity Pumpers and two (2) Velocity Tillers for a total cost of $5,883,756.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of December, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-491

RESOLUTION APPROVING THE LEASE TERMS SET FORTH BY PNC EQUIPMENT FINANCE.

WHEREAS, staff has considered the various alternatives for financing this purchase and concluded the use of third-party financing through PNC Equipment Finance at a 10 year term is the most cost-effective means of acquiring the apparatus at this time, and

WHEREAS, the terms of financing through PNC Equipment will allow the City to receive a credit towards the purchase price of $242,041.60, and

WHEREAS, the lease agreement calls for ten (10) annual payments of $598, 538, for a total cost of $5,985, 377 (principal + interest) and

WHEREAS, a budget enhancement from the general fund in FY 2017-2018 of $598, 538 would be required, and

WHEREAS, if the city wishes to purchase the apparatus, a balloon payment of $954, 214 would be due at the end of the lease, and

WHEREAS, savings from maintenance and repairs and the sale of used equipment would offset the fiscal impact in the remaining fiscal years of the agreement, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the lease terms set forth by PNC Equipment Finance.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of December, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-492

RESOLUTION AMENDING THE FY 2016-2017 GENERAL FUND OPERATING BUDGET TO CAPTURE THE CAPITAL LEASE PURCHASE FOR THE LEASE PAYMENT OF FIVE (5) VELOCITY PUMPERS AND TWO (2) VELOCITY TILLERS FOR A TOTAL COST OF $5,985,377 IN ACCORDANCE WITH GENERAL ACCPETED ACCOUNTING PRINCIPLE (GAAP) REQUIREMENTS.

WHEREAS, the total lease cost for five (5) Velocity Pumpers and two (2) Velocity Tillers is $5,985,377, and

WHEREAS, a budget adjustment is required if this item is approved to meet General Accepted Accounting Principle (GAAP) requirements, and

WHEREAS, the adjustment will increase both revenue and expense budgets to capture the technical accounting entry, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a budget adjustment for technical accounting purposes for the lease of five (5) Velocity Pumpers and two (2) Velocity Tillers for a total cost of $5,985,377.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of December, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-493

RESOLUTION APPROVING THE REAPPOINTMENT OF BALVINO IRIZARRY AND JAMES BISHOP TO THE TUOLUMNE RIVER REGIONAL PARK CITIZEN'S ADVISORY COMMITTEE FOR A FOUR-YEAR TERM, WITH AN EXPIRATION DATE OF JANUARY 1, 2021

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions, and

WHEREAS, Balvino Irizarry was originally appointed to the Tuolumne River Regional Park Citizens Advisory Committee on July 14, 2015, mid-term, to fill an existing vacancy and

WHEREAS, James Bishop was originally appointed to the Tuolumne River Regional Park Citizens Advisory Committee on July 14, 2015, mid-term, to fill an existing vacancy and

WHEREAS, both Balvino Irizarry and James Bishop have expressed an interest in continuing to serve as a member of the Tuolumne River Regional Park Citizens Advisory Committee,

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

1. Balvino Irizarry and James Bishop are hereby reappointed to the Tuolumne River Regional Park Citizens Advisory Committee for an additional four-year term, with a term expiration of January 1, 2021 .

2. The City Clerk is hereby directed to transmit a copy of this resolution to the reappointed member of the Tuolumne River Regional Park Citizens Advisory Committee and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of December, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-494

RESOLUTION APPROVING ENTERING INTO AN AGREEMENT WITH OPENGOV, INC. TO PROVIDE A PLATFORM TO DISPLAY OPEN DATA AND PERFORMANCE METRICS IN ACCORDANCE WITH THE AGREED UPON SCOPE OF WORK; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, in an effort to support continued transparency on City expenditures and resources, the City Manager's Office has undertaken an initiative to become a data-driven organization, and

WHEREAS, that initiative requires a citywide collaborative approach to data collection and presentation, making decisions based on that information and presenting the information in a way that is consumable by the public, and

WHEREAS, in researching best practices across the Country, staff came across a program called What Works Cities (WWC) which was launched by Bloomberg Philanthropies in 2015, and

WHEREAS, the Mayor and City Executive staff has met with representatives from WWC for an initial meeting to ensure that there is a fit between organizations and to determine a good partnership to further this effort, and

WHEREAS, WWC standards reflect a set of aspirations and activities that create a strong foundation for the effective use of data and evidence within city government, and

WHEREAS, there is no fiscal impact associated with working with WWC; they provide their service to the City (and governments throughout the Country) through Bloomberg Philanthropies which provides the resources to assist State and Local Governments, and

WHEREAS, the City needs a powerful, integrated technology platform to display information in a way that is both useful and beneficial, and

WHEREAS, the current cost for the financial transparency tool for the OpenGov is approximately $14,000, and

WHEREAS, to upgrade the system to a level needed to further the Open Data and Performance Management initiatives will increase the costs by an additional $50,000 annually with a one-time deployment assistance cost of $15,000, and

WHEREAS, this software will be placed in the IT Internal Service Fund (ISF) and will be distributed throughout the organization as this initiative will touch all areas of the organization, and

WHEREAS, the approximate General Fund cost, including the already procured financial transparency tool, is less than $30,000 annually.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves and authorizes the City Manager or his designee to prepare and execute an agreement with OpenGov, Inc., to provide the financial transparency tool, in a form approved by the City Attorney.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 13th day of December, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-495

PRINT

RESOLUTION APPROVING A SOLE SOURCE PURCHASE AGREEMENT WITH HSQ TECHNOLOGY, HAYWARD, CALIFORNIA, FOR FURNISHING MAINTENANCE/SUPPORT FOR THE SUPERVISORY CONTROL AND DATA ACQUISITION SYSTEM FOR A THREE (3) YEAR AGREEMENT, WITH TWO (2) ONE-YEAR EXTENSION OPTIONS AT THE SOLE DISCRETION OF THE CITY; FOR AN ESTIMATED ANNUAL COST OF $43,920, AND OVER FIVE (5) YEARS OF $222,900 AND AUTHORIZING THE DIRECTOR OF FINANCE, OR HER DESIGNEE, TO ISSUE THE PURCHASE AGREEMENT

WHEREAS, HSQ is the manufacturer and sole distributor for the City of Modesto SCADA System, they are uniquely qualified to provide maintenance and 24 hours a day/7 days a week software and hardware support for the system and,

WHEREAS, The Wastewater and Water Divisions operate the SCADA System to transmit and receive operational data from over 200 remotely located facilities such as wells, storage tanks, and lift stations and,

WHEREAS, The SCADA System provides for the remote control of equipment as well as real-time monitoring to ensure a rapid response to any abnormal system condition and,

WHEREAS, HSQ is the only vendor that provides HSQ SCADA maintenance and support, staff finds that the justification meets the City's sole source criteria as identified under the Modesto Municipal Code 8-3.204(b) and

WHEREAS, funds are budgeted in Fiscal Year 2016-17, in Appropriation Units: 4210-44410-53300 (Wastewater Division) and 4100-45050-53300 (Water Division).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the sole source agreement for furnishing SCADA maintenance and support to with HSQ Technology, Hayward, CA, for an estimated cost of $222,900;

BE IT FURTHER RESOLVED that the Purchasing Manager or his designee is authorized to issue a purchase order.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of December, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-496

PRINT

RESOLUTION AMENDING THE FISCAL YEAR 2016-17 OPERATING BUDGET AND INCREASING THE CITY'S CONTRIBUTION TO THE TUOLUMNE RIVER REGIONAL PARK JOINT POWERS AUTHORITY BY AN ADDITIONAL $54,231 BRINGING THE CITYS GENERAL FUND CONTRIBUTION TO $162,693

WHEREAS, the Tuolumne River Regional Park Joint Powers Authority (TRRP JPA) has identified a need for additional revenue to address deferred maintenance items such as tree trimming/removal, Legion Hall Improvements, Bellenita Park Renovation, Mancini Park Renovation and other various parking lot and park improvements, and

WHEREAS, the TRRP Commission has recommended an increase of 50% in the JPA partners' contributions for Fiscal Year 2016-17, and

WHEREAS, Stanislaus County has adopted a budget for Fiscal Year 2016-17 that includes a 50% increase in their contribution to the TRRP JPA, and

WHEREAS, the City of Ceres has indicated they are not financially able to contribute any more than they have in the past, and

WHEREAS, the TRRP Commission has also recommended the funding be used for tree trimming, support of volunteer efforts and deferred maintenance items, and

WHEREAS, an additional $54,231 from the General Fund Reserves is required to increase the City of Modesto contribution to TRRP JPA by 50%.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2016-17 Annual Operating budget as shown in **Exhibit A**, which is **attached** hereto and incorporated by reference herein.

BE IT FURTHER RESOLVED that the Director of Finance, or her Designee, is hereby authorized to increase the City's contribution to the Tuolomne River Regional

Park Joint Powers Authority by an additional $54,231 bringing the City's General Fund contribution to $162,693.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of December, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Exhibit A – Budget Adjustment

TRRP Operating Budget

Revenues:	Increase/(Decrease)	Description
6700-80300-42301	$64,837	Intergov –County Contribution/Reimbursement
6700-80300-42405	$57,231	Intergov – Local – City of Modesto Contribution
6700-80300-46002	$18,360	Lease of Land
6700-80300-46007	($2,000)	Ballfield Rental
6700-80300-46015	$1,500	Picnic Area Rental
6700-80300-47005	($15,000)	Miscellaneous Revenue
Total	$124,928	

Expenses:		
6700-80300-52015	$750	Printing and Binding
6700-80300-52150	$700	Custodial and Cleaning Supplies
6700-80300-52300	$2,900	Tools and Field Supplies<$5,000
6700-80300-53030	$931	Business Expenses
6700-80300-53040	$1,000	Electricity Utility Expenses
6700-80300-53042	($50)	Sewer Utility Expenses
6700-80300-53043	$3,500	Water Utility Expenses
6700-80300-53072	$1,000	Rental of Equipment
6700-80300-53110	$2,800	Repair & Maintenance Services - Vandalism
6700-80300-53150	$4,000	Repair & Maintenance Services - Real Property
6700-80300-53300	$79,294	Professional Services
6700-80300-54200	$6,000	Insurance Premiums
6700-80300-54500	$7,279	Services City Forces - Interfund
Total	$99,928	

Transfers:		
6700-80300-76710	$25,000	Transfer Out to Fund 6710
6710-80310-66700	$25,000	Transfer In from Fund 6700

General Fund Contribution

Transfer:		
0100-31020-53504	$54,231	Intergovernmental Services - JPA

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-497

RESOLUTION APPROVING AN AMENDMENT CONTRACT WITH MYERS-RADOS, A JOINT VENTURE, OF SANTA ANA, CA, FOR THE NORTH VALLEY REGIONAL RECYCLED WATER PROGRAM PROJECT TO REFLECT THE NEW REQUIREMENTS FOR RECEIVING A CLEAN WATER STATE REVOLVING FUND LOAN

WHEREAS, the North Valley Regional Recycled Water Program (NVRRWP) includes construction of a regional water supply project to deliver recycled water produced by the cities of Modesto and Turlock to the Delta-Mendota Canal (DMC), a major component of the Central Valley Project owned by U.S. Bureau of Reclamation, and

WHEREAS, recycled water will be conveyed from Modesto and Turlock through pipelines from their wastewater treatment facilities, crossing under the San Joaquin River, ending at the DMC, and

WHEREAS, Water in the DMC would then be conveyed directly to Del Puerto Water District (DPWD) turnouts and its customers, and

WHEREAS, in order to achieve an expedited project completion by the December 2017 deadline, City staff selected the Design-Build (D-B) approach, which expedites the design and construction process by combining these services under a single entity, and

WHEREAS, on December 22, 2015, the City issued a Request for Qualifications (RFQ) to invite interested parties to submit their team's D-B experience and qualifications to create a pre-qualified short-list of proposers, and

WHEREAS, on February 23, 2016, by Resolutions No. 2016-60, 61 and 63, the City Council approved the final short-list, authorized issuance of the Request for

Proposals (RFPs) and designated City Councilmember Bill Zoslocki as the Modesto representative to participate on the selection committee, and

WHEREAS, on August 3, 2016, the City Council approved the award of a D-B construction contract to Myers-Rados, a Joint Venture (MRJV), of Santa Ana to design and construct the NVRRWP project, and

WHEREAS, the final negotiated D-B contract price for the construction of the NVRRWP pipeline and pump station was $40,896,000,

WHEREAS, on October 12, 2016, during the City's implementation of the California Clean Water State Revolving Loan Fund (CWSRF) Final Budget Approval (FBA) process, it was determined that additional language was needed within the funding requirements section of the D-B construction contract;

WHEREAS, the City now needs to amend the D-B construction contract with MRJV to include the additional language required by the State for CWSRF funds; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it herby approves the amendment to the D-B construction contract for Myers-Rados, a Joint Venture, of Santa Ana, CA for the North Valley Regional Recycled Water Program Project to comply with the State requirements for State Revolving Fund loans.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the contract amendment.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of December, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-498

RESOLUTION ESTABLISHING A RESIDENTIAL PARKING PERMIT ZONE FOR THE 400 AND 500 BLOCK OF MYRTLE AVENUE BETWEEN COLDWELL AVENUE AND STODDARD AVENUE IN ACCORDANCE WITH MODESTO MUNICIPAL CODE SECTION 3-2.1900, AS AUTHORIZED BY CALIFORNIA VEHICLE CODE (CVC) SECTION 22507(a)

WHEREAS, California Vehicle Code Section 22507 (a) states that local authorities, by ordinance or resolution may establish residential parking permit (RPP) zones, and

WHEREAS, City staff received two separate petitions containing the valid signatures of at least sixty seven percent (67%) of the residents and owners of real property located in the College Area Neighborhood Association (CANA) to establish a RPP zone as shown in **Exhibit A** along the 400 and 500 block of Myrtle Avenue between Coldwell Avenue and Stoddard Avenue, and

WHEREAS, this RPP zone is referred to as MJC East #1, and

WHEREAS, City Council approved Resolution No 2015-480 establishing a RPP zone pilot program for the MJC East #1 zone in accordance with the Modesto Municipal Code Section 3-2.1900 and deferred the parking permit fees pending a comprehensive residential parking permit zone study for the Modesto Junior College neighborhood, and

WHEREAS, studies were conducted before and after implementation of the pilot program, and

WHEREAS both staff and residents concluded that the establishment of the Myrtle Avenue Residential Parking Permit Zone has resulted in a dramatic reduction of the non-resident vehicle impacts, and

WHEREAS, because the pilot program for MJC – East #1 was successful, staff recommends the establishment of the RPP zone, and

WHEREAS, representatives of the residents of MJC – East #1 have met with City staff and agreed to the conditions as described in Ordinance No.3665-C.S., with one exception that residents that were included in the pilot program would not have to pay the $40.00 initial permit fee due to their participation in the pilot program but would only pay the $25.00 annual renewal fee, and

WHEREAS, the days and hours of operation for the MJC East #1 RPP zone will be Monday through Friday from 8:00 AM to 6:00 PM, and

WHEREAS, residents can apply and purchase one (1) annual permit per registered vehicle with a maximum of two (2) permits per residential address and up to two (2) annual guest permits per residential address, and

WHEREAS, the City shall charge fees for the RPP zone as by Resolution, which fee amount may be adjusted by subsequent actions of the City Council, and,

WHEREAS, the Council held a public hearing at its regular meeting on December 13, 2016, to consider establishing a residential parking permit zone for the 400 and 500 block of Myrtle Avenue, between Coldwell Avenue and Stoddard Avenue also known as MJC East #1,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following findings of necessity are made and declared as follows:

1. The area proposed for designation has unique residential parking problems due to the nature, location, frequency and duration of activities causing said problems, outweighs the needs of the general public for access to the area;
2. The boundaries of the residential parking permit zone shall be the 400 and 500 block of Myrtle Avenue between Coldwell Avenue and Stoddard Avenue as described in **Exhibit A**, **attached** hereto and hereinafter incorporated by reference.

BE IT FURTHER RESOLVED, that the establishment of a residential parking permit zone referred to as MJC – East #1 for the 400 and 500 block of Myrtle Avenue between Coldwell Avenue and Stoddard Avenue in accordance with Modesto Municipal Code Section 3-2.1900, as authorized by California Vehicle Code Section 22507(a) and all procedures and regulations relating to the RPP zone, as set forth in Modesto Municipal Code section 3-2.1900 et seq., shall apply to this RPP zone which shall be known as MJC East #1. This Resolution shall become effective upon the same effective date of Ordinance No.3665-C.S., which shall be December 13, 2016.

The foregoing documents were introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of December, 2016, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

AMENDED FOR CLERICAL ERROR

EXHIBIT A

LEGEND

MJC - East #1

PREPARED BY: NAME R.UVALLES	RESIDENTIAL PARKING PERMIT ZONE	MODESTO CALIFORNIA
DATE: JANUARY 5, 2017	MYRTLE AVENUE MJC - East #1 BETWEEN COLDWELL AVENUE AND STODDARD AVENUE	
SCALE: NO SCALE		
SHEET: ONE OF ONE	PUBLIC WORKS DEPARTMENT	EXHIBIT A

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-499

PRINT

RESOLUTION ESTABLISHING A FEE SCHEDULE FOR ALL RESIDENTIAL PARKING PERMIT ZONES (RPP) WITHIN THE CITY LIMITS OF MODESTO AND RESCINDING RESOLUTION NO. 91-593 IN ITS ENTIRETY, RESOLUTION NO. 91-594 PARAGRAPH 7 AND RESOLUTION NO 2014-182 SECTIONS #4 THROUGH #10 RELATED TO PARKING PERMIT ZONE FEES

WHEREAS, on September 17, 1991, the Council of the City of Modesto introduced and adopted Ordinance 2788-C.S., codified as Modesto Municipal Code Section 3-2.1900 *et seq.*, permitting the creation of RPP zones within the City, and

WHEREAS, said ordinance provides that the Council may from time to time establish fees for residential parking permits required by residents in any Residential Parking Permit (RPP) Zone, and

WHEREAS, the basis of the fee is to recover a portion of the City's costs for the permits and the administration costs of managing the (RPP) program, and

WHEREAS, Council adopted Resolution 91-594 (Amended in part by Resolution 91-622), which established an RPP zone in the area of Modesto High School and established a one time, ten dollar ($10) fee for residents in that RPP zone, and

WHEREAS, Council adopted Resolution 91-593, which established a one time, ten dollar ($10) fee for residents in any RPP zone, and

WHEREAS, Council adopted Resolution 2014-182, which established an RPP zone in the area of Downtown Zone #1 and Fee Schedule along the Front and Side Frontages of 1128 11th Street, and

WHEREAS, a time study was completed by staff to determine the appropriate fees for all the RPP zones, and

WHEREAS, the City Manager or his or her designee, has the discretion to apply any surplus revenues resulting from parking enforcement within the zone to be applied to the maintenance and administration of such zone and may include an (annual) credit to be applied towards the price of the Residential permit fees of those residents that participated in the program the previous 12 months, and

WHEREAS, the Council held a public hearing at its regular meeting on December 13, 2016, to consider establishing the recommended Fee Schedule for all RPP zones within the City of Modesto, which schedule is **attached** hereto as **Exhibit "A"** and incorporated herein by this reference,

NOW, THEREFORE, BE IT RESOLVED that the Council hereby adopts said Residential Parking Permit Fee Schedule.

BE IT FURTHER RESOLVED that Resolution No. 91-594, adopted on September 17, 1991, paragraph number 7 related to fees; Resolution No 91-593, adopted on September 17, 1991, in its entirety; and Resolution 2014-182, adopted on May 13, 2014 Sections #4 through #10 (Paragraph Six (6)) related to fees are hereby-rescinded and replaced by this new RPP Fee Schedule which shall become effective upon the same effective date of Ordinance No.3665-C.S., which shall be December 13, 2016,

The foregoing documents were introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of December, 2016, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

"Exhibit A"

Residential Parking Permit Program Fee Schedule	Proposed Fee
Initial Annual Residential Permit	$40.00
Renewal of Annual Residential Permit * Initial and Renewal includes 5 Daily Guest Permits	$25.00
Annual Guest Permit	$25.00
Daily Guest Permit	$2.00
Permit Replacement - Lost, Stolen or Damaged	$25.00
Administrative Dismissal Fee (Failure to Display Permit)	$25.00

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-500

RESOLUTION AMENDING THE PARKING VIOLATION FINE SCHEDULE TO ESTABLISH A FINE AMOUNT FOR PERMIT MISUSE AND INCREASE AN EXISTING FINE AMOUNT FOR NO RESIDENTIAL PARKING PERMIT RELATED TO SECTION 3-2.1904 OF THE MUNICIPAL CODE, AND RESCINDING RESOLUTION NO. 2009-240

WHEREAS, the California Vehicle Code, Section 40203.5 provides that local Government bodies shall establish fines for parking law violations and amend them from time to time, and

WHEREAS, Resolution No 2009-240 related to Fine Schedule for Parking Violations was adopted by Council on June 02, 2009, and

WHEREAS, the Effective Government Committee met on October 25, 2016, and

WHEREAS, the Effective Government Committee directed staff to survey various surrounding cities that have Residential Parking Permit Programs, and

WHEREAS, the survey findings show the current penalty for a "No Parking Permit" fine is 20% less than the average city, and

WHEREAS, staff recommends that the current fine amount of $38.00 be increased by $12.00 for a new fine amount of $50.00, and

WHEREAS, staff also recommends establishing a fine amount for "Permit Misuse" such as counterfeiting, altering, displaying a permit on a vehicle that the permit is not intended, for the purpose of evading the parking regulations applicable in a residential area, and

WHEREAS, staff recommends that a fine of $500.00 be implemented for a Permit Misuse violation, and

WHEREAS, the intent of the fines is to deter drivers from parking in permitted zoned neighborhoods that already struggle with overpopulated streets from non-residents, and

WHEREAS, Council held a public hearing at its regular meeting on December 13, 2016, to consider establishing a new Fine Schedule **attached** hereto as "Parking Violations **Exhibit E"** and hereinafter incorporated by reference, related to Title 3, Chapter 2, Article 19 "Residential Parking Permit Zones," of the Municipal Code as,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby adopts said Fine Schedule for Parking Violations within the City of Modesto, to establish a new fine amount of $500.00 for Permit Misuse and increase an existing fine amount to $50.00 for fines related to violations of Title 3, Chapter 2, Article 19 "Residential Parking Permit Zones," of the Municipal Code, which become effective upon the same effective date of Ordinance No.3665-C.S., which shall be December 13, 2016.

BE IT FURTHER RESOLVED that Resolution No 2009-240, adopted by Council on June 2, 2009, is hereby rescinded in its entirety, effective upon the same effective date of Ordinance No. 3665-C.S., which shall be December 13, 2016.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of December, 2016, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

City of Modesto Parking Violation Fines

MMC	Parking Fine Schedule	Current Fine	Proposed
3-2.810	Removal of Chalk Marks	$58.00	No Change
3-2.812	Obstructing Intersections and Crosswalks	$38.00	No Change
3-2.814	Leaving Unattended Vehicle	$33.00	No Change
3-2.1002	Use of Streets for Storage of Vehicles Prohibited (72 Hour Parking)	$108.00	No Change
3-2.1004	Standing for Loading Only in Alleys (passengers 3 min and materials 20 min)	$38.00	No Change
3-2.1005A	Parallel Parking Parked Wrong Way	$43.00	No Change
3-.2.1005B	Parallel Parking (18) inches	$33.00	No Change
3-2.1005C	Angle Parking (18) inches	$33.00	No Change
3-2.1006	Parking of Commercial Vehicles in Residential Districts	$58.00	No Change
3-2.1007	Stopping or Parking Prohibited (Signs Required)	$38.00	No Change
3-2.1008	Emergency Signs - No Parking (a,b)	$38.00	No Change
3-2.1010	Driving or Parking on Parks, Playgrounds and City Property (a,b)	$33.00	No Change
3-2.1010C	Parked on Sidewalk	$33.00	No Change
3-2.1011	Parked On Private Property without Consent Prohibited	$58.00	No Change
3-2.1017	Parked in Fire Lane	$43.00	No Change
3-2.1101	(1), (2), (3),(4) Curb Markings - Zone Parking-Red, Yellow, White, Green	$38.00	No Change
3-2.1101.5	No Stopping /Parking Blue Zone	$308.00	No Change
3-2.1102	Unauthorized Painting of Curb	$58.00	No Change
3-2.1104	Stopping, Standing for Loading or Unloading Only	$33.00	No Change
3-2.1105	Stopping, Standing or Parking of Vehicles in Roadway	$58.00	No Change
3-2.1201	Parking Ristricted or Prohibited	$33.00	No Change
3-2.1202	Overtime Parking Time Limited	$33.00	No Change
3-2.1203	Parking Prohibited at Certain Times on Certain Streets (a, b,c)	$33.00	No Change
3-2.1204	Parking Out of Space (on street)	$38.00	No Change
3-2.1205	Vision Obstruction - Parking Prohibited (Signs Required)	$58.00	No Change
3-2.1301	Truck Routes (a,b)	$58.00	No Change
3-2.1503	Method of Parking - Parked Backed into Metered Stall (on-street)	$33.00	No Change
3-2.1504	Overtime Parking in Meter Zone (a,b)	$33.00	No Change
3-2.1511	Parking Commercial Veh In Meter Zone	$58.00	No Change
3-2.1605	Obedience to Signs Posted	$33.00	No Change
3-2.1607	City Reserved Parking - Off S treet Parking Lots	$33.00	No Change
3-2.1608	Parking In Designated Spaces (off street)	$38.00	No Change
3-2.1904	**No Residential Parking Permit (a)**	$38.00	$50.00
3-2.1904	**Residential Parking Permit Misuse (c,d, e)**	None	$500.00
3-2.2006	Oversized Vehicles - Parking Prohibited	$83.00	No Change
3-2.2007	Trailers-Parking Prohibited (a,b)	$83.00	No Change
3-2.2008	Oversized Vehicles w/o Permit	$83.00	No Change
CVC	**Violation Descriptions**	**Current Fine**	**New Fine Amount**
5200 (a)	Display of License Plates	$197.00	No Change
5201 (a-b)	License Plates	$197.00	No Change
5201.1 (c)	Altered License Plate Displayed	$263.00	No Change
5202 (a)	Period of Display of License Plates Specified	$197.00	No Change
5204 (a)	Registration Tabs	$198.00	No Change
21211 (b)	Bike Lane	$48.00	No Change
4000 (a)(1)	Registration Required	$285.00	No Change
4462 (b)	Unlawful Evidence of Registration	$197.00	No Change
4464	Altered License Plate Displayed	$197.00	No Change
22500 (e)	Blocking Driveway	$48.00	No Change
22500 (l)	Lowered Curb Wheelchair Access	$263.00	No Change
22500 (a)	Parking within an Intersection	$198.00	No Change
22500 (i)	Parked in Bus Zone	$263.00	No Change
21116 (a)	Parked on Levee or Canal	$48.00	No Change
22500 (h)	Double Parked	$33.00	No Change
22511.1 (a-b)	Parked in Charging Electric Vehicle Space	$113.00	No Change
22514 (a)	Fire Hydrant	$43.00	No Change
22507.8 (a-c)	Violation of Disabled Parking Provisions	$308.00	No Change
22522	Parked Near Sidewalk Access Ramp for Disabled	$308.00	No Change

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-501

RESOLUTION APPROVING A CAPITAL FACILITIES FEES EXEMPTION AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY AFFORDABLE HOUSING CORPORATION FOR FOUR (4) ONE-BEDROOM PERMANENT SUPPORTIVE UNITS FOR PERSONS WITH SERIOUS MENTAL ILLNESS WHO ARE HOMELESS OR AT RISK OF HOMELESSNESS, IN A FORM APPROVED BY THE CITY ATTORNEY, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto Capital Facilities Fees (CFF) Program was established in 1989, and

WHEREAS, the current CFF Policies and Procedures state, with respect to very low and low income housing exemptions, the total number of housing exemptions granted are not to exceed two percent (2%) of the cumulative total CFF program housing units, and

WHEREAS, the CFF Policies and Procedures also allow a Community Housing and Development Organization (CHDO) to submit an application and request CFF be waived on new affordable units for households earning sixty (60%) or less of the Area Median Income, and

WHEREAS, since 1989, a total of 13,913 residential building permits have been issued of which 678 were granted CFF exemptions, and

WHEREAS, when the CFF Program was established, it was assumed the total number of residential units programmed to be constructed at build-out would be 129,163, and

WHEREAS, when considering the total number of units to be constructed at build-out, only 0.52% of the programmed units have received exemptions.

WHEREAS, on September 13, 2016, Stanislaus County Affordable Housing Corporation (STANCO) submitted a CFF Exemption Application for its project located at 522 E. Granger Avenue, Modesto (Project),

WHEREAS, the Project will provide four one-bedroom permanent supportive units (approximately 706 sq. ft. /ea.) for persons with serious mental illness who are homeless or at risk of homelessness, and

WHEREAS, the Project will be affordable to low and very low income households and will have a fifty-five year affordability covenant, and

WHEREAS, staff reviewed STANCO's CFF Exemption Application and found it complies with the CFF Policies & Procedures as all four units will be affordable to very low and low income households, and

WHEREAS, staff has confirmed STANCO is an approved CHDO.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the use of a Capital Facilities Fees exemption Agreement between the City of Modesto and Stanislaus County Affordable Housing Corporation for four (4) one-bedroom permanent supportive units for persons with serious mental illness who are homeless or at risk of homelessness and authorizes staff and the City Attorney's office to prepare the Agreement.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of December, 2016, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-502

RESOLUTION APPROVING A WATER CAPACITY FEE STUDY PREPARED BY BARTLE WELLS ASSOCIATES AND ADOPTING WATER CAPACITY FEES, EFFECTIVE MARCH 1, 2017

WHEREAS, the City of Modesto provides water service to over 73,000 accounts consisting of residential, multi-family, commercial, and industrial customers located within the City of Modesto as well as Salida, Empire, Grayson, Del Rio, and portions of Ceres and Turlock; and

WHEREAS, the City's water utility is a self-supporting utility enterprise primarily funded by customer revenues such as water service rates and water connection fees and capacity charges; and

WHEREAS, Section 11-1.03 of the Modesto Municipal Code authorizes the City Council to establish, by resolution, charges for connecting a property to the City's water system to fund a proportionate share of the cost of constructing and maintaining the City water system to ensure the availability of service for new connections; and

WHEREAS, water capacity charges (also called capacity fees or connection fees) are a one-time charge levied on new and expanded residential and commercial developments seeking to connect to the City's water system that account for the costs associated of expanding capacity to serve new development, as well as existing development seeking to connect to City water service for the first time; and

WHEREAS, water capacity charges must be adopted pursuant to the Mitigation Fee Act ("the Act," Gov. Code § 66000 et seq.) which authorizes public agencies to impose capacity fees on development projects to defray some, or all, of the costs of public improvements related to those projects; and

WHEREAS, the City engaged Bartle Wells Associates ("BWA"), to prepare a study calculating updated capacity fees in compliance with the Act and based upon the estimated costs of providing existing and new capacity to serve new development and new connections by existing development to the water system; and

WHEREAS, on December 13, 2016, the City Council held a lawfully noticed public hearing to consider the proposed water capacity charges.

FINDINGS

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Modesto hereby finds as follows:

(A) The foregoing recitals are true and correct and made a part of this Resolution.

(B) The City of Modesto Water Capacity Fee Study, prepared by BWA, dated November 2016 (**Exhibit A**) ("Study"), is approved by Council and is incorporated by reference as part of this Resolution, as if set forth fully herein.

(C) The documents and other material constituting the record for these proceedings are located and available during regular business hours at the City of Modesto, Utilities Division, 1010 10th Street, Modesto, California.

(D) The water capacity fee set forth in this Resolution, is a "capacity charge" as that term is defined in Government Code Section 66013(b)(3), the purpose of which is to finance the repair and replacement of existing water facilities to provide water service to new development and new connections to the water system by existing development; to upgrade and construct new water facilities to expand capacity to accommodate impacts caused by and ensure adequate water services to new development in the City and new

connections by existing development; and to pay for the costs of creating existing water capacity available to serve new development and new connections by existing development.

(E) The water capacity charges set forth in this Resolution, as demonstrated in the Study, do not exceed the estimated reasonable cost of ensuring the availability of adequate water supply to new development and existing development connecting to the service for the first time. There is a reasonable relationship between the use of the water capacity charges set forth in this Resolution and the type of development projects on which such charges are imposed in that all development in the City—both residential and non-residential—generates or contributes to the need for the water facilities and improvements listed in the Study. There is a reasonable relationship between the need for the facilities and improvements listed in the Study and the type of development projects on which the water capacity charges set forth in this Resolution are imposed in that new development in the City—both residential and non-residential—will generate persons who live, work and/or shop in the City and who generate or contribute to the need for the facilities and improvements listed in the Study.

(F) Collection, management, and expenditure of the water capacity charge will comply with the requirements of Government Code section 66013, because as demonstrated in this Resolution, the charge and any interest accrued will be deposited in a separate fund, and the City will annually report on the monies collected and expended.

(G) In adopting and imposing the water capacity charge, the City has complied with the procedures for adoption described in Government Code sections 66016, 66017, and 66018, because the City held a lawfully noticed public hearing on December 13,

2016, at which oral and written presentations could be made, the proposed water capacity charge is to be adopted by Resolution, and the proposed water capacity charge will not become effective until March 1, 2017, which is more than sixty (60) days from the date of the public hearing

BE IT FURTHER RESOLVED, by the Council of the City of Modesto as follows:

1. DEFINITIONS. For the purposes of this Resolution the definitions set forth below shall apply, except as provided herein or as context requires a different meaning.

(A) Capacity Charge or Capacity Fee shall mean a one-time charge to be paid by or on behalf of a prospective user of the City's water service for new or modified facilities existing in or planned to be added to the City Water System and existing facilities in the City Water System that have water capacity available for new development and for existing development connecting to the City Water System for the first time, minus Deficiencies. Capacity Fee and Capacity Charge are used interchangeably in this Resolution and the Study.

(B) City Water System shall mean the City's physical assets dedicated to the provision of water to the public for human consumption, including assets for the collection, treatment, pumping, storage and distribution of water under the control of the City's operator.

(C) Connection shall mean the attachment of a meter and pipe facilities to the City Water System for one or more water service uses.

(D) Deficiencies shall mean water facilities required by law, or recommended by generally recognized authority, as being necessary to the provision of a modern, safe, adequate water system of the City's size, with prudent reserves of quantity, pressure and transmission infrastructure to meet reasonably foreseeable contingencies that are absent from the City Water System at any particular point in time.

(E) Director shall mean the City officer(s) or designee(s) in charge of utilities.

(F) Facilities shall mean those facilities that are described in the Study and that are necessitated in whole or in part by new connections to the water system or expansions of existing connections. "Facilities" shall also include comparable alternative facilities should later changes in projections of development in the region necessitate construction of such alternative facilities; provided that the City Council later determines in accordance with applicable law (1) that the alternative facilities are comparable to the facilities listed in the Study, and (2) that revenue from fees charged pursuant to this Resolution will be used only to pay the fee payors' fair and proportionate share of the alternative facilities.

2. WATER CAPACITY CHARGE IMPOSED. A Water Capacity Charge for all new development and all existing development connecting to water service for the first time is hereby imposed in the amounts set forth in the following table, based upon the meter size of the service:

City of Modesto
Water Capacity Charges

Meter Size	Meter Ratio	Capacity Charge
5/8 inch	1.00	$2,202
1 inch	1.67	$3,671
1.5 inch	3.33	$7,341
2 inch	5.33	$11,746
3 inch	11.67	$25,695
4 inch	21.00	$46,250
6 inch	43.33	$95,437
8 inch	80.00	$176,191
10 inch	126.67	$278,970
12 inch	166.67	$367,065

3. DIRECTOR AUTHORITY. Because the Water Capacity Charges adopted by this Resolution are lower than the currently approved capacity fees, except for the Capacity Fee for a 10-inch meter, the Director is hereby authorized to charge the new Capacity Charges for all meter sizes other than a 10-inch meter between the adoption date of this Resolution and the date the fees are effective.

4. PAYMENT OF CAPACITY CHARGE. The Capacity Charge set forth above shall be paid at the time a building permit is issued for a building or structure making a new or increased connection to the City Water System. In those cases in which a building or structure already exists, the Capacity Charge shall be collected at the time at which a plumbing permit is issued to connect the building or structure to the City Water

System. The Council may, by resolutions adopted from time to time, establish conditions under which a capacity fee may be spread over time and paid in installments.

5. ADJUSTMENT OF WATER CAPACITY FEES FOR INFLATION. The Director shall have the authority, on an annual basis, effective July 1, 2018 and each July 1 thereafter, to adjust the Water Capacity Charges established by this Resolution by an amount not to exceed the annual percentage increase reported in the month of April in the Construction Cost Index found in the Engineering News Record for the San Francisco region.

6. ACCOUNTING. In accordance with Government Code Section 66013(c) the revenues raised by payment of the Water Capacity Charge shall be placed into a fund, which shall be a separate, interest bearing account to permit accounting for such revenues and the interest which those revenues generate. The City shall annually report to the public regarding Water Capacity Charge revenue as required by Government Code Section 66016(d). The information required pursuant to this section may be included in the City's annual financial report.

7. USE OF WATER CAPACITY CHARGE REVENUE. Consistent with Government Code Section 66013(c), revenues from the Water Capacity Charges and interest thereon shall be used only for the purposes for which the Water Capacity Charge was collected, which are the following:

(a) To pay for acquisition of the Facilities;

(b) To pay for design, engineering, construction of and property acquisition for, and reasonable costs of outside consultant studies related to, the Facilities;

(c) To reimburse the City for the Facilities constructed by the City with funds from sources other than the revenues derived from the Water Capacity Charge including funds from other public entities, unless such funds were obtained from grants or gifts intended by the grantor to be used for the Facilities.

(d) To reimburse persons that have designed and constructed any of the Facilities with prior City approval and have entered into a related agreement with the City; and

(e) To pay for and/or reimburse costs of program development and ongoing administration of the Water Capacity Charge program, including, but not limited to, the cost of studies, legal costs, and other costs of adopting and updating the Water Capacity Charge.

8. EFFECT OF ADOPTION OF RESOLUTION. This Resolution shall supersede all previous resolutions adopting or amending water capacity charges, except that Section 10A of Resolution No. 2005-282, as amended and restated by Resolution No. 2005-492, shall continue in effect and apply to the administration of the Water Capacity Charges adopted by this Resolution.

9. EFFECTIVE DATE. This Resolution shall be effective immediately upon adoption. The Water Capacity Charges approved by this Resolution shall become effective on March 1, 2017.

10. SEVERABILITY. The fees, charges, and all portions of this Resolution are severable. Should any of the fees or any portion of this Resolution be adjudged to be invalid and unenforceable by a body of competent jurisdiction, the remaining rates, charges, or portions of this Resolution shall be and continue in full force and effect,

except as to those fees, charges, or portions of the Resolution that have been adjudged invalid. This City Council declares that it would have adopted this Resolution and each part of it irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of this Resolution be enforced.

The foregoing Resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of December, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

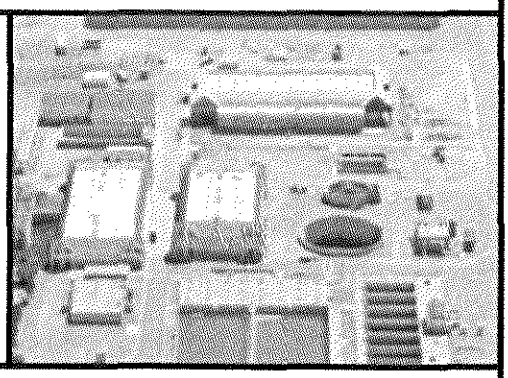
ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO
CALIFORNIA



City of Modesto

WATER CAPACITY FEE STUDY

Draft Report
November 15, 2016

BARTLE WELLS ASSOCIATES
Independent Public Finance Consultants
1889 Alcatraz Avenue
Berkeley, California 94703
www.bartlewells.com
Tel: 510/653-3399

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SECTION 1: INTRODUCTION AND EXECUTIVE SUMMARY

1.1 Background

The City of Modesto (City) currently provides water service to over 73,000 accounts throughout the City of Modesto, Salida, Empire, Grayson, Del Rio, and portions of Ceres (Walnut Manor) and Turlock. The City of Modesto's water sources are groundwater and treated surface water purchased from the Modesto Irrigation District. In May of 2016, West Yost Associates completed the 2016 Water System Engineer's Report for the City which identifies water system capital improvements over the next five years. The Engineer's Report also allocates the benefit of each capital improvement project to existing customers and future development based on engineering professional judgment. Accompanying the Engineer's Report, the City and West Yost Associates developed a longer-term capital plan, which provides capital funding needs through build-out in 2050. The long-term capital plan serves as the basis for the capacity fees calculated in this report.

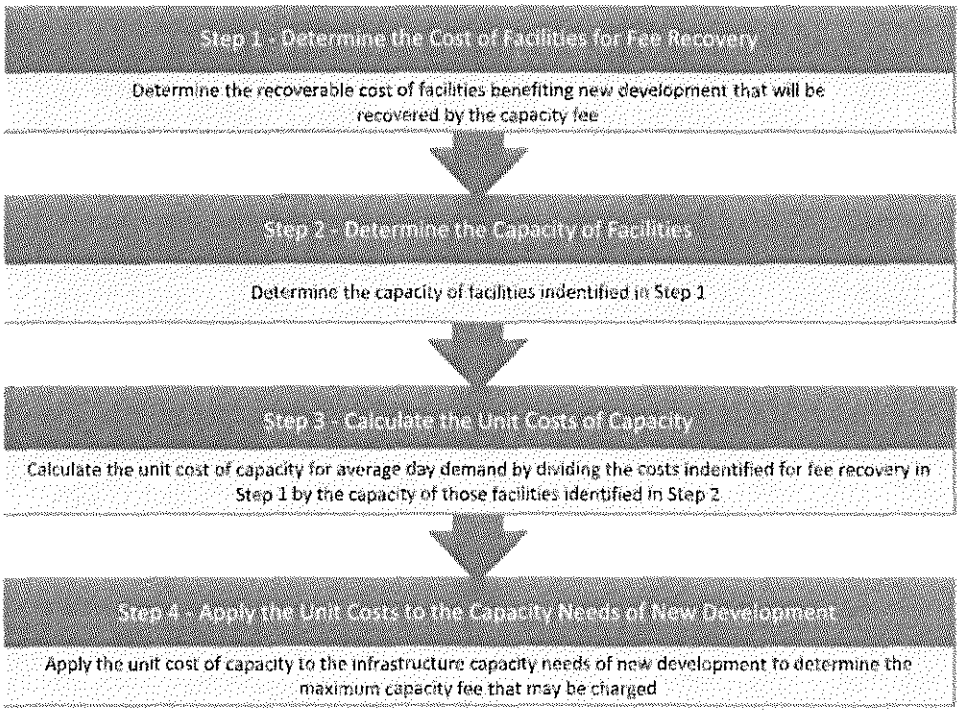
The City of Modesto uses an average cost method to develop its monthly water rates and water system capacity fees. Monthly water rates are calculated to recover the costs of operations, maintenance, and capital improvements to correct deficiencies. Capacity fees, also called connection fees or development impact fees, recover the cost of providing capacity in water system infrastructure to new customers. The unit cost of capacity is the same for all new customers regardless of service area – i.e. a new 1 inch connection in the City of Modesto pays the same capacity fee as a new 1 inch connection in the Grayson service area, for example. This approach reflects how the City manages the water utility and conducts its master planning. The City's administration, engineering, and master planning groups are shared functions provided out of the Modesto City offices. Furthermore, the City pools its capital improvement funding from all service areas into one account. This approach avoids a potential mismatch in timing between when capital projects need to be constructed and when the City collects capacity fee revenue. This approach allows the City to front the cost of capacity expansion projects and be paid back over time via capacity fees from all service areas.

The City of Modesto's water system capacity costs consist of new capital improvement projects and a buy-in to existing infrastructure with capacity to serve new development. The buy-in cost includes a portion of the expense needed to rehabilitate existing water system assets. Over the next 34 years, the City intends to fund approximately $564 million in water system capital improvements (based on 2016 dollars). These improvements include projects throughout all City service areas. About 91% of the capital funding amount will be used to address existing deficiencies in the system, ensuring maintenance of service for existing users, and will be funded through water system rate revenues. The remaining 9% of the capital improvement projects are rehabilitation or expansion projects that will benefit new customers connecting to the system through build-out. Rehabilitation and expansion-related projects will be funded by the water capacity fees calculated in this report. The cost of those projects is therefore included in the calculation of the water capacity fees.

The recommended capacity fee includes a buy-in to the City's existing water infrastructure such as wells, pipelines, and the surface water treatment plant, because those elements of the system have capacity to serve new development. The City's investment in the Phase 2 expansion of the surface water treatment plant totals approximately $107 million, consisting of construction costs net of settlement revenues paid by the plant's construction manager. The City funded the expansion to provide long-term stable water supply to supplement the City's groundwater sources. 67% of the Phase 2 surface water treatment plant cost is allocated for recovery from the water system capacity fee, representing new development's share of the cost of those improvements. As described above, under the average cost method, water system infrastructure costs across all service areas are included in capacity fee calculation.

A summary of the capacity fee study process is provided in Figure 1. As described above, the Engineer's Report established the cost of capital improvements benefiting new customers. Added to the projects is the value of existing capacity in the surface water treatment plant available for new development. To calculate the fee, the value of facilities allocated to growth (existing and planned) is divided by the capacity available for growth (existing and planned) resulting in a unit cost of capacity expressed as $/gallon per day of average day demand. The unit cost of capacity is then applied to the assumed demand of various meter sizes to calculate the recommended capacity fees for each meter size that the City offers to new development.

Figure 1: Capacity Fee Study Process



1.2 Recommended Water Capacity Fee

The recommended water system capacity fees are provided in Table 1-1, shown below. For new residential customers, the City-standard connection is a 1 inch meter. The typical residential, 1 inch meter, capacity fee is proposed to be reduced from $5,702 (current) to $3,671 (recommended). All other meter sizes except the 10 inch meter are also proposed to receive fee decreases. The decreases vary from -3% to -36% based on meter size. The 10 inch meter fee is proposed to increase by 6%. The variability in the fee changes is due to how the fees are scaled based on meter size, with the proposed fees representing no more than the estimated reasonable cost of providing new development with water capacity. The proposed fees calculated in this report are scaled based on the maximum demand of each meter size based on American Water Works Association estimates.

It should be noted that the City no longer offers 3/4 inch meters to new connections. Existing customers who have 3/4 inch meters will continue to be charged for monthly water service consistent with the City's rate schedule.

Table 1-1: Current and Proposed Water Capacity Fees
City of Modesto
Water Capacity Fee Study

Meter Size	Current Capacity Fee	Proposed Capacity Fee	Change ($)	Change (%)
5/8 inch	$2,282	$2,202	($80)	-3%
1 inch	$5,702	$3,671	($2,031)	-36%
1.5 inch	$11,406	$7,341	($4,065)	-36%
2 inch	$18,247	$11,746	($6,501)	-36%
3 inch	$36,494	$25,695	($10,799)	-30%
4 inch	$57,023	$46,250	($10,773)	-19%
6 inch	$114,044	$95,437	($18,607)	-16%
8 inch	$182,470	$176,191	($6,279)	-3%
10 inch	$262,301	$278,970	$16,669	6%
12 inch	$490,389	$367,065	($123,324)	-25%

SECTION 2: ALLOCATION OF FACILITIES

Bartle Wells Associates worked closely with City staff and West Yost Associates to review water system improvement capital costs and to determine an appropriate methodology for the calculation of the water capacity fee.

2.1 Methodology

In developing the Engineer's Report, West Yost Associates identified capital improvement projects to rehabilitate existing infrastructure and to expand capacity to serve growth. The Engineer's Report also identified specific projects to correct deficiencies—such as strengthening and replacing existing water mains—that will solely benefit current customers. Rehabilitation projects improve existing infrastructure so that facilities can continue to provide service through build-out and serve both existing and future customers. An example rehabilitation project is the City-side downstream improvements to the Phase 2 surface water treatment plant. The project will improve current low pressure conditions and distribute additional treated surface water to new customers. Capacity expansion projects are triggered by the increased demands of new development. These projects would not be needed absent growth and are allocated 100% to future customers. Based on the categorization of capital improvement projects, BWA recommends the incremental approach for calculation of the water capacity fee.

Incremental Approach (Buy-in + Expansion): Under this approach, new connections buy-in for the remaining share of capacity in existing facilities available to serve growth, plus pay for future expansion-related improvements needed to meet the capacity needs of growth through projected build-out.

- Cost of Existing and New Capacity (Numerator): The cost of the estimated percentage of existing facilities available to serve growth (including a share of rehabilitation expenses) plus the cost of anticipated expansion-related capital improvements (in current dollars).
- Capacity of Existing and New Facilities (Denominator): Capacity in existing facilities available for growth plus additional capacity from the completion of expansion projects.

The proposed methodology recovers all capacity costs related to growth and avoids charging new development for existing system capacity costs that benefit existing users. The buy-in portion of the fee recovers new customers' share of the existing water infrastructure, including rehabilitation costs and the surface water treatment plants, and the expansion portion of the fee recovers the cost of future projects needed to serve growth.

2.2 Capital Improvements Costs and Allocation

The 2016 Water System Engineer's Report provides a five-year capital improvement plan for the City of Modesto's water utility. In developing the report, the City also conducted long-term master planning through build-out in the year 2050. The long-term capital improvement costs and allocation to existing and future customers are provided in Table 2-1. The table represents planned construction costs in 2016

dollars through 2050 (estimated as of June 16, 2016[1]) plus the value of improvements to the surface water treatment plant, a portion of which are necessary to provide water service to new development. More detailed project information is available in Appendix A. For more information regarding the surface water treatment plant's capacity available for growth, please see the 2016 Draft Water Master Plan. The total value of water system facilities used as the basis of the capacity fee is $671.2 million, of which about $123.8 million or 18% is allocated to growth.

2.3 Cost Recovery

The capital improvement costs allocated to existing customers will be funded via rate revenues from current customers, existing water enterprise cash reserves, miscellaneous non-rate revenues, and new debt. The costs allocated to future customers, including expansion costs and a portion of rehabilitation costs, will be recovered from capacity fees paid by new customers as they connect to the water system. In anticipation of new development, the City intends to construct projects to expand capacity for new customers and rates are calculated including the cost of those projects. The City would initially fund these projects via capital reserves and/or municipal debt. As new customers connect to the water system and pay their capacity fees, the City will utilize the fee revenue to replenish its capital reserve and/or make debt service payments. To the extent feasible, capacity expansion projects are funded from capacity fee revenue over time, using expansion project reserves or fees collected as new customers connect.

The City's practice is to separately account for capacity expansion projects and capacity fee revenue. In the event that capacity expansion reserves funds are insufficient for capacity expansion projects, the City's practice is to use other water enterprise reserve funds or debt financing for those projects. When it uses other water enterprise funds to finance capacity expansion projects, the City uses capacity fees collected to repay the account that advances the funds.

[1] The final draft of the 2016 Water System Engineer's Report water published May 2016. The capital improvement costs shown in this report were further revised and are current as of June 16, 2016.

Table 2-1: Capital Project Summary and Allocation
City of Modesto
Water Capacity Fee Study

Project	Project Cost	Existing User Benefit %	Future User Benefit %	Existing Benefit $	Future Benefit $
Surface Water Treatment Plant - Phase 2 Expansion	$106,708,000	33.3%	66.7%	$35,569,000	$71,139,000
Category 2: City-Side Downstream Improvements to MRWTP Phase Two Expansion	$21,206,000	75.0%	25.0%	$15,905,000	$5,302,000
Category 3: Improvements for South Modesto	$13,202,000	75.0%	25.0%	$9,902,000	$3,301,000
Category 4: Water Quality Related Studies	$1,030,000	100.0%	0.0%	$1,030,000	$0
Category 5: SCADA System Upgrades	$5,276,000	100.0%	0.0%	$5,276,000	$0
Category 6: New Corporation Yard	$9,864,000	100.0%	0.0%	$9,864,000	$0
Category 7: Existing Tank Improvements	$9,375,000	100.0%	0.0%	$9,375,000	$0
Category 8: Extend Water Mains	$18,979,000	0.0%	100.0%	$0	$18,979,000
Category 9: Strengthen and Replace Water System	$250,211,000	100.0%	0.0%	$250,211,000	$0
Category 10: Install New Wells	$51,558,000	75.0%	25.0%	$38,669,000	$12,890,000
Category 11: Wellhead Treatment	$50,210,000	100.0%	0.0%	$50,210,000	$0
Category 12: Purchase & Install New Generators	$3,814,000	100.0%	0.0%	$3,814,000	$0
Category 13: Water System Security Enhancements	$2,062,000	100.0%	0.0%	$2,062,000	$0
Category 14: Groundwater Management Program	$2,642,000	75.0%	25.0%	$1,982,000	$661,000
Category 15: Urban Water Management Plan	$709,000	75.0%	25.0%	$532,000	$177,000
Category 16: Water Master Plan	$10,591,000	75.0%	25.0%	$7,943,000	$2,648,000
Category 17: Water System Evaluation	$5,147,000	75.0%	25.0%	$3,860,000	$1,287,000
Category 18: New Water Tanks	$20,700,000	64.0%	36.0%	$13,248,000	$7,452,000
Category 19: Water Meters	$69,047,000	100.0%	0.0%	$69,047,000	$0
Category 21: New or Replacement Pumps	$15,439,000	100.0%	0.0%	$15,439,000	$0
Category 22: Utility Cuts	$3,431,000	100.0%	0.0%	$3,431,000	$0
Total Planned Capital Project Costs (Current Dollars)	**$671,201,000**			**$547,370,000**	**$123,836,000**
				82%	**18%**

SECTION 3: PROPOSED FEE

3.1 Capacity Unit Costs

Table 3-1 develops the unit cost of water system capacity for new connections based on the value of capital improvements allocated to growth (developed in the previous section) and the capacity available for future connections. The 2016 Water System Engineer's Report determined that the water system will serve 89.3 million gallons per day (mgd) of average day demand at buildout in the year 2050. The current capacity is 67.0 mgd and capacity that will be available for growth after the completion of capital improvements described in the 2016 Water System Engineer's Report is 22.3 mgd. The expansion related capital improvement value of $123.8 million divided by 22.3 mgd results in a unit cost of $5.55 per gallon per day of average day demand.

Table 3-1: Cost of Capacity
City of Modesto
Water Capacity Fee Study

Current Capacity of Water System [1]	67.0	mgd	75%
Capacity Available for Growth	22.3	mgd	25%
System Buildout Capacity [1]	89.3	mgd	
Expansion Related Capital Improvements	$123,836,000		
Capacity Available for Growth	22,300,000	gpd	
Cost of Capacity	$5.55	per gpd	
Single Family Residential Capacity Fee Calculation			
Average Day Demand	661	gpd	
Cost of Capacity	$5.55	per gpd	
Total Capacity Fee per Dwelling	$3,671		

1 – from 2016 Water System Engineer's Report; buildout in 2050
mgd - million gallons per day
gpd - gallons per day

For planning purposes, the City uses an average day demand of 661 gallons per day per single family residential connection. The City's 2015 Urban Water Management Plan developed a water use target of 228 gallons per capita per day for the year 2020 to comply with Senate Bill X7-7. Per City planning standards, the typical single family home in the City of Modesto is assumed to house 2.9 people. The per capita demand multiplied by the number of people per house results in an average day demand of about 661 gallons per residence. This demand represents a long-term design standard for the City of Modesto. Actual water use per customer may vary based on occupancy, family size, and weather conditions. However, an average day demand of 661 gallons per single family dwelling represents the

standard that the City will use to plan, engineer, and design the water system into the future. Based on the unit cost of capacity developed in Table 3-1, the typical single family water capacity fee is calculated as $3,671.

3.2 Recommended Water Capacity Fees

As described in the Water Rate and Fee Study dated May 26, 2016, system capacity and demand related costs are allocated to customers based on meter equivalents. The American Water Works Association (AWWA) developed meter equivalents or meter capacity ratios based on the maximum flow rate of various meter sizes. Maximum flow rate is used as a proxy for demand or capacity that the service connection occupies. The City's smallest meter size, the 5/8 inch, is one meter equivalent and larger meter sizes are scaled to the capacity of the 5/8 inch meter. AWWA meter equivalents are provided in Table 3-2. The City no longer offers 3/4 inch meters to new customers. 3/4 inch meter capacity fees are not included in this report.

Table 3-2: Meter Equivalents
City of Modesto
Water Capacity Fee Study

Meter Size	Maximum Flow (gallons per minute)	Equivalent
5/8 inch	30	1.00
1 inch	50	1.67
1.5 inch	100	3.33
2 inch	160	5.33
3 inch	350	11.67
4 inch	630	21.00
6 inch	1,300	43.33
8 inch	2,400	80.00
10 inch	3,800	126.67
12 inch	5,000	166.67

The typical residential water capacity fee calculated in Table 3-1 is the appropriate fee for new 1-inch meter connections and represents an estimate of the reasonable cost of providing water system capacity to a typical new single-family residence. Per City policy, new single residential customers will be connected to the water system via 1 inch meters at minimum. The 1 inch meter size is needed to provide capacity for domestic use plus flow for fire sprinklers. The capacity fees for smaller and larger water meters are scaled based on AWWA meter capacity ratios and represent an estimate of the reasonable cost of providing water capacity for each size of meter relative to the estimated reasonable cost of providing water capacity for a 1 inch meter.

The proposed water capacity fees are shown in Table 3-3. The 1 inch meter fee is proposed to decrease from $5,702 (current) to $3,671 (recommended). Adjustments to the other capacity fees vary by meter size. The reason for this variability is likely due to the meter ratios used to calculate the fees. The recommended fees are based on AWWA meter ratios.

Table 3-3: Proposed Capacity Fees
City of Modesto
Water Capacity Fee Study

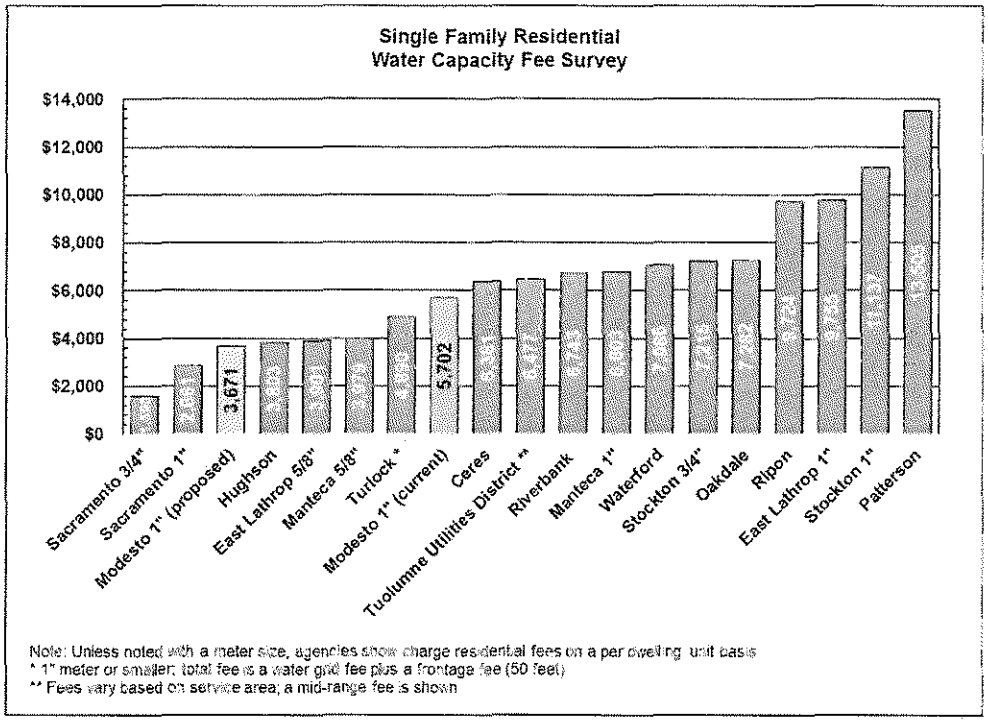
Meter Size	Meter Ratio	Proposed Capacity Fee	Current Capacity Fee	Change ($)	Change (%)
5/8 inch	1.00	$2,202	$2,282	($80)	-3%
1 inch	1.67	$3,671	$5,702	($2,031)	-36%
1.5 inch	3.33	$7,341	$11,406	($4,065)	-36%
2 inch	5.33	$11,746	$18,247	($6,501)	-36%
3 inch	11.67	$25,695	$36,494	($10,799)	-30%
4 inch	21.00	$46,250	$57,023	($10,773)	-19%
6 inch	43.33	$95,437	$114,044	($18,607)	-16%
8 inch	80.00	$176,191	$182,470	($6,279)	-3%
10 inch	126.67	$278,970	$262,301	$16,669	6%
12 inch	166.67	$367,065	$490,389	($123,324)	-25%

3.3 Residential Capacity Fee Impacts

Figure 2 provides a survey of single family residential water capacity fees of local agencies. There are two common practices for assessing fees from residential connections: 1) fees are charged based on meter size or 2) fees are charged on a dwelling unit basis, regardless of meter size. Figure 2 provides two entries for agencies that charge fees based on meter size – one entry is the fee for the smallest meter size offered by the agency and the second entry is the fee for a 1 inch meter. Similar to the City of Modesto, many public agencies are adopting a 1 inch meter standards for new residential customers to accommodate demand from a fire sprinkler. However, some communities may allow smaller residential meter sizes if fire sprinklers are not present. To account for potential differences in policies across jurisdictions, fees for multiple meter sizes are presented in Figure 2.

The City of Modesto's 1 inch water capacity fee is currently on the lower end of surveyed agency fees. With the proposed decrease, the City's fee would be the lowest after the City of Sacramento's residential fees.

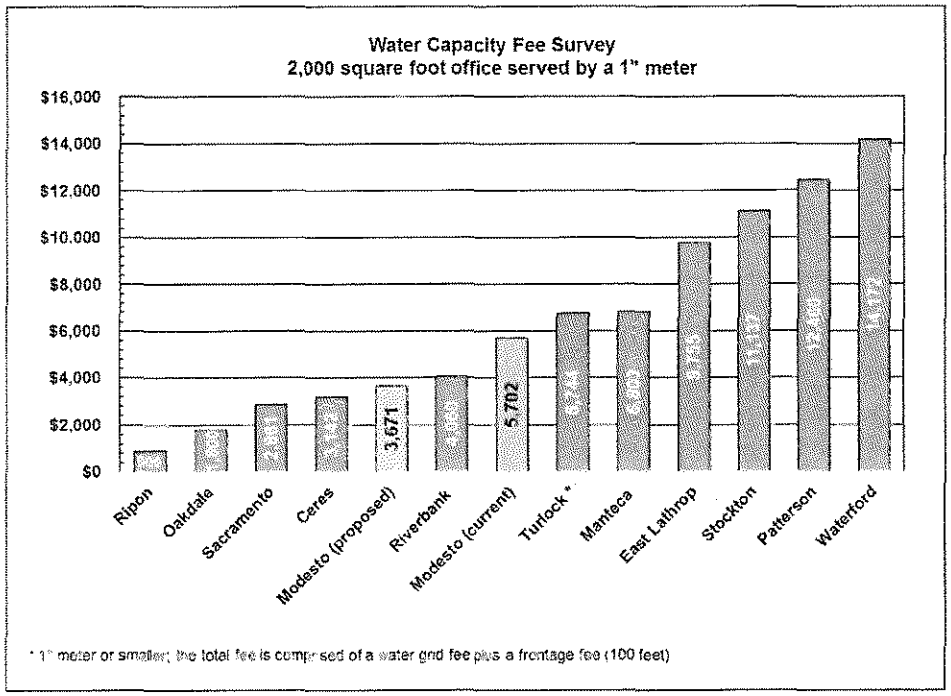
Figure 2: Single Family Residential Water Capacity Fee Survey

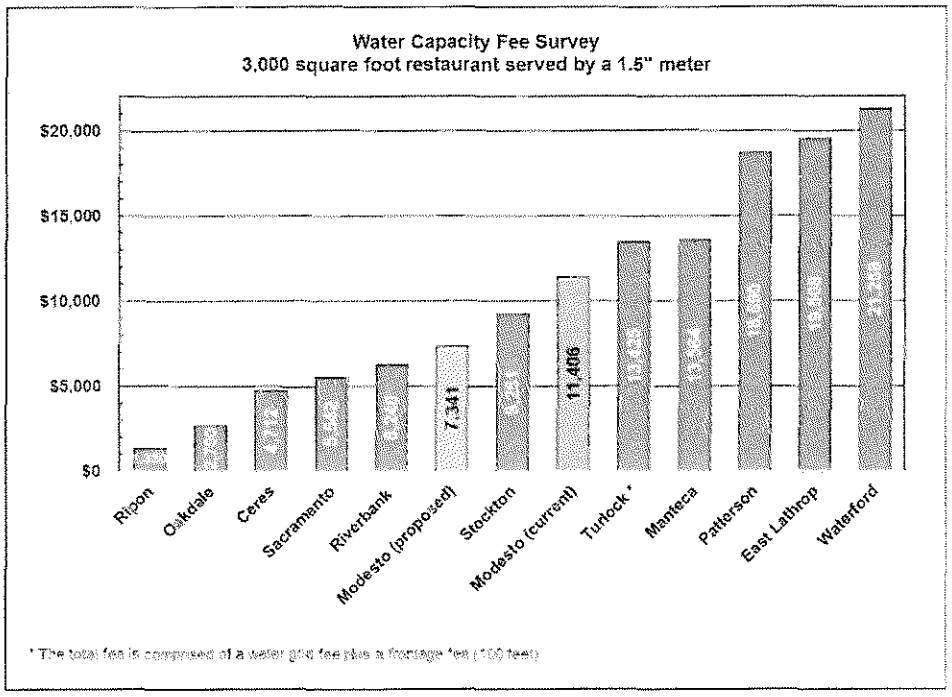


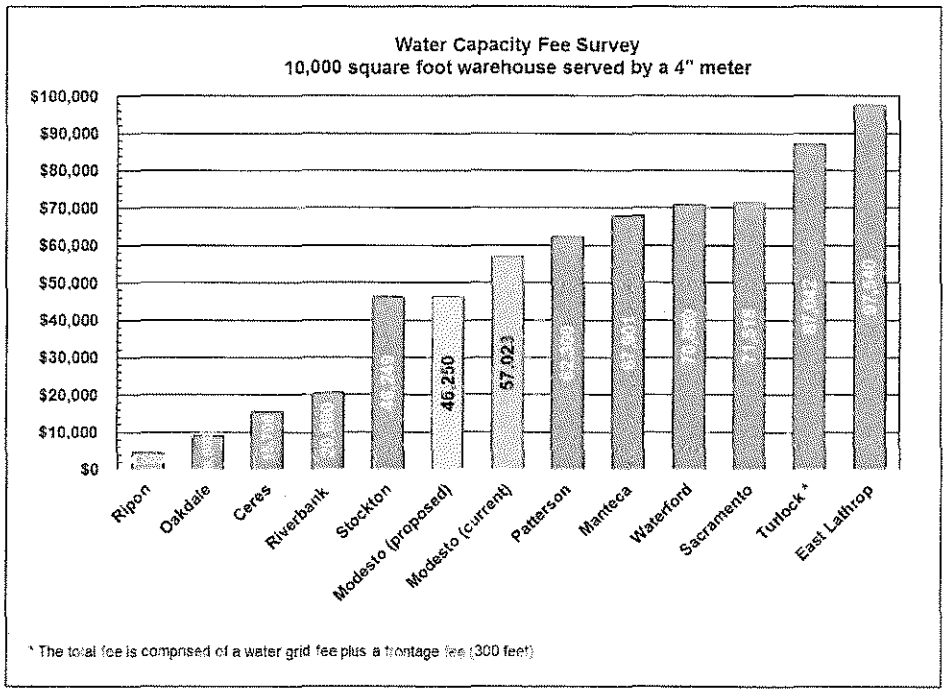
3.4 Non-residential Capacity Fee Impacts

Figure 3 provides a survey of non-residential water capacity fees for an example office, restaurant, and warehouse. The City of Modesto's current non-residential fees are in the mid-range of the fees of surveyed agencies. The City of Modesto's proposed fees would be in the lower to mid-range of surveyed fees.

Figure 3: Non-residential Water Capacity Fee Survey






Water Capacity Fee Survey
10,000 square foot warehouse served by a 4" meter
$100,000
$90,000
$80,000
$70,000
$60,000
$50,000
$40,000
$30,000
$20,000
$10,000
$0
46,250
57,023
Ripon
Oakdale
Ceres
Riverbank
Stockton
Modesto (proposed)
Modesto (current)
Patterson
Manteca
Waterford
Sacramento
Turlock *
East Lathrop
* The total fee is comprised of a water grid fee plus a frontage fee (300 feet)

APPENDICES

Appendix A: Detailed Capital Improvement Plan

Appendix A: Detailed Capital Improvement Plan

Project	Project Cost	Existing User Benefit %	Future User Benefit %	Existing Benefit $	Future Benefit $
Surface Water Treatment Plant					
Phase 2 Expansion	$106,708,000	33.3%	66.7%	$35,569,000	$71,139,000
	$106,708,000			**$35,569,000**	**$71,139,000**
Category 2: City-Side Downstream Improvements to MRWTP Phase Two Expansion					
4 MG Industrial Tank/12 mgd Booster Pump Station	$10,924,000	75.0%	25.0%	$8,193,000	$2,731,000
Codoni Transmission Mains	$2,100,000	75.0%	25.0%	$1,575,000	$525,000
Yosemite Transmission Mains (Lapham Drive to 7th & B St)	$8,182,000	75.0%	25.0%	$6,137,000	$2,046,000
	$21,206,000			**$15,905,000**	**$5,302,000**
Category 3: Improvements for South Modesto					
Downstream Improvements for South Modesto Tank	$6,522,000	75.0%	25.0%	$4,892,000	$1,631,000
7th Street River Crossing to South Modesto	$950,000	75.0%	25.0%	$713,000	$238,000
New Transmission and River Crossing for So Modesto Tank (Morgan Rd)	$5,730,000	75.0%	25.0%	$4,298,000	$1,433,000
	$13,202,000			**$9,903,000**	**$3,302,000**
Category 4: Water Quality Related Studies					
Water Quality Studies	$1,030,000	100.0%	0.0%	$1,030,000	$0
	$1,030,000			**$1,030,000**	**$0**
Category 5: SCADA System Upgrades					
SCADA System Upgrades	$5,276,000	100.0%	0.0%	$5,276,000	$0
	$5,276,000			**$5,276,000**	**$0**
Category 6: New Corporation Yard					
On-site Improvements	$9,864,000	100.0%	0.0%	$9,864,000	$0
	$9,864,000			**$9,864,000**	**$0**
Category 7: Existing Tank Improvements					
Interior & Exterior Recoats, Structural Repairs	$9,375,000	100.0%	0.0%	$9,375,000	$0
	$9,375,000			**$9,375,000**	**$0**
Category 8: Extend Water Mains					
Kiernan Water Main (Sisk - Stoddard)	$1,308,000	0.0%	100.0%	$0	$1,308,000
Kiernan Ave (Stoddard to Dale)	$1,964,000	0.0%	100.0%	$0	$1,964,000
Litt Road (Grogan Park to New Corp Yard)	$2,060,000	0.0%	100.0%	$0	$2,060,000
Dale Rd to S. Kiernan	$2,022,000	0.0%	100.0%	$0	$2,022,000
Bangs Rd - Dale to Carver.	$1,813,000	0.0%	100.0%	$0	$1,813,000
Woodland Ave - Morse to Carpenter	$1,600,000	0.0%	100.0%	$0	$1,600,000

Project	Project Cost	Existing User Benefit %	Future User Benefit %	Existing Benefit $	Future Benefit $
Brinks Ave - Shoe-maker to North Ave	$1,800,000	0.0%	100.0%	$0	$1,800,000
Bangs Rd - Carver to North Tank	$1,200,000	0.0%	100.0%	$0	$1,200,000
Roselle - between Claribel to Claratina	$2,212,000	0.0%	100.0%	$0	$2,212,000
Buildout System Transmission Grid Pipeline Recommendations	$3,000,000	0.0%	100.0%	$0	$3,000,000
	$18,979,000			**$0**	**$18,979,000**
Category 9: Strengthen and Replace Water System					
Parklawn	$2,313,000	100.0%	0.0%	$2,313,000	$0
Pike's Park	$3,900,000	100.0%	0.0%	$3,900,000	$0
La Loma Neighborhood El Vista to Riverside	$10,040,000	100.0%	0.0%	$10,040,000	$0
Highway Village	$3,200,000	100.0%	0.0%	$3,200,000	$0
Paradise/Ohio/Grimes	$5,018,000	100.0%	0.0%	$5,018,000	$0
La Loma Phase 2 and 3	$9,474,000	100.0%	0.0%	$9,474,000	$0
South Modesto Phase 3	$2,898,000	100.0%	0.0%	$2,898,000	$0
South 9th Street Industrial Area Phase 2	$3,225,000	100.0%	0.0%	$3,225,000	$0
SR 132 Water Main Replacement	$1,588,000	100.0%	0.0%	$1,588,000	$0
Outlying Water System Improvements (Grayson)	$1,950,000	100.0%	0.0%	$1,950,000	$0
Outlying Water System Improvements (Turlock)	$4,800,000	100.0%	0.0%	$4,800,000	$0
Strengthen & Replace Water System	$91,800,000	100.0%	0.0%	$91,800,000	$0
Strengthen & Replace Water System (Ops)	$110,005,000	100.0%	0.0%	$110,005,000	$0
	$250,211,000			**$250,211,000**	**$0**
Category 10: Install New Wells					
Grogan Park Well (Tivoli)	$1,509,000	75.0%	25.0%	$1,132,000	$377,000
Del Rio Well w/ 1,000 gpm capacity	$2,346,500	75.0%	25.0%	$1,760,000	$587,000
Grayson Well 274 w/ 400 gpm capacity	$1,000,000	75.0%	25.0%	$750,000	$250,000
Del Rio Replacement Well (Well 271)	$2,464,500	75.0%	25.0%	$1,848,000	$616,000
Well 226 Replacement Well	$2,369,000	75.0%	25.0%	$1,777,000	$592,000
Test Holes for New/Replacement Wells	$4,856,000	75.0%	25.0%	$3,642,000	$1,214,000
New/Replacement Wells	$37,013,000	75.0%	25.0%	$27,760,000	$9,253,000
	$51,558,000			**$38,669,000**	**$12,889,000**
Category 11: Wellhead Treatment					
Chlorine and Nitrate Analyzers (Ops)	$2,577,000	100.0%	0.0%	$2,577,000	$0
Blending Lines, Flush Lines & Regulatory Driven Upgrades	$13,323,000	100.0%	0.0%	$13,323,000	$0
Wellhead Treatment & Well Rehabilitation	$34,310,000	100.0%	0.0%	$34,310,000	$0
	$50,210,000			**$50,210,000**	**$0**

Project	Project Cost	Existing User Benefit %	Future User Benefit %	Existing Benefit $	Future Benefit $
Category 12: Purchase & Install New Generators					
Existing Contiguous Service Area System (Ops)	$3,814,000	100.0%	0.0%	$3,814,000	$0
	$3,814,000			**$3,814,000**	**$0**
Category 13: Water System Security Enhancements					
Water System Security Enhancements	$2,062,000	100.0%	0.0%	$2,062,000	$0
	$2,062,000			**$2,062,000**	**$0**
Category 14: Groundwater Management Program					
Groundwater Management Program	$2,642,000	75.0%	25.0%	$1,982,000	$661,000
	$2,642,000			**$1,982,000**	**$661,000**
Category 15: Urban Water Management Plan					
Urban Water Management Plan	$709,000	75.0%	25.0%	$532,000	$177,000
	$709,000			**$532,000**	**$177,000**
Category 16: Water Master Plan					
Water Master Plan	$10,591,000	75.0%	25.0%	$7,943,000	$2,648,000
	$10,591,000			**$7,943,000**	**$2,648,000**
Category 17: Water System Evaluation					
Water System Evaluation	$5,147,000	75.0%	25.0%	$3,860,000	$1,287,000
	$5,147,000			**$3,860,000**	**$1,287,000**
Category 18: New Water Tanks					
Future Tank and Booster Station (South Modesto)	$15,188,000	64.0%	36.0%	$9,720,000	$5,468,000
New Tank and Booster Pump Station - Del Rio	$5,512,000	64.0%	36.0%	$3,528,000	$1,984,000
	$20,700,000			**$13,248,000**	**$7,452,000**
Category 19: Water Meters					
Water Meters	$69,047,000	100.0%	0.0%	$69,047,000	$0
	$69,047,000			**$69,047,000**	**$0**
Category 21: New or Replacement Pumps					
	$15,439,000	100.0%	0.0%	$15,439,000	$0
	$15,439,000			**$15,439,000**	**$0**
Category 22: Utility Cuts					
	$3,431,000	100.0%	0.0%	$3,431,000	$0
	$3,431,000			**$3,431,000**	**$0**
Total Planned Capital Project Costs (Current Dollars)	**$671,201,000**			**$547,370,000**	**$123,836,000**
				82%	18%

2726747.1

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-503

PRINT

RESOLUTION APPROVING AN AGREEMENT FOR A TEN YEAR TERM BETWEEN THE CITY AND HWS BASEBALL IV, LLC, AKA THE MODESTO NUTS BASEBALL CLUB, FOR THE USE, OPERATION AND MANAGEMENT OF JOHN THURMAN FIELD LOCATED AT 601 NEECE DRIVE AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE AN AGREEMENT AS APPROVED TO FORM BY THE CITY ATTORNEY

WHEREAS, the City is the owner of the property, stadium and parking facilities that comprise John Thurman Field, and

WHEREAS, John Thurman Field is currently leased to the Modesto Nuts Baseball Club (CLUB) under a ten year License and Maintenance Agreement that expires December 31, 2016, and

WHEREAS, the Seattle Mariners purchased a majority share of the Nuts, and the teams entered in to a player development contract making Modesto a Mariners affiliate, and

WHEREAS, the City and the CLUB desire to renegotiate terms of the prior agreement, and

WHEREAS, the new agreement provides that the CLUB operate, manage and maintain the facility while the City retains ownership and control of the asset, and

WHEREAS, the City currently outsources maintenance of much of its sporting fields and golf course turf areas and experience has proven that turf maintenance on a large specialized scale is best outsourced, when possible, and

WHEREAS, the agreement is for a ten year term with $70,000 per year of revenue to the City in the form of a license fee, and

WHEREAS, the agreement calls for the City to perform at least $120,000 of capital improvements and deferred maintenance annually, and

WHEREAS, the City has concluded that the agreement and the new operating structure will not result in arbitrage issues with the Internal Revenue Service or cause tax exempt debt used to construct improvements at John Thurman Field to be deemed taxable debt; consistent with IRS regulations, the payments by the Club to the City substantially offset, but do not exceed the operating and maintenance expenses of the City for the facility; and

WHEREAS, the City will benefit from sales tax collections garnered from games and events as well as the Transient Occupancy Tax from hotel room nights sold during games and events, and

WHEREAS, the Mayor's 100 Day Committee had a recommendation to "Renegotiate its contract with the Modesto Nuts minor league baseball team to improve the financial situation for the City as well as the relationship between the City and the team," and

WHEREAS, John Jacinto, CEO of Vis Tech, was selected by the Committee to assist City staff in the as a financial consultant and whose business expertise was extremely valuable to the negotiation process and was instrumental in achieving an agreement that greatly reduces the General Fund deficit.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it approves an agreement for a ten year term between the City and HWS Baseball IV, LLC, aka the Modesto Nuts Baseball Club, for the use, operation and management of

John Thurman Field located at 601 Neece Drive, and authorizes the City Manager, or his designee, to execute an agreement as approved to form by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of December, 2016, by Councilmember Zoslocki , who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-504

RESOLUTION ESTABLISHING THE NEW FUND ENTITLED "JOHN THURMAN FIELD CAPITAL IMPROVEMENTS FUND" IN FISCAL YEAR 2016-17 AND APPROVING AMOUNTS FROM ANY JOHN THURMAN FIELD OPERATING BUDGET SURPLUS TO BE TRANSFERRED INTO THE NEW FUND AT FISCAL YEAR END FOR THE LENGTH OF THE AGREEMENT

WHEREAS, the City of Modesto, has entered into a new agreement with HWS Baseball IV, LLC, aka the Modest Nuts Baseball Club, and

WHEREAS, the new agreement is for the term of ten years and includes the use, operation and management of John Thurman Field located at 601 Neece Drive, and

WHEREAS, terms of the agreement include the transfer of savings occurring during each fiscal year into a capital improvement fund to be used for future John Thurman Field capital needs, and

WHEREAS, the City of Modesto anticipates annual (calendar) savings of at least $120,000 to be used exclusively for capital needs and deferred maintenance and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby establishes the new fund titled, "John Thurman Field Capital Improvements Fund" with the intent that John Thurman Field operating budget surplus be transferred into the new fund at fiscal year-end for the length of the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto, held on the 13th day of December, 2016, by Council Member Zoslocki, who moved its adoption, which motion being duly seconded by Council Member Madrigal, was upon roll call carried and the resolution adopted by the following votes:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-505

RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING WITH OPPORTUNITY STANISLAUS (STANISLAUS BUSINESS ALLIANCE) FOR FISCAL YEAR 2015-2016 THROUGH 2020-2021, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE MEMORANDUM OF UNDERSTANDING

WHEREAS, since 2003, the City of Modesto and the former Stanislaus Economic Development and Workforce Alliance had a Memorandum of Understanding identifying the duties and responsibilities of the two agencies, and

WHEREAS, in 2016, the Stanislaus Economic Development and Workforce Alliance was dissolved and replaced with the Stanislaus Business Alliance, doing business as "Opportunity Stanislaus" and the Stanislaus County Workforce Development Board, and

WHEREAS, the proposed MOU serves as a guideline to identify and describe actions and responsibilities for both the City and Opportunity Stanislaus, including projects and objectives to be achieved during the term of the agreement, and

WHEREAS, Opportunity Stanislaus and City economic development staff will work together on business attraction, retention, and expansion efforts, and

WHEREAS, the annual cost of the MOU is $75,000 per fiscal year, for a total cost of $450,000 over six (6) years, and

WHEREAS, services were provided in Fiscal Year 15/16, however payment was not made as there was no signed agreement, and

WHEREAS, the first payment will be $150,000 for Fiscal Years 15/16 and 16/17, of which $64,000 has been allocated in the City Manager's budget, and the remaining $86,000 will be funded through General Fund Reserves, and

WHEREAS, subsequent payments will be budgeted and made annually from the City Manager's budget,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Memorandum of Understanding between the City and Opportunity Stanislaus (Stanislaus Business Alliance) and authorizes the City Manager, or his designee, to execute the Memorandum of Understanding, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of December, 2016, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-505A

RESOLUTION AMENDING THE FISCAL YEAR 2016-2017 OPERATING BUDGET TO APPROPRIATE AND TRANSFER $86,000 FROM GENERAL FUND RESERVES TO THE CITY MANAGER'S OPERATING BUDGET TO FUND THE 2015-2016 AND 2016-2017 PAYMENTS PER THE MEMORANDUM OF UNDERSTANDING WITH OPPORTUNITY STANISLAUS (STANISLAUS BUSINESS ALLIANCE)

WHEREAS, since 2003, the City of Modesto and the former Stanislaus Economic Development and Workforce Alliance had a Memorandum of Understanding identifying the collaborative duties and responsibilities of the two agencies, and

WHEREAS, in 2016, the Stanislaus Economic Development and Workforce Alliance was dissolved and replaced with the Stanislaus Business Alliance, doing business as "Opportunity Stanislaus" and the Stanislaus County Workforce Development Board, and

WHEREAS, on December 13, 2016, the City Council approved the 2016 Memorandum of Understanding with Opportunity Stanislaus, and

WHEREAS, the first payment will be $150,000 for Fiscal Years 15/16 (retroactive for services provided) and 16/17, and

WHEREAS, $64,000 has been budgeted in the City Manager's Fiscal Year 16/17 budget, and

WHEREAS, the remaining $86,000 will be transferred from General Fund Reserves to the City Manager's budget (0100-02010-53300),

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the transfer and appropriation of $86,000 from General Fund Reserves to the City Manager's budget (0100-02010-53300), and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2016-2017 Operating Budget to transfer $86,000 from the General Fund Reserves to City Manager's budget.

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of December, 2016, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-506

RESOLUTION APPROVING A THIRD AMENDMENT TO THE LEGAL SERVICES AGREEMENT DATED JUNE 24TH, 2014 WITH ARATA, SWINGLE, & VAN EGMOND IN AN AMOUNT NOT TO EXCEED $50,000 TO CONTINUE REPRESENTING THE CITY OF MODESTO IN TORT CASES

WHEREAS, the City Attorney's Office is still in need of outside counsel services; and

WHEREAS, the City Council by Resolution No. 2014-241 had previously approved an agreement with Arata, Swingle, Sodhi and Van Egmond, in the amount of $200,000 to represent the City in the following types of cases: tort, trip and fall, sidewalk, road and other similar cases; and

WHEREAS, by Resolution No. 2015-198, City approved a First Amendment, with an increased budget of $30,000 for continued representation; and

WHEREAS, by Resolution No. 2016-289, City approved a Second Amendment, with an increased budget of $210,000 for continued representation; and

WHEREAS, the City Attorney's Office desires to extend the agreement with Arata, Swingle, and Van Egmond; and

WHEREAS, the City Attorney's office has drafted a Third Amendment to the Legal Services agreement with Arata, Swingle, and Van Egmond.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City of Modesto to execute a Third Amendment to the Legal Services Agreement with Arata, Swingle, and Van Egmond, in an amount not to exceed $50,000 to continue representing the City of Modesto in tort matters, as provided in **Exhibit A attached** hereto and incorporated herein, and further authorizes the City Attorney to execute such agreement in a form substantially similar to **Exhibit A.**

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 13th day of December, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

THIRD AMENDMENT TO LEGAL SERVICES AGREEMENT

This Third Amendment for Legal Services (this "**Third Amendment**"), is made and entered into on _____ day of _____ 2016 ("**Effective Date**"), by and between the **CITY OF MODESTO**, a California Municipal Corporation ("**City**"), and **ARATA, SWINGLE, & VAN EGMOND**, a Professional Corporation ("**Attorney**"), located at 912 11th Street, Modesto, California 95354. City and Attorney are hereinafter collectively referred to as the "**Parties**," and singularly as "**Party**".

RECITALS

WHEREAS, City and Attorney entered into a Legal Services Agreement ("**Agreement**") to provide legal advice, representation and assistance to City in defense of tort claims, as assigned; and

WHEREAS, Attorney is specially trained, experienced and competent to perform such services; and

WHEREAS, the public interest, economy and general welfare will be served by the Agreement; and

WHEREAS, City and Attorney desire to amend the Agreement for further service by increasing the previously approved amount of fees to $490,000.

NOW, THEREFORE, it is hereby agreed that the Legal Services Agreement between the City of Modesto and Arata, Swingle, and Van Edmond dated June 24th, 2014 authorized by Resolution No.2014-241, amended by Resolution No. 2015-198 and 2016-289 is amended as follows:

1. Section 2(a) of Paragraph 2, "Fees and Costs," Hourly Rates is amended to state as follows:

"The total of all fees paid to Attorney for the performance of all services set forth in Section 1(thereafter the "**Service**"), and for all authorized Reimbursable Expenses (as defined hereafter), shall not exceed a total sum of four hundred and ninety thousand dollars ($490,000)."

2. **Entire Agreement**. The parties to this Third Amendment understand and agree that except as stated herein all terms and conditions of the original Agreement, dated June 24th, 2014, remain in full force and effect to the extent they are not in conflict with this Third Amendment. This document, including all exhibits, contain the entire amendment to the Agreement between the Parties and supersedes whatever oral or written understanding they may have had prior to the execution of this Third Amendment. No alteration to the terms of this Third Amendment shall be valid unless approved in writing by Attorney and by City, in accordance with applicable provision of the Modesto City Code.

3. **Authority**. The person signing this Third Amendment for Attorney hereby represents and warrants that he/she is fully authorized to sign this Third Amendment on behalf of Attorney and to bind Attorney to the performance of its obligations hereunder.

IN WITNESS WHEREOF, the Parties have executed this Third Amendment as of the dates stated below.

CITY OF MODESTO,
A Municipal Corporation

By:_____

Print name: James N. Holgersson

Title: City Manager

APPROVED TO AS FORM:

_____
Adam U. Lindgren, City Attorney

ATTEST:

_____
Stephanie Lopez, City Clerk

[Signatures Continued on Next Page.]

ATTORNEY:
ARATA, SWINGLE, & VAN EGMOND,
a Professional Corporation

_____

_____
Federal I.D. No.

_____
State I.D. No.

_____
City of Modesto Business Op. Tax Cert. No.

TYPE OF BUSINESS ENTITY *(check one)*:

_____ Individual/Sole Proprietor
_____ Partnership
_____ Corporation
_____ Limited Liability Company
_____ Other *(please specify:* _____*)*

_____
Signature of Authorized Person

_____
Title

_____
Additional Signature *(if required)*

_____
Title

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-507

RESOLUTION APPROVING A THIRD AMENDMENT TO THE LEGAL SERVICES AGREEMENT DATED JULY 3RD, 2014 WITH BORTON PETRINI, LLP IN AN AMOUNT NOT TO EXCEED $30,000 TO CONTINUE REPRESENTING THE CITY OF MODESTO IN TORT CASES

WHEREAS, the City Attorney's Office is still in need of outside counsel services; and

WHEREAS, the City entered into an agreement with Borton Petrini, LLP, in the amount $40,000 to represent the City in the following types of cases: tort, trip and fall, sidewalk, road and other similar cases; and

WHEREAS, by Resolution No. 2015-199, City approved a First Amendment, with an increased budget of $30,000 for continued representation; and

WHEREAS, by Resolution No. 2016-290, City approved a Second Amendment, with an increased budget of $95,000 for continued representation; and

WHEREAS, the City Attorney's Office desires to extend the agreement with Borton Petrini, LLP; and

WHEREAS, the City Attorney's office has drafted a Third Amendment to the Legal Services Agreement with Borton Petrini, LLP.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City of Modesto to execute a Third Amendment to the Legal Services Agreement with Borton Petrini, LLP, in an amount not to exceed $30,000 to continue to represent the City of Modesto in tort matters, as provided in **Exhibit A attached** hereto and incorporated herein, and further authorizes the City Attorney to execute such agreement in a form substantially similar to **Exhibit A**.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 13th day of December, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

THIRD AMENDMENT TO LEGAL SERVICES AGREEMENT

This Third Amendment for Legal Services (this "**Third Amendment**"), is made and entered into on _____ day of _____ 2016 ("**Effective Date**"), by and between the **CITY OF MODESTO**, a California Municipal Corporation ("**City**"), and **BORTON PETRINI, LLP** a Professional Corporation ("**Attorney**"), located at 201 Needham Street, Modesto, California 95354. City and Attorney are hereinafter collectively referred to as the "**Parties**," and singularly as "**Party**".

RECITALS

WHEREAS, City and Attorney entered into a Legal Services Agreement ("**Agreement**") to provide legal advice, representation and assistance to City in defense of tort claims, as assigned; and

WHEREAS, Attorney is specially trained, experienced and competent to perform such services; and

WHEREAS, the public interest, economy and general welfare will be served by the Agreement; and

WHEREAS, City and Attorney desire to amend the Agreement for further service by increasing the previously approved amount of fees to $195,000.

NOW, THEREFORE, it is hereby agreed that the Legal Services Agreement between the City of Modesto and Borton Petrini, LLP dated July 3rd, 2014, amended by Resolution No. 2015-199 and 2016-290 is amended as follows:

1. Section 2(a) of Paragraph 2,"Fees and Costs," Hourly Rates is amended to state as follows:

"The total of all fees paid to Attorney for the performance of all services set forth in Section 1 (thereafter the "**Service**"), and for all authorized Reimbursable Expenses (as defined hereafter), shall not exceed a total sum of one hundred and ninety five thousand dollars ($195,000)."

2. Entire Agreement. The parties to this Third Amendment understand and agree that except as stated herein all terms and conditions of the original Agreement, remain in full force and effect to the extent they are not in conflict with this Third Amendment. This document, including all exhibits, contain the entire agreement between the Parties and supersedes whatever oral or written understanding they may have had prior to the execution of this Third Amendment. No alteration to the terms of this Third Amendment shall be valid unless approved in writing by Attorney and by City, in accordance with applicable provision of the Modesto City Code.

3. **Authority**. The person signing this Third Amendment for Attorney hereby represents and warrants that he/she is fully authorized to sign this Third Amendment on behalf of Attorney and to bind Attorney to the performance of its obligations hereunder.

IN WITNESS WHEREOF, the Parties have executed this Third Amendment as of the dates stated below.

CITY OF MODESTO,
A Municipal Corporation

By:_____

Print name: James N. Holgersson

Title: City Manager

APPROVED TO AS FORM:

_____
Adam U. Lindgren, City Attorney

ATTEST:

_____
Stephanie Lopez, City Clerk

[Signatures Continued on Next Page.]

ATTORNEY:
BORTON PETRINI, LLP
a Professional Corporation

_____

_____
Federal I.D. No.

_____
State I.D. No.

_____
City of Modesto Business Op. Tax Cert. No.

TYPE OF BUSINESS ENTITY *(check one)*:

_____ Individual/Sole Proprietor
_____ Partnership
_____ Corporation
_____ Limited Liability Company
_____ Other (*please specify:* _____)

_____
Signature of Authorized Person

_____
Title

_____
Additional Signature *(if required)*

_____
Title

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-508

RESOLUTION APPROVING A SECOND AMENDMENT TO THE LEGAL SERVICES AGREEMENT DATED JUNE, 24TH 2014 WITH BURKE, WILLIAMS & SORENSEN, LLP IN AN AMOUNT NOT TO EXCEED $20,000 TO FINALIZE BILLING ON THE *REED V. CITY OF MODESTO* CASE

WHEREAS, the City by Resolution 2014-242 had previously approved an agreement with Burke, Williams and Sorensen, LLP to represent the City of Modesto in the *Reed v. City of Modesto* case; and

WHEREAS, the City by Resolution 2015-200 had approved a First Amendment for an increased budget for continued representation; and

WHEREAS, the *Reed v. City of Modesto* case has closed; and

WHEREAS, the final billing has been totaled; and

WHEREAS, the City Attorney's office has drafted a Second Amendment to the Legal Services Agreement with Burke, Williams and Sorensen, LLP to finalize billing.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City of Modesto to execute a Second Amendment to the Legal Services Agreement with Burke, Williams and Sorensen, LLP in an amount not to exceed $20,000 to finalize billing on the *Reed v. City of Modesto* case, **attached** hereto and incorporated herein as **Exhibit A**, and further authorizes the City Attorney to execute such agreement in a form substantially similar to **Exhibit A**.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 13th day of December, 2016, by Councilmember Ridenour, who moved its adoption, which motion was seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

SECOND AMENDMENT TO LEGAL SERVICES AGREEMENT

This Second Amendment for Legal Services (this "**Second Amendment**"), is made and entered into on _____ day of _____ 2016 ("**Effective Date**"), by and between the **CITY OF MODESTO**, a California Municipal Corporation ("**City**"), and **BURKE WILLIAMS & SORENSEN,** a Professional Corporation ("**Attorney**"), located at 444 S. Flower Street, Suite 2400, Los Angeles, California 90071. City and Attorney are hereinafter collectively referred to as the "**Parties**," and singularly as "**Party**".

RECITALS

WHEREAS, City and Attorney entered into a Legal Services Agreement ("**Agreement**") to provide legal advice, representation and assistance to the City in defense of *Reed v. City of Modesto*; and

WHEREAS, Attorney is specially trained, experienced and competent to perform such services; and

WHEREAS, the public interest, economy and general welfare will be served by the Agreement; and

WHEREAS, City and Attorney desire to amend the Agreement to finalize billing by increasing the previously approved amount of fees from $450,000 to $470,000.

NOW, THEREFORE, it is hereby agreed that the Legal Services Agreement between the City of Modesto and Burke Williams & Sorensen dated June 24th, 2014 authorized by Resolution No.2014-242, and amended by Resolution No. 2015-200 is amended as follows:

1. Section 2(a) of Paragraph 2, "Fees and Costs," Hourly Rates is amended to state as follows:

"The total of all fees paid to Attorney for the performance of all services set forth in Section 1 (thereafter the "**Service**"), and for all authorized Reimbursable Expenses (as defined hereafter), shall not exceed a total sum of four hundred and seventy thousand dollars ($470,000)."

2. **Entire Agreement**. The parties to this Second Amendment understand and agree that except as stated herein all terms and conditions of the original Agreement remain in full force and effect to the extent they are not in conflict with this Second Amendment. This document, including all exhibits, contain the entire amendment to the agreement between the Parties and supersedes whatever oral or written understanding they may have had prior to the execution of this Second Amendment. No alteration to the terms of this Second Amendment shall be valid unless approved in writing by Attorney and by City, in accordance with applicable provision of the Modesto City Code.

3. **Authority**. The person signing this Second Amendment for Attorney hereby represents and warrants that he/she is fully authorized to sign this Second Amendment on behalf of Attorney and to bind Attorney to the performance of its obligations hereunder.

IN WITNESS WHEREOF, the Parties have executed this Second Amendment as of the dates stated below.

CITY OF MODESTO,
A Municipal Corporation

By:_____

Print name: James N. Holgersson

Title: City Manager

APPROVED TO AS FORM:

_____
Adam U. Lindgren, City Attorney

ATTEST:

_____
Stephanie Lopez, City Clerk

[Signatures Continued on Next Page.]

ATTORNEY:
BURKE WILLIAMS & SORENSEN
a Professional Corporation

_____

_____
Federal I.D. No.

_____
State I.D. No.

_____
City of Modesto Business Op. Tax Cert. No.

TYPE OF BUSINESS ENTITY *(check one)*:

_____ Individual/Sole Proprietor
_____ Partnership
_____ Corporation
_____ Limited Liability Company
_____ Other (*please specify:* _____)

_____
Signature of Authorized Person

_____
Title

_____
Additional Signature *(if required)*

_____
Title

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-509

RESOLUTION APPROVING A FIRST AMENDMENT TO THE LEGAL SERVICES AGREEMENT DATED AUGUST 25TH, 2016 WITH THE GALLAGHER GROUP IN AN AMOUNT NOT TO EXCEED $140,000 TO CONTINUE REPRESENTING THE CITY OF MODESTO IN THE *STANISLAUS COUNTY V. CITY OF MODESTO (GEER RD.)* CASE

WHEREAS, The Gallagher Group is currently representing the City in the *Stanislaus County v. City of Modesto (Geer Rd.)* case; and

WHEREAS, the City Attorney's Office desires to extend the agreement with The Gallagher Group; and

WHEREAS, the City Attorney's office has drafted a First Amendment to the Legal Services agreement with The Gallagher Group to continue services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City of Modesto to execute a First Amendment to the Legal Services Agreement with The Gallagher Group in an amount not to exceed $140,000 to continue representing the City of Modesto in the *Stanislaus County v. City of Modesto (Geer Rd.)* case, as provided in **Exhibit A attached** hereto and incorporated herein, and further authorizes the City Attorney to execute such agreement in a form substantially similar to **Exhibit A**.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 13th day of December, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

FIRST AMENDMENT TO LEGAL SERVICES AGREEMENT

This First Amendment for Legal Services (this "**First Amendment**"), is made and entered into on _____ day of _____ 2016 ("**Effective Date**"), by and between the **CITY OF MODESTO**, a California Municipal Corporation ("**City**"), and **THE GALLAGHER LAW GROUP, P.C.** , ("**Attorney**"), located at 1875 Century Park East, Suite 1550, Los Angeles, California 90067. City and Attorney are hereinafter collectively referred to as the "**Parties**," and singularly as "**Party**".

RECITALS

WHEREAS, City and Attorney entered into a Legal Services Agreement ("**Agreement**") for representation in the matter of *Stanislaus County v. City of Modesto, et al.* a case arising out of a contaminated landfill; and

WHEREAS, Attorney is specially trained, experienced and competent to perform such services; and

WHEREAS, the public interest, economy and general welfare will be served by the Agreement; and

WHEREAS, City and Attorney desire to amend the Agreement for further service by increasing the previously approved amount of fees from $45,000 to $185,000.

NOW, THEREFORE, it is hereby agreed that the Legal Services Agreement between the City of Modesto and The Gallagher Law Group, P.C. dated August 25th, 2016 is amended as follows:

1. Section 2(a) of Paragraph 2, "Fees and Costs," Hourly Rates is amended to state as follows:

"The total of all fees paid to Attorney for the performance of all services set forth in Section 1(thereafter the "**Service**"), and for all authorized Reimbursable Expenses (as defined hereafter), shall not exceed a total sum of one hundred and eighty five thousand dollars ($185,000)."

2. **Entire Agreement**. The parties to this First Amendment understand and agree that except as stated herein all terms and conditions of the original Agreement, dated August 25th, 2016, remain in full force and effect to the extent they are not in conflict with this First Amendment. This document, including all exhibits, contain the entire amendment to the Agreement between the Parties and supersedes whatever oral or written understanding they may have had prior to the execution of this First Amendment. No alteration to the terms of this First Amendment shall be valid unless approved in writing by Attorney and by City, in accordance with applicable provision of the Modesto City Code.

3. **Authority**. The person signing this First Amendment for Attorney hereby represents and warrants that he/she is fully authorized to sign this First Amendment on behalf of Attorney and to bind Attorney to the performance of its obligations hereunder.

IN WITNESS WHEREOF, the Parties have executed this First Amendment as of the dates stated below.

CITY OF MODESTO,
A Municipal Corporation

By:_____

Print name: Jim Holgersson

Title: City Manager

APPROVED TO AS FORM:

_____
Adam U. Lindgren, City Attorney

ATTEST:

_____
Stephanie Lopez, City Clerk

[Signatures Continued on Next Page.]

ATTORNEY:
THE GALLAGHER LAW GROUP, P.C.,

_____

_____
Federal I.D. No.

_____
State I.D. No.

_____
City of Modesto Business Op. Tax Cert. No.

TYPE OF BUSINESS ENTITY *(check one)*:

_____ Individual/Sole Proprietor
_____ Partnership
_____ Corporation
_____ Limited Liability Company
_____ Other (*please specify:* _____)

_____
Signature of Authorized Person

_____
Title

_____
Additional Signature *(if required)*

_____
Title

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-510

RESOLUTION APPROVING A FIRST AMENDMENT TO THE LEGAL SERVICES AGREEMENT DATED AUGUST 8TH, 2016 WITH LIEBERT CASSIDY WHITMORE IN AN AMOUNT NOT TO EXCEED $110,000 TO CONTINUE REPRESENTING THE CITY OF MODESTO IN LABOR AND EMPLOYMENT MATTERS

WHEREAS, the City Attorney's Office is in need of outside counsel services that relate to labor and employment; and

WHEREAS, Liebert Cassidy Whitmore is currently assisting with one arbitration and one lawsuit; and

WHEREAS, the City Attorney's Office desires to extend the agreement with Liebert Cassidy Whitmore; and

WHEREAS, the City Attorney's office has drafted a First Amendment to the Legal Services agreement with Liebert Cassidy Whitmore to continue services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City of Modesto to execute a First Amendment to the Legal Services Agreement with Liebert Cassidy Whitmore in an amount not to exceed $110,000 to continue representing the City of Modesto in labor and employment matters, as provided in **Exhibit A attached** hereto and incorporated herein, and further authorizes the City Attorney to execute such agreement in a form substantially similar to **Exhibit A**.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 13th day of December, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

FIRST AMENDMENT TO LEGAL SERVICES AGREEMENT

This First Amendment for Legal Services (this "**First Amendment**"), is made and entered into on _____ day of _____ 2016 ("**Effective Date**"), by and between the **CITY OF MODESTO**, a California Municipal Corporation ("**City**"), and **LIEBERT CASSIDY WHITMORE,** ("**Attorney**"), located at 5250 N. Palm Avenue, Suite 310, Fresno, California 93704. City and Attorney are hereinafter collectively referred to as the "**Parties**," and singularly as "**Party**".

RECITALS

WHEREAS, City and Attorney entered into a Legal Services Agreement ("**Agreement**") for services for legal advice, representation and assistance on matters involving labor and employment law; and

WHEREAS, Attorney is specially trained, experienced and competent to perform such services; and

WHEREAS, the public interest, economy and general welfare will be served by the Agreement; and

WHEREAS, City and Attorney desire to amend the Agreement for further service by increasing the previously approved amount of fees from $45,000 to $155,000.

NOW, THEREFORE, it is hereby agreed that the Legal Services Agreement between the City of Modesto and Liebert Cassidy Whitmore, dated August 8th, 2016 is amended as follows:

1. Section 2(a) of Paragraph 2, "Fees and Costs," Hourly Rates is amended to state as follows:

"The total of all fees paid to Attorney for the performance of all services set forth in Section 1(thereafter the "**Service**"), and for all authorized Reimbursable Expenses (as defined hereafter), shall not exceed a total sum of one hundred and fifty five thousand dollars ($155,000)."

2. **Entire Agreement**. The parties to this First Amendment understand and agree that except as stated herein all terms and conditions of the original Agreement, dated August 8th, 2016, remain in full force and effect to the extent they are not in conflict with this First Amendment. This document, including all exhibits, contain the entire amendment to the Agreement between the Parties and supersedes whatever oral or written understanding they may have had prior to the execution of this First Amendment. No alteration to the terms of this First Amendment shall be valid unless approved in writing by Attorney and by City, in accordance with applicable provision of the Modesto City Code.

3. **Authority**. The person signing this First Amendment for Attorney hereby represents and warrants that he/she is fully authorized to sign this First Amendment on behalf of Attorney and to bind Attorney to the performance of its obligations hereunder.

IN WITNESS WHEREOF, the Parties have executed this First Amendment as of the dates stated below.

CITY OF MODESTO,
A Municipal Corporation

By:_____

Print name: Jim Holgersson

Title: City Manager

APPROVED TO AS FORM:

_____
Adam U. Lindgren, City Attorney

ATTEST:

_____
Stephanie Lopez, City Clerk

[Signatures Continued on Next Page.]

ATTORNEY:
LIEBERT CASSIDY WHITMORE

_____

_____
Federal I.D. No.

_____
State I.D. No.

_____
City of Modesto Business Op. Tax Cert. No.

TYPE OF BUSINESS ENTITY *(check one)*:

_____ Individual/Sole Proprietor
_____ Partnership
_____ Corporation
_____ Limited Liability Company
_____ Other (*please specify:* _____)

_____
Signature of Authorized Person

_____
Title

_____
Additional Signature *(if required)*

_____
Title

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2016-511

RESOLUTION APPROVING A FIRST AMENDMENT TO THE LEGAL SERVICES AGREEMENT DATED DECEMBER 16TH, 2014 WITH GOLDFARB & LIPMAN, LLP IN AN AMOUNT NOT TO EXCEED $95,000 TO CONTINUE REPRESENTING THE CITY OF MODESTO IN PREPARATION OF HOUSING PROJECTS AND OTHER GENERAL HOUSING RELATED SERVICES

WHEREAS, the City Attorney's Office is in need of outside counsel services that specialize in housing matters; and

WHEREAS, Goldfarb is currently assisting with projects receiving Community Development Block Grant (CDBG), Neighborhood Stabilization Preservation (NSP) and HOME Investment Partnerships Program (HOME) funds. These projects include:

- First Amendment to NSP Loan Agreement with Habitat for Humanity Stanislaus County (River Vista Project);
- HOME Community Housing Development Organization (CHDO) Operating Agreement with Stanislaus County Affordable Housing Corporation (STANCO);
- HOME Loan Agreement with STANCO (522 Granger Avenue);
- CDBG Agreement with STANCO (1317 Coffee Villa);
- HOME CHDO Operating Agreement with Great Valley Housing Development Corporation (GVHDC);
- HOME Loan Agreement with GVHDC (Glendale Veterans Quarters project);
- Disposition & Development Agreement and HOME Loan Agreement with EAH, Inc. (Archway Commons – Phase 2);

WHEREAS, the City Attorney's Office desires to extend the agreement with Goldfarb & Lipman, LLP; and

WHEREAS, the City Attorney's office has drafted a First Amendment to the Legal Services agreement with Goldfarb & Lipman, LLP to continue services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City of Modesto to execute a First Amendment to the Legal Services Agreement with Goldfarb & Lipman, LLP in an amount not to exceed $95,000 to continue representing the City of Modesto in preparation of housing projects and other general housing related services, as provided in **Exhibit A attached** hereto and incorporated herein, and further authorizes the City Attorney to execute such agreement in a form substantially similar to **Exhibit A**.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 13th day of December, 2016, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

FIRST AMENDMENT TO LEGAL SERVICES AGREEMENT

This First Amendment for Legal Services (this "**First Amendment**"), is made and entered into on _____ day of _____ 2016 ("**Effective Date**"), by and between the **CITY OF MODESTO**, a California Municipal Corporation ("**City**"), and **GOLDFARB & LIPMAN, LLP ,** a limited liability partnership ("**Attorney**"), located at 1300 Clay Street, 11th Floor, Oakland, California 94612. City and Attorney are hereinafter collectively referred to as the "**Parties**," and singularly as "**Party**".

RECITALS

WHEREAS, City and Attorney entered into a Legal Services Agreement ("**Agreement**") to provide legal advice, representation and assistance to City with the preparation of housing projects and other general housing related services; and

WHEREAS, Attorney is specially trained, experienced and competent to perform such services; and

WHEREAS, the public interest, economy and general welfare will be served by the Agreement; and

WHEREAS, City and Attorney desire to amend the Agreement for further service by increasing the previously approved amount of fees from $35,000 to $130,000.

NOW, THEREFORE, it is hereby agreed that the Legal Services Agreement between the City of Modesto and Goldfarb & Lipman, LLP dated December 16th, 2014 is amended as follows:

1. Section 2(a) of Paragraph 2, "Fees and Costs," Hourly Rates is amended to state as follows:

"The total of all fees paid to Attorney for the performance of all services set forth in Section 1(thereafter the "**Service**"), and for all authorized Reimbursable Expenses (as defined hereafter), shall not exceed a total sum of one hundred and thirty thousand dollars ($130,000)."

2. **Entire Agreement**. The parties to this First Amendment understand and agree that except as stated herein all terms and conditions of the original Agreement, dated December 16th, 2014, remain in full force and effect to the extent they are not in conflict with this First Amendment. This document, including all exhibits, contain the entire amendment to the Agreement between the Parties and supersedes whatever oral or written understanding they may have had prior to the execution of this First Amendment. No alteration to the terms of this First Amendment shall be valid unless approved in writing by Attorney and by City, in accordance with applicable provision of the Modesto City Code.

3. **Authority**. The person signing this First Amendment for Attorney hereby represents and warrants that he/she is fully authorized to sign this First Amendment on behalf of Attorney and to bind Attorney to the performance of its obligations hereunder.

IN WITNESS WHEREOF, the Parties have executed this First Amendment as of the dates stated below.

CITY OF MODESTO,
A Municipal Corporation

By:_____

Print name: Jim Holgersson

Title: City Manager

APPROVED TO AS FORM:

_____
Adam U. Lindgren, City Attorney

ATTEST:

_____
Stephanie Lopez, City Clerk

[Signatures Continued on Next Page.]

ATTORNEY:
GOLDFARB & LIPMAN, LLP,
a Limited Liability Partnership

_____

_____
Federal I.D. No.

_____
State I.D. No.

_____
City of Modesto Business Op. Tax Cert. No.

TYPE OF BUSINESS ENTITY *(check one)*:

_____ Individual/Sole Proprietor
_____ Partnership
_____ Corporation
_____ Limited Liability Company
_____ Other (*please specify:* _____)

_____
Signature of Authorized Person

_____
Title

_____
Additional Signature *(if required)*

_____
Title